

As Reported by the Committee of Conference

135th General Assembly

**Regular Session
2023-2024**

Am. Sub. H. B. No. 315

Representatives Hall, Seitz

**Cosponsors: Representatives Stoltzfus, Stein, Dobos, Creech, Schmidt,
Carruthers, Abrams, Johnson, Williams, Brennan, Baker, Brown, Claggett,
Dell'Aquila, Edwards, Ghanbari, Hillyer, John, Jones, Kick, Klopfenstein,
Lampton, Lorenz, Loychik, Manning, Mathews, McClain, Patton, Pavliga,
Peterson, Plummer, Robb Blasdel**

**Senators Antonio, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson,
Huffman, S., Ingram, Landis, Lang, Manning, Reineke, Reynolds, Roegner, Sykes,
Wilson**

A BILL

To amend sections 7.10, 7.16, 109.57, 109.572, 1
109.71, 111.16, 121.22, 122.6511, 122.66, 2
122.70, 122.84, 125.182, 147.01, 147.011, 3
147.03, 147.032, 147.051, 147.07, 147.08, 4
147.141, 147.371, 147.51, 147.52, 147.53, 5
147.542, 147.591, 147.60, 147.99, 149.311, 6
149.43, 315.251, 319.203, 319.28, 323.78, 7
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505.37, 505.373, 505.55, 505.73, 505.75, 505.76, 12
505.82, 505.86, 505.87, 505.871, 507.05, 511.03, 13
511.04, 511.12, 511.21, 515.01, 515.04, 517.07, 14
517.073, 517.12, 517.22, 519.06, 519.08, 519.09, 15
519.12, 519.15, 519.99, 521.03, 701.07, 727.011, 16
755.13, 971.12, 971.99, 1706.712, 1901.31, 17
2303.12, 2303.26, 2329.01, 2329.44, 2921.42, 18

3345.56, 3376.01, 3376.02, 3376.03, 3376.04, 19
3376.06, 3376.07, 3376.08, 3781.34, 3781.36, 20
4501.21, 4503.16, 4504.18, 4504.181, 4507.50, 21
4507.51, 4507.52, 4582.30, 4735.181, 4913.15, 22
4913.17, 4928.01, 4939.07, 5103.0310, 5103.0329, 23
5103.05, 5120.59, 5139.511, 5549.21, 5571.011, 24
5571.20, 5573.02, 5573.10, 5575.01, 5575.02, 25
5579.05, 5709.73, 5713.30, 5713.31, 5713.34, 26
5721.20, 5725.98, 5726.98, 5729.98, 5739.01, 27
5739.02, 5739.03, 5741.01, 5747.98, 5751.033, 28
6101.16, and 6101.44; to amend, for the purpose 29
of adopting new section numbers as indicated in 30
parentheses, sections 504.126 (504.125) and 31
3345.56 (3376.11); to enact new section 147.54 32
and sections 5.61, 109.7411, 147.49, 147.50, 33
305.021, 503.54, 511.51, 511.52, 511.53, 34
2151.46, 2151.461, 2151.462, 2151.463, 2151.464, 35
2151.465, 2151.466, 2151.467, 2151.468, 36
2151.469, 2151.4610, 3301.95, 3313.6414, 37
3376.09, 3376.10, 3376.12, 3376.13, 3781.361, 38
3792.07, 3902.63, 3902.64, 4503.541, 4503.888, 39
4735.80, 4743.06, 4905.301, 5103.052, 5103.053, 40
5103.054, 5103.055, 5103.056, 5103.057, 41
5103.058, 5103.0510, 5103.0512, 5103.0513, 42
5145.1611, 5180.40, 5725.38, 5726.61, 5729.21, 43
5741.072, 5747.86, and 6101.47; and to repeal 44
sections 147.13, 147.14, 147.54, 147.541, 45
504.125, 511.01, 511.02, and 3376.05 of the 46
Revised Code and to amend Section 223.20 of H.B. 47
33 of the 135th General Assembly to make various 48
changes to township and other local and state 49
government law, to name a portion of the act 50

Madeline's Law, to name a portion of the act the 51
Homebuyer Protection Act, and to make an 52
appropriation. 53

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

Section 1. That sections 7.10, 7.16, 109.57, 109.572, 54
109.71, 111.16, 121.22, 122.6511, 122.66, 122.70, 122.84, 55
125.182, 147.01, 147.011, 147.03, 147.032, 147.051, 147.07, 56
147.08, 147.141, 147.371, 147.51, 147.52, 147.53, 147.542, 57
147.591, 147.60, 147.99, 149.311, 149.43, 315.251, 319.203, 58
319.28, 323.78, 325.14, 349.01, 349.03, 349.14, 501.07, 503.162, 59
503.41, 504.02, 504.03, 504.12, 504.121, 504.122, 504.123, 60
504.124, 504.126, 504.21, 505.07, 505.10, 505.17, 505.26, 61
505.264, 505.28, 505.37, 505.373, 505.55, 505.73, 505.75, 62
505.76, 505.82, 505.86, 505.87, 505.871, 507.05, 511.03, 511.04, 63
511.12, 511.21, 515.01, 515.04, 517.07, 517.073, 517.12, 517.22, 64
519.06, 519.08, 519.09, 519.12, 519.15, 519.99, 521.03, 701.07, 65
727.011, 755.13, 971.12, 971.99, 1706.712, 1901.31, 2303.12, 66
2303.26, 2329.01, 2329.44, 2921.42, 3345.56, 3376.01, 3376.02, 67
3376.03, 3376.04, 3376.06, 3376.07, 3376.08, 3781.34, 3781.36, 68
4501.21, 4503.16, 4504.18, 4504.181, 4507.50, 4507.51, 4507.52, 69
4582.30, 4735.181, 4913.15, 4913.17, 4928.01, 4939.07, 70
5103.0310, 5103.0329, 5103.05, 5120.59, 5139.511, 5549.21, 71
5571.011, 5571.20, 5573.02, 5573.10, 5575.01, 5575.02, 5579.05, 72
5709.73, 5713.30, 5713.31, 5713.34, 5721.20, 5725.98, 5726.98, 73
5729.98, 5739.01, 5739.02, 5739.03, 5741.01, 5747.98, 5751.033, 74
6101.16, and 6101.44 be amended; sections 504.126 (504.125) and 75
3345.56 (3376.11) be amended for the purpose of adopting new 76
section numbers as indicated in parentheses; and new section 77

147.54 and sections 5.61, 109.7411, 147.49, 147.50, 305.021, 78
503.54, 511.51, 511.52, 511.53, 2151.46, 2151.461, 2151.462, 79
2151.463, 2151.464, 2151.465, 2151.466, 2151.467, 2151.468, 80
2151.469, 2151.4610, 3301.95, 3313.6414, 3376.09, 3376.10, 81
3376.12, 3376.13, 3781.361, 3792.07, 3902.63, 3902.64, 4503.541, 82
4503.888, 4735.80, 4743.06, 4905.301, 5103.052, 5103.053, 83
5103.054, 5103.055, 5103.056, 5103.057, 5103.058, 5103.0510, 84
5103.0512, 5103.0513, 5145.1611, 5180.40, 5725.38, 5726.61, 85
5729.21, 5741.072, 5747.86, and 6101.47 of the Revised Code be 86
enacted to read as follows: 87

Sec. 5.61. The twenty-fourth day of August is designated 88
as "Ukraine Independence Day" in Ohio, in recognition of that 89
day in 1991 when the parliament of Ukraine, the Verkhovna Rada, 90
formally declared an independent, sovereign, and democratic 91
Ukrainian state. 92

Sec. 7.10. For the publication of advertisements, notices, 93
and proclamations, except those relating to proposed amendments 94
to the Ohio Constitution, required to be published by a public 95
officer of the state, a benevolent or other public institution, 96
a trustee, assignee, executor, or administrator, or by or in any 97
court of record, except when the rate is otherwise fixed by law, 98
publishers of newspapers may charge and receive for such 99
advertisements, notices, and proclamations rates charged on 100
annual contracts by them for a like amount of space to other 101
advertisers who advertise in its general display advertising 102
columns. 103

For the publication of advertisements, notices, or 104
proclamations required to be published by a public officer of a 105
county, municipal corporation, township, school, or other 106
political subdivision, publishers of newspapers shall establish 107

a government rate. The government rate shall not exceed the 108
lowest classified advertising rate and lowest insert rate paid 109
by other advertisers. 110

Legal advertising appearing in print, except that relating 111
to proposed amendments to the Ohio Constitution, shall be set up 112
in a compact form, without unnecessary spaces, blanks, or 113
headlines, and printed in not smaller than six-point type. The 114
type used must be of such proportions that the body of the 115
capital letter M is no wider than it is high and all other 116
letters and characters are in proportion. 117

Except as provided in section 2701.09 of the Revised Code, 118
all legal advertisements, notices, and proclamations shall be 119
printed in a newspaper of general circulation ~~and shall be or~~ 120
posted by the publisher of the newspaper on the newspaper's 121
internet web site, if the newspaper has one. A publisher of a 122
newspaper shall ~~not charge~~ establish a government rate, which 123
shall not exceed the lowest classified advertising rate and 124
lowest insert rate paid by other advertisers, for posting legal 125
advertisements, notices, and proclamations that are required by 126
law to be published in a newspaper of general ~~circulation~~ 127
circulation's digital edition on the newspaper's internet web 128
site. 129

Whenever a notice or advertisement is required by a 130
section of the Revised Code or an administrative rule to be 131
published in a newspaper of general circulation, or posted by 132
the publisher of the newspaper in the newspaper's digital 133
edition on the newspaper's internet web site, the notice or 134
advertisement also shall be posted on the official public notice 135
web site, established under section 125.182 of the Revised Code, 136
by the publisher of the newspaper. 137

Sec. 7.16. (A) As used in this section:	138
(1) "State agency" means any organized body, office,	139
agency, institution, or other entity established by the laws of	140
the state for the exercise of any function of state government,	141
including state institutions of higher education, as defined in	142
section 3345.011 of the Revised Code.	143
(2) "Political subdivision" has the meaning defined in	144
section 2744.01 of the Revised Code.	145
(B) If a section of the Revised Code or an administrative	146
rule requires a state agency or a political subdivision to	147
publish a notice or advertisement two or more times in a	148
newspaper of general circulation and the section or	149
administrative rule refers to this section, the first	150
publication of the notice or advertisement shall be made in its	151
entirety in a newspaper of general circulation and may be made	152
in a preprinted insert in the newspaper, but the second	153
publication otherwise required by that section or administrative	154
rule may be made in abbreviated form in a newspaper of general	155
circulation in the state or in the political subdivision, as	156
designated in that section or administrative rule, and on the	157
newspaper's internet web site, if the newspaper has one. The	158
state agency or political subdivision may eliminate any further	159
newspaper publications required by that section or	160
administrative rule, provided that the second, abbreviated	161
notice or advertisement meets all of the following requirements:	162
(1) It is published in the newspaper of general	163
circulation in which the first publication of the notice or	164
advertisement was made.	165
(2) It is posted by the publisher of the newspaper on the	166

official public notice web site established under section 167
125.182 of the Revised Code. ~~The publisher shall post the~~ 168
~~required notice or advertisement on the web site at no~~ 169
~~additional cost.~~ 170

(3) It includes a title, followed by a summary paragraph 171
or statement that clearly describes the specific purpose of the 172
notice or advertisement, and includes a statement that the 173
notice or advertisement is posted in its entirety on the 174
official public notice web site. The notice or advertisement 175
also may be posted on the state agency's or political 176
subdivision's internet web site. 177

(4) It includes the internet address of the official 178
public notice web site and the name, address, telephone number, 179
and electronic mail address of the state agency, political 180
subdivision, or other party responsible for publication of the 181
notice or advertisement. 182

(C) A notice or advertisement published under this section 183
on an internet web site shall be published in its entirety in 184
accordance with the section of the Revised Code or the 185
administrative rule that requires the publication. 186

(D) If the official public notice web site established 187
under section 125.182 of the Revised Code is not operational, 188
the state agency or political subdivision shall not publish a 189
notice or advertisement under this section, but instead shall 190
comply with the publication requirements of the section of the 191
Revised Code or the administrative rule that refers to this 192
section. 193

Sec. 109.57. (A) (1) The superintendent of the bureau of 194
criminal identification and investigation shall procure from 195

wherever procurable and file for record photographs, pictures, 196
descriptions, fingerprints, measurements, and other information 197
that may be pertinent of all persons who have been convicted of 198
committing within this state a felony, any crime constituting a 199
misdemeanor on the first offense and a felony on subsequent 200
offenses, or any misdemeanor described in division (A) (1) (a), 201
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 202
of all children under eighteen years of age who have been 203
adjudicated delinquent children for committing within this state 204
an act that would be a felony or an offense of violence if 205
committed by an adult or who have been convicted of or pleaded 206
guilty to committing within this state a felony or an offense of 207
violence, and of all well-known and habitual criminals. The 208
person in charge of any county, multicounty, municipal, 209
municipal-county, or multicounty-municipal jail or workhouse, 210
community-based correctional facility, halfway house, 211
alternative residential facility, or state correctional 212
institution and the person in charge of any state institution 213
having custody of a person suspected of having committed a 214
felony, any crime constituting a misdemeanor on the first 215
offense and a felony on subsequent offenses, or any misdemeanor 216
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 217
section 109.572 of the Revised Code or having custody of a child 218
under eighteen years of age with respect to whom there is 219
probable cause to believe that the child may have committed an 220
act that would be a felony or an offense of violence if 221
committed by an adult shall furnish such material to the 222
superintendent of the bureau. Fingerprints, photographs, or 223
other descriptive information of a child who is under eighteen 224
years of age, has not been arrested or otherwise taken into 225
custody for committing an act that would be a felony or an 226
offense of violence who is not in any other category of child 227

specified in this division, if committed by an adult, has not 228
been adjudicated a delinquent child for committing an act that 229
would be a felony or an offense of violence if committed by an 230
adult, has not been convicted of or pleaded guilty to committing 231
a felony or an offense of violence, and is not a child with 232
respect to whom there is probable cause to believe that the 233
child may have committed an act that would be a felony or an 234
offense of violence if committed by an adult shall not be 235
procured by the superintendent or furnished by any person in 236
charge of any county, multicounty, municipal, municipal-county, 237
or multicounty-municipal jail or workhouse, community-based 238
correctional facility, halfway house, alternative residential 239
facility, or state correctional institution, except as 240
authorized in section 2151.313 of the Revised Code. 241

(2) Every clerk of a court of record in this state, other 242
than the supreme court or a court of appeals, shall send to the 243
superintendent of the bureau a weekly report containing a 244
summary of each case involving a felony, involving any crime 245
constituting a misdemeanor on the first offense and a felony on 246
subsequent offenses, involving a misdemeanor described in 247
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 248
of the Revised Code, or involving an adjudication in a case in 249
which a child under eighteen years of age was alleged to be a 250
delinquent child for committing an act that would be a felony or 251
an offense of violence if committed by an adult. The clerk of 252
the court of common pleas shall include in the report and 253
summary the clerk sends under this division all information 254
described in divisions (A) (2) (a) to (f) of this section 255
regarding a case before the court of appeals that is served by 256
that clerk. The summary shall be written on the standard forms 257
furnished by the superintendent pursuant to division (B) of this 258

section and shall include the following information:	259
(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	260 261 262
(b) The style and number of the case;	263
(c) The date of arrest, offense, summons, or arraignment;	264
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	265 266 267 268 269 270 271 272 273 274 275 276
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	277 278
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	279 280 281 282
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	283 284 285 286 287

(3) The superintendent shall cooperate with and assist 288
sheriffs, chiefs of police, and other law enforcement officers 289
in the establishment of a complete system of criminal 290
identification and in obtaining fingerprints and other means of 291
identification of all persons arrested on a charge of a felony, 292
any crime constituting a misdemeanor on the first offense and a 293
felony on subsequent offenses, or a misdemeanor described in 294
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 295
of the Revised Code and of all children under eighteen years of 296
age arrested or otherwise taken into custody for committing an 297
act that would be a felony or an offense of violence if 298
committed by an adult. The superintendent also shall file for 299
record the fingerprint impressions of all persons confined in a 300
county, multicounty, municipal, municipal-county, or 301
multicounty-municipal jail or workhouse, community-based 302
correctional facility, halfway house, alternative residential 303
facility, or state correctional institution for the violation of 304
state laws and of all children under eighteen years of age who 305
are confined in a county, multicounty, municipal, municipal- 306
county, or multicounty-municipal jail or workhouse, community- 307
based correctional facility, halfway house, alternative 308
residential facility, or state correctional institution or in 309
any facility for delinquent children for committing an act that 310
would be a felony or an offense of violence if committed by an 311
adult, and any other information that the superintendent may 312
receive from law enforcement officials of the state and its 313
political subdivisions. 314

(4) The superintendent shall carry out Chapter 2950. of 315
the Revised Code with respect to the registration of persons who 316
are convicted of or plead guilty to a sexually oriented offense 317
or a child-victim oriented offense and with respect to all other 318

duties imposed on the bureau under that chapter. 319

(5) The bureau shall perform centralized recordkeeping 320
functions for criminal history records and services in this 321
state for purposes of the national crime prevention and privacy 322
compact set forth in section 109.571 of the Revised Code and is 323
the criminal history record repository as defined in that 324
section for purposes of that compact. The superintendent or the 325
superintendent's designee is the compact officer for purposes of 326
that compact and shall carry out the responsibilities of the 327
compact officer specified in that compact. 328

(6) The superintendent shall, upon request, assist a 329
county coroner in the identification of a deceased person 330
through the use of fingerprint impressions obtained pursuant to 331
division (A)(1) of this section or collected pursuant to section 332
109.572 or 311.41 of the Revised Code. 333

(B) The superintendent shall prepare and furnish to every 334
county, multicounty, municipal, municipal-county, or 335
multicounty-municipal jail or workhouse, community-based 336
correctional facility, halfway house, alternative residential 337
facility, or state correctional institution and to every clerk 338
of a court in this state specified in division (A)(2) of this 339
section standard forms for reporting the information required 340
under division (A) of this section. The standard forms that the 341
superintendent prepares pursuant to this division may be in a 342
tangible format, in an electronic format, or in both tangible 343
formats and electronic formats. 344

(C)(1) The superintendent may operate a center for 345
electronic, automated, or other data processing for the storage 346
and retrieval of information, data, and statistics pertaining to 347
criminals and to children under eighteen years of age who are 348

adjudicated delinquent children for committing an act that would 349
be a felony or an offense of violence if committed by an adult, 350
criminal activity, crime prevention, law enforcement, and 351
criminal justice, and may establish and operate a statewide 352
communications network to be known as the Ohio law enforcement 353
gateway to gather and disseminate information, data, and 354
statistics for the use of law enforcement agencies and for other 355
uses specified in this division. The superintendent may gather, 356
store, retrieve, and disseminate information, data, and 357
statistics that pertain to children who are under eighteen years 358
of age and that are gathered pursuant to sections 109.57 to 359
109.61 of the Revised Code together with information, data, and 360
statistics that pertain to adults and that are gathered pursuant 361
to those sections. 362

(2) The superintendent or the superintendent's designee 363
shall gather information of the nature described in division (C) 364
(1) of this section that pertains to the offense and delinquency 365
history of a person who has been convicted of, pleaded guilty 366
to, or been adjudicated a delinquent child for committing a 367
sexually oriented offense or a child-victim oriented offense for 368
inclusion in the state registry of sex offenders and child- 369
victim offenders maintained pursuant to division (A) (1) of 370
section 2950.13 of the Revised Code and in the internet database 371
operated pursuant to division (A) (13) of that section and for 372
possible inclusion in the internet database operated pursuant to 373
division (A) (11) of that section. 374

(3) In addition to any other authorized use of 375
information, data, and statistics of the nature described in 376
division (C) (1) of this section, the superintendent or the 377
superintendent's designee may provide and exchange the 378
information, data, and statistics pursuant to the national crime 379

prevention and privacy compact as described in division (A) (5) 380
of this section. 381

(4) The Ohio law enforcement gateway shall contain the 382
name, confidential address, and telephone number of program 383
participants in the address confidentiality program established 384
under sections 111.41 to 111.47 of the Revised Code. 385

(5) The attorney general may adopt rules under Chapter 386
119. of the Revised Code establishing guidelines for the 387
operation of and participation in the Ohio law enforcement 388
gateway. The rules may include criteria for granting and 389
restricting access to information gathered and disseminated 390
through the Ohio law enforcement gateway. The attorney general 391
shall adopt rules under Chapter 119. of the Revised Code that 392
grant access to information in the gateway regarding an address 393
confidentiality program participant under sections 111.41 to 394
111.47 of the Revised Code to only chiefs of police, village 395
marshals, county sheriffs, county prosecuting attorneys, and a 396
designee of each of these individuals. The attorney general 397
shall permit an office of a county coroner, the state medical 398
board, and board of nursing to access and view, but not alter, 399
information gathered and disseminated through the Ohio law 400
enforcement gateway. 401

The attorney general may appoint a steering committee to 402
advise the attorney general in the operation of the Ohio law 403
enforcement gateway that is comprised of persons who are 404
representatives of the criminal justice agencies in this state 405
that use the Ohio law enforcement gateway and is chaired by the 406
superintendent or the superintendent's designee. 407

(D) (1) The following are not public records under section 408
149.43 of the Revised Code: 409

(a) Information and materials furnished to the	410
superintendent pursuant to division (A) of this section;	411
(b) Information, data, and statistics gathered or	412
disseminated through the Ohio law enforcement gateway pursuant	413
to division (C)(1) of this section;	414
(c) Information and materials furnished to any board or	415
person under division (F) or (G) of this section.	416
(2) The superintendent or the superintendent's designee	417
shall gather and retain information so furnished under division	418
(A) of this section that pertains to the offense and delinquency	419
history of a person who has been convicted of, pleaded guilty	420
to, or been adjudicated a delinquent child for committing a	421
sexually oriented offense or a child-victim oriented offense for	422
the purposes described in division (C)(2) of this section.	423
(E)(1) The attorney general shall adopt rules, in	424
accordance with Chapter 119. of the Revised Code and subject to	425
division (E)(2) of this section, setting forth the procedure by	426
which a person may receive or release information gathered by	427
the superintendent pursuant to division (A) of this section. A	428
reasonable fee may be charged for this service. If a temporary	429
employment service submits a request for a determination of	430
whether a person the service plans to refer to an employment	431
position has been convicted of or pleaded guilty to an offense	432
listed or described in division (A)(1), (2), or (3) of section	433
109.572 of the Revised Code, the request shall be treated as a	434
single request and only one fee shall be charged.	435
(2) Except as otherwise provided in this division or	436
division (E)(3) or (4) of this section, a rule adopted under	437
division (E)(1) of this section may provide only for the release	438

of information gathered pursuant to division (A) of this section 439
that relates to the conviction of a person, or a person's plea 440
of guilty to, a criminal offense or to the arrest of a person as 441
provided in division (E) (3) of this section. The superintendent 442
shall not release, and the attorney general shall not adopt any 443
rule under division (E) (1) of this section that permits the 444
release of, any information gathered pursuant to division (A) of 445
this section that relates to an adjudication of a child as a 446
delinquent child, or that relates to a criminal conviction of a 447
person under eighteen years of age if the person's case was 448
transferred back to a juvenile court under division (B) (2) or 449
(3) of section 2152.121 of the Revised Code and the juvenile 450
court imposed a disposition or serious youthful offender 451
disposition upon the person under either division, unless either 452
of the following applies with respect to the adjudication or 453
conviction: 454

(a) The adjudication or conviction was for a violation of 455
section 2903.01 or 2903.02 of the Revised Code. 456

(b) The adjudication or conviction was for a sexually 457
oriented offense, the juvenile court was required to classify 458
the child a juvenile offender registrant for that offense under 459
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 460
classification has not been removed, and the records of the 461
adjudication or conviction have not been sealed or expunged 462
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 463
pursuant to section 2953.32 of the Revised Code. 464

(3) A rule adopted under division (E) (1) of this section 465
may provide for the release of information gathered pursuant to 466
division (A) of this section that relates to the arrest of a 467
person who is eighteen years of age or older when the person has 468

not been convicted as a result of that arrest if any of the 469
following applies: 470

(a) The arrest was made outside of this state. 471

(b) A criminal action resulting from the arrest is 472
pending, and the superintendent confirms that the criminal 473
action has not been resolved at the time the criminal records 474
check is performed. 475

(c) The bureau cannot reasonably determine whether a 476
criminal action resulting from the arrest is pending, and not 477
more than one year has elapsed since the date of the arrest. 478

(4) A rule adopted under division (E) (1) of this section 479
may provide for the release of information gathered pursuant to 480
division (A) of this section that relates to an adjudication of 481
a child as a delinquent child if not more than five years have 482
elapsed since the date of the adjudication, the adjudication was 483
for an act that would have been a felony if committed by an 484
adult, the records of the adjudication have not been sealed or 485
expunged pursuant to sections 2151.355 to 2151.358 of the 486
Revised Code, and the request for information is made under 487
division (F) of this section or under section 109.572 of the 488
Revised Code. In the case of an adjudication for a violation of 489
the terms of community control or supervised release, the five- 490
year period shall be calculated from the date of the 491
adjudication to which the community control or supervised 492
release pertains. 493

(F) (1) As used in division (F) (2) of this section, "head 494
start agency" means an entity in this state that has been 495
approved to be an agency for purposes of subchapter II of the 496
"Community Economic Development Act," 95 Stat. 489 (1981), 42 497

U.S.C.A. 9831, as amended. 498

(2) (a) In addition to or in conjunction with any request 499
that is required to be made under section 109.572, 2151.86, 500
3301.32, 3301.541, division (C) of section 3310.58, or section 501
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 502
5123.081, or 5153.111 of the Revised Code or that is made under 503
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 504
Code, the board of education of any school district; the 505
director of developmental disabilities; any county board of 506
developmental disabilities; any provider or subcontractor as 507
defined in section 5123.081 of the Revised Code; the chief 508
administrator of any chartered nonpublic school; the chief 509
administrator of a registered private provider that is not also 510
a chartered nonpublic school; the chief administrator of any 511
home health agency; the chief administrator of or person 512
operating any child care center, type A family child care home, 513
or type B family child care home licensed under Chapter 5104. of 514
the Revised Code; the chief administrator of or person operating 515
any authorized private before and after school care program; the 516
chief administrator of any head start agency; the executive 517
director of a public children services agency; the operator of a 518
residential facility, as defined in section 2151.46 of the 519
Revised Code; a private company described in section 3314.41, 520
3319.392, 3326.25, or 3328.20 of the Revised Code; or an 521
employer described in division (J) (2) of section 3327.10 of the 522
Revised Code may request that the superintendent of the bureau 523
investigate and determine, with respect to any individual who 524
has applied for employment in any position after October 2, 525
1989, or any individual wishing to apply for employment with a 526
board of education may request, with regard to the individual, 527
whether the bureau has any information gathered under division 528

(A) of this section that pertains to that individual. On receipt 529
of the request, subject to division (E) (2) of this section, the 530
superintendent shall determine whether that information exists 531
and, upon request of the person, board, or entity requesting 532
information, also shall request from the federal bureau of 533
investigation any criminal records it has pertaining to that 534
individual. The superintendent or the superintendent's designee 535
also may request criminal history records from other states or 536
the federal government pursuant to the national crime prevention 537
and privacy compact set forth in section 109.571 of the Revised 538
Code. Within thirty days of the date that the superintendent 539
receives a request, subject to division (E) (2) of this section, 540
the superintendent shall send to the board, entity, or person a 541
report of any information that the superintendent determines 542
exists, including information contained in records that have 543
been sealed under section 2953.32 of the Revised Code, and, 544
within thirty days of its receipt, subject to division (E) (2) of 545
this section, shall send the board, entity, or person a report 546
of any information received from the federal bureau of 547
investigation, other than information the dissemination of which 548
is prohibited by federal law. 549

(b) When a board of education or a registered private 550
provider is required to receive information under this section 551
as a prerequisite to employment of an individual pursuant to 552
division (C) of section 3310.58 or section 3319.39 of the 553
Revised Code, it may accept a certified copy of records that 554
were issued by the bureau of criminal identification and 555
investigation and that are presented by an individual applying 556
for employment with the district in lieu of requesting that 557
information itself. In such a case, the board shall accept the 558
certified copy issued by the bureau in order to make a photocopy 559

of it for that individual's employment application documents and 560
shall return the certified copy to the individual. In a case of 561
that nature, a district or provider only shall accept a 562
certified copy of records of that nature within one year after 563
the date of their issuance by the bureau. 564

(c) Notwithstanding division (F) (2) (a) of this section, in 565
the case of a request under section 3319.39, 3319.391, or 566
3327.10 of the Revised Code only for criminal records maintained 567
by the federal bureau of investigation, the superintendent shall 568
not determine whether any information gathered under division 569
(A) of this section exists on the person for whom the request is 570
made. 571

(3) The state board of education or the department of 572
education and workforce may request, with respect to any 573
individual who has applied for employment after October 2, 1989, 574
in any position with the state board or the department of 575
education and workforce, any information that a school district 576
board of education is authorized to request under division (F) 577
(2) of this section, and the superintendent of the bureau shall 578
proceed as if the request has been received from a school 579
district board of education under division (F) (2) of this 580
section. 581

(4) When the superintendent of the bureau receives a 582
request for information under section 3319.291 of the Revised 583
Code, the superintendent shall proceed as if the request has 584
been received from a school district board of education and 585
shall comply with divisions (F) (2) (a) and (c) of this section. 586

(G) In addition to or in conjunction with any request that 587
is required to be made under section 3712.09, 3721.121, or 588
3740.11 of the Revised Code with respect to an individual who 589

has applied for employment in a position that involves providing 590
direct care to an older adult or adult resident, the chief 591
administrator of a home health agency, hospice care program, 592
home licensed under Chapter 3721. of the Revised Code, or adult 593
day-care program operated pursuant to rules adopted under 594
section 3721.04 of the Revised Code may request that the 595
superintendent of the bureau investigate and determine, with 596
respect to any individual who has applied after January 27, 597
1997, for employment in a position that does not involve 598
providing direct care to an older adult or adult resident, 599
whether the bureau has any information gathered under division 600
(A) of this section that pertains to that individual. 601

In addition to or in conjunction with any request that is 602
required to be made under section 173.27 of the Revised Code 603
with respect to an individual who has applied for employment in 604
a position that involves providing ombudsman services to 605
residents of long-term care facilities or recipients of 606
community-based long-term care services, the state long-term 607
care ombudsman, the director of aging, a regional long-term care 608
ombudsman program, or the designee of the ombudsman, director, 609
or program may request that the superintendent investigate and 610
determine, with respect to any individual who has applied for 611
employment in a position that does not involve providing such 612
ombudsman services, whether the bureau has any information 613
gathered under division (A) of this section that pertains to 614
that applicant. 615

In addition to or in conjunction with any request that is 616
required to be made under section 173.38 of the Revised Code 617
with respect to an individual who has applied for employment in 618
a direct-care position, the chief administrator of a provider, 619
as defined in section 173.39 of the Revised Code, may request 620

that the superintendent investigate and determine, with respect 621
to any individual who has applied for employment in a position 622
that is not a direct-care position, whether the bureau has any 623
information gathered under division (A) of this section that 624
pertains to that applicant. 625

In addition to or in conjunction with any request that is 626
required to be made under section 3712.09 of the Revised Code 627
with respect to an individual who has applied for employment in 628
a position that involves providing direct care to a pediatric 629
respite care patient, the chief administrator of a pediatric 630
respite care program may request that the superintendent of the 631
bureau investigate and determine, with respect to any individual 632
who has applied for employment in a position that does not 633
involve providing direct care to a pediatric respite care 634
patient, whether the bureau has any information gathered under 635
division (A) of this section that pertains to that individual. 636

On receipt of a request under this division, the 637
superintendent shall determine whether that information exists 638
and, on request of the individual requesting information, shall 639
also request from the federal bureau of investigation any 640
criminal records it has pertaining to the applicant. The 641
superintendent or the superintendent's designee also may request 642
criminal history records from other states or the federal 643
government pursuant to the national crime prevention and privacy 644
compact set forth in section 109.571 of the Revised Code. Within 645
thirty days of the date a request is received, subject to 646
division (E)(2) of this section, the superintendent shall send 647
to the requester a report of any information determined to 648
exist, including information contained in records that have been 649
sealed under section 2953.32 of the Revised Code, and, within 650
thirty days of its receipt, shall send the requester a report of 651

any information received from the federal bureau of 652
investigation, other than information the dissemination of which 653
is prohibited by federal law. 654

(H) Information obtained by a government entity or person 655
under this section is confidential and shall not be released or 656
disseminated. 657

(I) The superintendent may charge a reasonable fee for 658
providing information or criminal records under division (F) (2) 659
or (G) of this section. 660

(J) As used in this section: 661

(1) "Pediatric respite care program" and "pediatric care 662
patient" have the same meanings as in section 3712.01 of the 663
Revised Code. 664

(2) "Sexually oriented offense" and "child-victim oriented 665
offense" have the same meanings as in section 2950.01 of the 666
Revised Code. 667

(3) "Registered private provider" means a nonpublic school 668
or entity registered with the department of education and 669
workforce under section 3310.41 of the Revised Code to 670
participate in the autism scholarship program or section 3310.58 671
of the Revised Code to participate in the Jon Peterson special 672
needs scholarship program. 673

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 674
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 675
Code, a completed form prescribed pursuant to division (C) (1) of 676
this section, and a set of fingerprint impressions obtained in 677
the manner described in division (C) (2) of this section, the 678
superintendent of the bureau of criminal identification and 679
investigation shall conduct a criminal records check in the 680

manner described in division (B) of this section to determine 681
whether any information exists that indicates that the person 682
who is the subject of the request previously has been convicted 683
of or pleaded guilty to any of the following: 684

(a) A violation of section 2903.01, 2903.02, 2903.03, 685
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 686
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 687
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 688
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 689
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 690
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 691
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 692
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 693
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 694
of the Revised Code, felonious sexual penetration in violation 695
of former section 2907.12 of the Revised Code, a violation of 696
section 2905.04 of the Revised Code as it existed prior to July 697
1, 1996, a violation of section 2919.23 of the Revised Code that 698
would have been a violation of section 2905.04 of the Revised 699
Code as it existed prior to July 1, 1996, had the violation been 700
committed prior to that date, or a violation of section 2925.11 701
of the Revised Code that is not a minor drug possession offense; 702

(b) A violation of an existing or former law of this 703
state, any other state, or the United States that is 704
substantially equivalent to any of the offenses listed in 705
division (A) (1) (a) of this section; 706

(c) If the request is made pursuant to section 3319.39 of 707
the Revised Code for an applicant who is a teacher, any offense 708
specified under section 9.79 of the Revised Code or in section 709
3319.31 of the Revised Code. 710

(2) On receipt of a request pursuant to section 3712.09 or 711
3721.121 of the Revised Code, a completed form prescribed 712
pursuant to division (C)(1) of this section, and a set of 713
fingerprint impressions obtained in the manner described in 714
division (C)(2) of this section, the superintendent of the 715
bureau of criminal identification and investigation shall 716
conduct a criminal records check with respect to any person who 717
has applied for employment in a position for which a criminal 718
records check is required by those sections. The superintendent 719
shall conduct the criminal records check in the manner described 720
in division (B) of this section to determine whether any 721
information exists that indicates that the person who is the 722
subject of the request previously has been convicted of or 723
pleaded guilty to any of the following: 724

(a) A violation of section 2903.01, 2903.02, 2903.03, 725
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 726
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 727
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 728
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 729
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 730
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 731
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 732
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 733

(b) An existing or former law of this state, any other 734
state, or the United States that is substantially equivalent to 735
any of the offenses listed in division (A)(2)(a) of this 736
section. 737

(3) On receipt of a request pursuant to section 173.27, 738
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 739
5123.081, or 5123.169 of the Revised Code, a completed form 740

prescribed pursuant to division (C)(1) of this section, and a 741
set of fingerprint impressions obtained in the manner described 742
in division (C)(2) of this section, the superintendent of the 743
bureau of criminal identification and investigation shall 744
conduct a criminal records check of the person for whom the 745
request is made. The superintendent shall conduct the criminal 746
records check in the manner described in division (B) of this 747
section to determine whether any information exists that 748
indicates that the person who is the subject of the request 749
previously has been convicted of, has pleaded guilty to, or 750
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 751
eligible for intervention in lieu of conviction for any of the 752
following, regardless of the date of the conviction, the date of 753
entry of the guilty plea, or (except in the case of a request 754
pursuant to section 5164.34, 5164.341, or 5164.342 of the 755
Revised Code) the date the person was found eligible for 756
intervention in lieu of conviction: 757
758

(a) A violation of section 959.13, 959.131, 2903.01, 759
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 760
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 761
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 762
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 763
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 764
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 765
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 766
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 767
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 768
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 769
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 770
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 771

2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 772
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 773
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 774
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 775
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 776
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 777
Revised Code; 778

(b) Felonious sexual penetration in violation of former 779
section 2907.12 of the Revised Code; 780

(c) A violation of section 2905.04 of the Revised Code as 781
it existed prior to July 1, 1996; 782

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 783
the Revised Code when the underlying offense that is the object 784
of the conspiracy, attempt, or complicity is one of the offenses 785
listed in divisions (A) (3) (a) to (c) of this section; 786

(e) A violation of an existing or former municipal 787
ordinance or law of this state, any other state, or the United 788
States that is substantially equivalent to any of the offenses 789
listed in divisions (A) (3) (a) to (d) of this section. 790

(4) On receipt of a request pursuant to section 2151.86~~or~~ 791
, 2151.904, or 5103.053 of the Revised Code, a completed form 792
prescribed pursuant to division (C) (1) of this section, and a 793
set of fingerprint impressions obtained in the manner described 794
in division (C) (2) of this section, the superintendent of the 795
bureau of criminal identification and investigation shall 796
conduct a criminal records check in the manner described in 797
division (B) of this section to determine whether any 798
information exists that indicates that the person who is the 799
subject of the request previously has been convicted of or 800

pleaded guilty to any of the following: 801

(a) A violation of section 959.13, 2151.421, 2903.01, 802
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 803
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 804
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 805
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 806
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 807
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 808
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 809
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 810
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 811
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 812
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 813
Revised Code, a violation of section 2905.04 of the Revised Code 814
as it existed prior to July 1, 1996, a violation of section 815
2919.23 of the Revised Code that would have been a violation of 816
section 2905.04 of the Revised Code as it existed prior to July 817
1, 1996, had the violation been committed prior to that date, a 818
violation of section 2925.11 of the Revised Code that is not a 819
minor drug possession offense, two or more OVI or OVUAC 820
violations committed within the three years immediately 821
preceding the submission of the application or petition that is 822
the basis of the request, or felonious sexual penetration in 823
violation of former section 2907.12 of the Revised Code, or a 824
violation of Chapter 2919. of the Revised Code that is a felony; 825

(b) A violation of an existing or former law of this 826
state, any other state, or the United States that is 827
substantially equivalent to any of the offenses listed in 828
division (A) (4) (a) of this section. 829

(5) Upon receipt of a request pursuant to section 5104.013 830

of the Revised Code, a completed form prescribed pursuant to 831
division (C)(1) of this section, and a set of fingerprint 832
impressions obtained in the manner described in division (C)(2) 833
of this section, the superintendent of the bureau of criminal 834
identification and investigation shall conduct a criminal 835
records check in the manner described in division (B) of this 836
section to determine whether any information exists that 837
indicates that the person who is the subject of the request has 838
been convicted of or pleaded guilty to any of the following: 839

(a) A violation of section 2151.421, 2903.01, 2903.02, 840
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 841
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 842
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 843
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 844
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 845
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 846
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 847
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 848
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 849
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 850
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 851
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 852
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 853
3716.11 of the Revised Code, felonious sexual penetration in 854
violation of former section 2907.12 of the Revised Code, a 855
violation of section 2905.04 of the Revised Code as it existed 856
prior to July 1, 1996, a violation of section 2919.23 of the 857
Revised Code that would have been a violation of section 2905.04 858
of the Revised Code as it existed prior to July 1, 1996, had the 859
violation been committed prior to that date, a violation of 860
section 2925.11 of the Revised Code that is not a minor drug 861

possession offense, a violation of section 2923.02 or 2923.03 of 862
the Revised Code that relates to a crime specified in this 863
division, or a second violation of section 4511.19 of the 864
Revised Code within five years of the date of application for 865
licensure or certification. 866

(b) A violation of an existing or former law of this 867
state, any other state, or the United States that is 868
substantially equivalent to any of the offenses or violations 869
described in division (A) (5) (a) of this section. 870

(6) Upon receipt of a request pursuant to section 5153.111 871
of the Revised Code, a completed form prescribed pursuant to 872
division (C) (1) of this section, and a set of fingerprint 873
impressions obtained in the manner described in division (C) (2) 874
of this section, the superintendent of the bureau of criminal 875
identification and investigation shall conduct a criminal 876
records check in the manner described in division (B) of this 877
section to determine whether any information exists that 878
indicates that the person who is the subject of the request 879
previously has been convicted of or pleaded guilty to any of the 880
following: 881

(a) A violation of section 2903.01, 2903.02, 2903.03, 882
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 883
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 884
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 885
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 886
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 887
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 888
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 889
Code, felonious sexual penetration in violation of former 890
section 2907.12 of the Revised Code, a violation of section 891

2905.04 of the Revised Code as it existed prior to July 1, 1996, 892
a violation of section 2919.23 of the Revised Code that would 893
have been a violation of section 2905.04 of the Revised Code as 894
it existed prior to July 1, 1996, had the violation been 895
committed prior to that date, or a violation of section 2925.11 896
of the Revised Code that is not a minor drug possession offense; 897

(b) A violation of an existing or former law of this 898
state, any other state, or the United States that is 899
substantially equivalent to any of the offenses listed in 900
division (A) (6) (a) of this section. 901

(7) On receipt of a request for a criminal records check 902
from an individual pursuant to section 4749.03 or 4749.06 of the 903
Revised Code, accompanied by a completed copy of the form 904
prescribed in division (C) (1) of this section and a set of 905
fingerprint impressions obtained in a manner described in 906
division (C) (2) of this section, the superintendent of the 907
bureau of criminal identification and investigation shall 908
conduct a criminal records check in the manner described in 909
division (B) of this section to determine whether any 910
information exists indicating that the person who is the subject 911
of the request has been convicted of or pleaded guilty to any 912
criminal offense in this state or in any other state. If the 913
individual indicates that a firearm will be carried in the 914
course of business, the superintendent shall require information 915
from the federal bureau of investigation as described in 916
division (B) (2) of this section. Subject to division (F) of this 917
section, the superintendent shall report the findings of the 918
criminal records check and any information the federal bureau of 919
investigation provides to the director of public safety. 920

(8) On receipt of a request pursuant to section 1321.37, 921

1321.53, or 4763.05 of the Revised Code, a completed form 922
prescribed pursuant to division (C) (1) of this section, and a 923
set of fingerprint impressions obtained in the manner described 924
in division (C) (2) of this section, the superintendent of the 925
bureau of criminal identification and investigation shall 926
conduct a criminal records check with respect to any person who 927
has applied for a license, permit, or certification from the 928
department of commerce or a division in the department. The 929
superintendent shall conduct the criminal records check in the 930
manner described in division (B) of this section to determine 931
whether any information exists that indicates that the person 932
who is the subject of the request previously has been convicted 933
of or pleaded guilty to any criminal offense in this state, any 934
other state, or the United States. 935

(9) On receipt of a request for a criminal records check 936
from the treasurer of state under section 113.041 of the Revised 937
Code or from an individual under section 928.03, 4701.08, 938
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 939
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 940
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 941
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 942
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 943
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 944
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 945
accompanied by a completed form prescribed under division (C) (1) 946
of this section and a set of fingerprint impressions obtained in 947
the manner described in division (C) (2) of this section, the 948
superintendent of the bureau of criminal identification and 949
investigation shall conduct a criminal records check in the 950
manner described in division (B) of this section to determine 951
whether any information exists that indicates that the person 952

who is the subject of the request has been convicted of or 953
pleaded guilty to any criminal offense in this state or any 954
other state. Subject to division (F) of this section, the 955
superintendent shall send the results of a check requested under 956
section 113.041 of the Revised Code to the treasurer of state 957
and shall send the results of a check requested under any of the 958
other listed sections to the licensing board specified by the 959
individual in the request. 960

(10) On receipt of a request pursuant to section 124.74, 961
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 962
Code, a completed form prescribed pursuant to division (C)(1) of 963
this section, and a set of fingerprint impressions obtained in 964
the manner described in division (C)(2) of this section, the 965
superintendent of the bureau of criminal identification and 966
investigation shall conduct a criminal records check in the 967
manner described in division (B) of this section to determine 968
whether any information exists that indicates that the person 969
who is the subject of the request previously has been convicted 970
of or pleaded guilty to any criminal offense under any existing 971
or former law of this state, any other state, or the United 972
States. 973

(11) On receipt of a request for a criminal records check 974
from an appointing or licensing authority under section 3772.07 975
of the Revised Code, a completed form prescribed under division 976
(C)(1) of this section, and a set of fingerprint impressions 977
obtained in the manner prescribed in division (C)(2) of this 978
section, the superintendent of the bureau of criminal 979
identification and investigation shall conduct a criminal 980
records check in the manner described in division (B) of this 981
section to determine whether any information exists that 982
indicates that the person who is the subject of the request 983

previously has been convicted of or pleaded guilty or no contest 984
to any offense under any existing or former law of this state, 985
any other state, or the United States that makes the person 986
ineligible for appointment or retention under section 3772.07 of 987
the Revised Code or that is a disqualifying offense as defined 988
in that section or substantially equivalent to a disqualifying 989
offense, as applicable. 990

(12) On receipt of a request pursuant to section 2151.33 991
or 2151.412 of the Revised Code, a completed form prescribed 992
pursuant to division (C) (1) of this section, and a set of 993
fingerprint impressions obtained in the manner described in 994
division (C) (2) of this section, the superintendent of the 995
bureau of criminal identification and investigation shall 996
conduct a criminal records check with respect to any person for 997
whom a criminal records check is required under that section. 998
The superintendent shall conduct the criminal records check in 999
the manner described in division (B) of this section to 1000
determine whether any information exists that indicates that the 1001
person who is the subject of the request previously has been 1002
convicted of or pleaded guilty to any of the following: 1003

(a) A violation of section 2903.01, 2903.02, 2903.03, 1004
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1005
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1006
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1007
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1008
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1009
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1010
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1011
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1012

(b) An existing or former law of this state, any other 1013

state, or the United States that is substantially equivalent to 1014
any of the offenses listed in division (A) (12) (a) of this 1015
section. 1016

(13) On receipt of a request pursuant to section 3796.12 1017
of the Revised Code, a completed form prescribed pursuant to 1018
division (C) (1) of this section, and a set of fingerprint 1019
impressions obtained in a manner described in division (C) (2) of 1020
this section, the superintendent of the bureau of criminal 1021
identification and investigation shall conduct a criminal 1022
records check in the manner described in division (B) of this 1023
section to determine whether any information exists that 1024
indicates that the person who is the subject of the request 1025
previously has been convicted of or pleaded guilty to a 1026
disqualifying offense as specified in rules adopted under 1027
section 9.79 and division (B) (2) (b) of section 3796.03 of the 1028
Revised Code if the person who is the subject of the request is 1029
an administrator or other person responsible for the daily 1030
operation of, or an owner or prospective owner, officer or 1031
prospective officer, or board member or prospective board member 1032
of, an entity seeking a license from the department of commerce 1033
under Chapter 3796. of the Revised Code. 1034

(14) On receipt of a request required by section 3796.13 1035
of the Revised Code, a completed form prescribed pursuant to 1036
division (C) (1) of this section, and a set of fingerprint 1037
impressions obtained in a manner described in division (C) (2) of 1038
this section, the superintendent of the bureau of criminal 1039
identification and investigation shall conduct a criminal 1040
records check in the manner described in division (B) of this 1041
section to determine whether any information exists that 1042
indicates that the person who is the subject of the request 1043
previously has been convicted of or pleaded guilty to a 1044

disqualifying offense as specified in rules adopted under 1045
division (B) (14) (a) of section 3796.03 of the Revised Code if 1046
the person who is the subject of the request is seeking 1047
employment with an entity licensed by the department of commerce 1048
under Chapter 3796. of the Revised Code. 1049

(15) On receipt of a request pursuant to section 4768.06 1050
of the Revised Code, a completed form prescribed under division 1051
(C) (1) of this section, and a set of fingerprint impressions 1052
obtained in the manner described in division (C) (2) of this 1053
section, the superintendent of the bureau of criminal 1054
identification and investigation shall conduct a criminal 1055
records check in the manner described in division (B) of this 1056
section to determine whether any information exists indicating 1057
that the person who is the subject of the request has been 1058
convicted of or pleaded guilty to any criminal offense in this 1059
state or in any other state. 1060

(16) On receipt of a request pursuant to division (B) of 1061
section 4764.07 or division (A) of section 4735.143 of the 1062
Revised Code, a completed form prescribed under division (C) (1) 1063
of this section, and a set of fingerprint impressions obtained 1064
in the manner described in division (C) (2) of this section, the 1065
superintendent of the bureau of criminal identification and 1066
investigation shall conduct a criminal records check in the 1067
manner described in division (B) of this section to determine 1068
whether any information exists indicating that the person who is 1069
the subject of the request has been convicted of or pleaded 1070
guilty to any criminal offense in any state or the United 1071
States. 1072

(17) On receipt of a request for a criminal records check 1073
under section 147.022 of the Revised Code, a completed form 1074

prescribed under division (C) (1) of this section, and a set of 1075
fingerprint impressions obtained in the manner prescribed in 1076
division (C) (2) of this section, the superintendent of the 1077
bureau of criminal identification and investigation shall 1078
conduct a criminal records check in the manner described in 1079
division (B) of this section to determine whether any 1080
information exists that indicates that the person who is the 1081
subject of the request previously has been convicted of or 1082
pleaded guilty or no contest to any criminal offense under any 1083
existing or former law of this state, any other state, or the 1084
United States. 1085

(18) Upon receipt of a request pursuant to division (F) of 1086
section 2915.081 or division (E) of section 2915.082 of the 1087
Revised Code, a completed form prescribed under division (C) (1) 1088
of this section, and a set of fingerprint impressions obtained 1089
in the manner described in division (C) (2) of this section, the 1090
superintendent of the bureau of criminal identification and 1091
investigation shall conduct a criminal records check in the 1092
manner described in division (B) of this section to determine 1093
whether any information exists indicating that the person who is 1094
the subject of the request has been convicted of or pleaded 1095
guilty or no contest to any offense that is a violation of 1096
Chapter 2915. of the Revised Code or to any offense under any 1097
existing or former law of this state, any other state, or the 1098
United States that is substantially equivalent to such an 1099
offense. 1100

(19) On receipt of a request pursuant to section 3775.03 1101
of the Revised Code, a completed form prescribed under division 1102
(C) (1) of this section, and a set of fingerprint impressions 1103
obtained in the manner described in division (C) (2) of this 1104
section, the superintendent of the bureau of criminal 1105

identification and investigation shall conduct a criminal 1106
records check in the manner described in division (B) of this 1107
section and shall request information from the federal bureau of 1108
investigation to determine whether any information exists 1109
indicating that the person who is the subject of the request has 1110
been convicted of any offense under any existing or former law 1111
of this state, any other state, or the United States that is a 1112
disqualifying offense as defined in section 3772.07 of the 1113
Revised Code. 1114

(B) Subject to division (F) of this section, the 1115
superintendent shall conduct any criminal records check to be 1116
conducted under this section as follows: 1117

(1) The superintendent shall review or cause to be 1118
reviewed any relevant information gathered and compiled by the 1119
bureau under division (A) of section 109.57 of the Revised Code 1120
that relates to the person who is the subject of the criminal 1121
records check, including, if the criminal records check was 1122
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1123
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1124
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1125
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1126
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1127
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 1128
5123.081, 5123.169, or 5153.111 of the Revised Code, any 1129
relevant information contained in records that have been sealed 1130
under section 2953.32 of the Revised Code; 1131

(2) If the request received by the superintendent asks for 1132
information from the federal bureau of investigation, the 1133
superintendent shall request from the federal bureau of 1134
investigation any information it has with respect to the person 1135

who is the subject of the criminal records check, including 1136
fingerprint-based checks of national crime information databases 1137
as described in 42 U.S.C. 671 if the request is made pursuant to 1138
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 1139
any other Revised Code section requires fingerprint-based checks 1140
of that nature, and shall review or cause to be reviewed any 1141
information the superintendent receives from that bureau. If a 1142
request under section 3319.39 of the Revised Code asks only for 1143
information from the federal bureau of investigation, the 1144
superintendent shall not conduct the review prescribed by 1145
division (B) (1) of this section. 1146

(3) The superintendent or the superintendent's designee 1147
may request criminal history records from other states or the 1148
federal government pursuant to the national crime prevention and 1149
privacy compact set forth in section 109.571 of the Revised 1150
Code. 1151

(4) The superintendent shall include in the results of the 1152
criminal records check a list or description of the offenses 1153
listed or described in the relevant provision of division (A) of 1154
this section. The superintendent shall exclude from the results 1155
any information the dissemination of which is prohibited by 1156
federal law. 1157

(5) The superintendent shall send the results of the 1158
criminal records check to the person to whom it is to be sent 1159
not later than the following number of days after the date the 1160
superintendent receives the request for the criminal records 1161
check, the completed form prescribed under division (C) (1) of 1162
this section, and the set of fingerprint impressions obtained in 1163
the manner described in division (C) (2) of this section: 1164

(a) If the superintendent is required by division (A) of 1165

this section (other than division (A) (3) of this section) to 1166
conduct the criminal records check, thirty; 1167

(b) If the superintendent is required by division (A) (3) 1168
of this section to conduct the criminal records check, sixty. 1169

(C) (1) The superintendent shall prescribe a form to obtain 1170
the information necessary to conduct a criminal records check 1171
from any person for whom a criminal records check is to be 1172
conducted under this section. The form that the superintendent 1173
prescribes pursuant to this division may be in a tangible 1174
format, in an electronic format, or in both tangible and 1175
electronic formats. 1176

(2) The superintendent shall prescribe standard impression 1177
sheets to obtain the fingerprint impressions of any person for 1178
whom a criminal records check is to be conducted under this 1179
section. Any person for whom a records check is to be conducted 1180
under this section shall obtain the fingerprint impressions at a 1181
county sheriff's office, municipal police department, or any 1182
other entity with the ability to make fingerprint impressions on 1183
the standard impression sheets prescribed by the superintendent. 1184
The office, department, or entity may charge the person a 1185
reasonable fee for making the impressions. The standard 1186
impression sheets the superintendent prescribes pursuant to this 1187
division may be in a tangible format, in an electronic format, 1188
or in both tangible and electronic formats. 1189

(3) Subject to division (D) of this section, the 1190
superintendent shall prescribe and charge a reasonable fee for 1191
providing a criminal records check under this section. The 1192
person requesting the criminal records check shall pay the fee 1193
prescribed pursuant to this division. In the case of a request 1194
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1195

1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1196
fee shall be paid in the manner specified in that section. 1197

(4) The superintendent of the bureau of criminal 1198
identification and investigation may prescribe methods of 1199
forwarding fingerprint impressions and information necessary to 1200
conduct a criminal records check, which methods shall include, 1201
but not be limited to, an electronic method. 1202

(D) The results of a criminal records check conducted 1203
under this section, other than a criminal records check 1204
specified in division (A)(7) of this section, are valid for the 1205
person who is the subject of the criminal records check for a 1206
period of one year from the date upon which the superintendent 1207
completes the criminal records check. If during that period the 1208
superintendent receives another request for a criminal records 1209
check to be conducted under this section for that person, the 1210
superintendent shall provide the results from the previous 1211
criminal records check of the person at a lower fee than the fee 1212
prescribed for the initial criminal records check. 1213

(E) When the superintendent receives a request for 1214
information from a registered private provider, the 1215
superintendent shall proceed as if the request was received from 1216
a school district board of education under section 3319.39 of 1217
the Revised Code. The superintendent shall apply division (A)(1) 1218
(c) of this section to any such request for an applicant who is 1219
a teacher. 1220

(F)(1) Subject to division (F)(2) of this section, all 1221
information regarding the results of a criminal records check 1222
conducted under this section that the superintendent reports or 1223
sends under division (A)(7) or (9) of this section to the 1224
director of public safety, the treasurer of state, or the 1225

person, board, or entity that made the request for the criminal 1226
records check shall relate to the conviction of the subject 1227
person, or the subject person's plea of guilty to, a criminal 1228
offense. 1229

(2) Division (F)(1) of this section does not limit, 1230
restrict, or preclude the superintendent's release of 1231
information that relates to the arrest of a person who is 1232
eighteen years of age or older, to an adjudication of a child as 1233
a delinquent child, or to a criminal conviction of a person 1234
under eighteen years of age in circumstances in which a release 1235
of that nature is authorized under division (E)(2), (3), or (4) 1236
of section 109.57 of the Revised Code pursuant to a rule adopted 1237
under division (E)(1) of that section. 1238

(G) As used in this section: 1239

(1) "Criminal records check" means any criminal records 1240
check conducted by the superintendent of the bureau of criminal 1241
identification and investigation in accordance with division (B) 1242
of this section. 1243

(2) "Minor drug possession offense" has the same meaning 1244
as in section 2925.01 of the Revised Code. 1245

(3) "OVI or OVUAC violation" means a violation of section 1246
4511.19 of the Revised Code or a violation of an existing or 1247
former law of this state, any other state, or the United States 1248
that is substantially equivalent to section 4511.19 of the 1249
Revised Code. 1250

(4) "Registered private provider" means a nonpublic school 1251
or entity registered with the department of education and 1252
workforce under section 3310.41 of the Revised Code to 1253
participate in the autism scholarship program or section 3310.58 1254

of the Revised Code to participate in the Jon Peterson special 1255
needs scholarship program. 1256

Sec. 109.71. There is hereby created in the office of the 1257
attorney general the Ohio peace officer training commission. The 1258
commission shall consist of ten members appointed by the 1259
governor with the advice and consent of the senate and selected 1260
as follows: one member representing the public; one member who 1261
represents a fraternal organization representing law enforcement 1262
officers; two members who are incumbent sheriffs; two members 1263
who are incumbent chiefs of police; one member from the bureau 1264
of criminal identification and investigation; one member from 1265
the state highway patrol; one member who is the special agent in 1266
charge of a field office of the federal bureau of investigation 1267
in this state; and one member from the department of education 1268
and workforce, trade and industrial education services, law 1269
enforcement training. 1270

This section does not confer any arrest authority or any 1271
ability or authority to detain a person, write or issue any 1272
citation, or provide any disposition alternative, as granted 1273
under Chapter 2935. of the Revised Code. 1274

Pursuant to division (A) (9) of section 101.82 of the 1275
Revised Code, the commission is exempt from the requirements of 1276
sections 101.82 to 101.87 of the Revised Code. 1277

As used in sections 109.71 to 109.801 of the Revised Code: 1278

(A) "Peace officer" means: 1279

(1) A deputy sheriff, marshal, deputy marshal, member of 1280
the organized police department of a township or municipal 1281
corporation, member of a township police district or joint 1282
police district police force, member of a police force employed 1283

by a metropolitan housing authority under division (D) of 1284
section 3735.31 of the Revised Code, or township constable, who 1285
is commissioned and employed as a peace officer by a political 1286
subdivision of this state or by a metropolitan housing 1287
authority, and whose primary duties are to preserve the peace, 1288
to protect life and property, and to enforce the laws of this 1289
state, ordinances of a municipal corporation, resolutions of a 1290
township, or regulations of a board of county commissioners or 1291
board of township trustees, or any of those laws, ordinances, 1292
resolutions, or regulations; 1293

(2) A police officer who is employed by a railroad company 1294
and appointed and commissioned by the secretary of state 1295
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 1296

(3) Employees of the department of taxation engaged in the 1297
enforcement of Chapter 5743. of the Revised Code and designated 1298
by the tax commissioner for peace officer training for purposes 1299
of the delegation of investigation powers under section 5743.45 1300
of the Revised Code; 1301

(4) An undercover drug agent; 1302

(5) Enforcement agents of the department of public safety 1303
whom the director of public safety designates under section 1304
5502.14 of the Revised Code; 1305

(6) An employee of the department of natural resources who 1306
is a natural resources law enforcement staff officer designated 1307
pursuant to section 1501.013, a natural resources officer 1308
appointed pursuant to section 1501.24, a forest-fire 1309
investigator appointed pursuant to section 1503.09, or a 1310
wildlife officer designated pursuant to section 1531.13 of the 1311
Revised Code; 1312

(7) An employee of a park district who is designated	1313
pursuant to section 511.232 or 1545.13 of the Revised Code;	1314
(8) An employee of a conservancy district who is	1315
designated pursuant to section 6101.75 of the Revised Code;	1316
(9) A police officer who is employed by a hospital that	1317
employs and maintains its own proprietary police department or	1318
security department, and who is appointed and commissioned by	1319
the secretary of state pursuant to sections 4973.17 to 4973.22	1320
of the Revised Code;	1321
(10) Veterans' homes police officers designated under	1322
section 5907.02 of the Revised Code;	1323
(11) A police officer who is employed by a qualified	1324
nonprofit corporation police department pursuant to section	1325
1702.80 of the Revised Code;	1326
(12) A state university law enforcement officer appointed	1327
under section 3345.04 of the Revised Code or a person serving as	1328
a state university law enforcement officer on a permanent basis	1329
on June 19, 1978, who has been awarded a certificate by the	1330
executive director of the Ohio peace officer training commission	1331
attesting to the person's satisfactory completion of an approved	1332
state, county, municipal, or department of natural resources	1333
peace officer basic training program;	1334
(13) A special police officer employed by the department	1335
of mental health and addiction services pursuant to section	1336
5119.08 of the Revised Code or the department of developmental	1337
disabilities pursuant to section 5123.13 of the Revised Code;	1338
(14) A member of a campus police department appointed	1339
under section 1713.50 of the Revised Code;	1340

(15) A member of a police force employed by a regional 1341
transit authority under division (Y) of section 306.35 of the 1342
Revised Code; 1343

(16) Investigators appointed by the auditor of state 1344
pursuant to section 117.091 of the Revised Code and engaged in 1345
the enforcement of Chapter 117. of the Revised Code; 1346

(17) A special police officer designated by the 1347
superintendent of the state highway patrol pursuant to section 1348
5503.09 of the Revised Code or a person who was serving as a 1349
special police officer pursuant to that section on a permanent 1350
basis on October 21, 1997, and who has been awarded a 1351
certificate by the executive director of the Ohio peace officer 1352
training commission attesting to the person's satisfactory 1353
completion of an approved state, county, municipal, or 1354
department of natural resources peace officer basic training 1355
program; 1356

(18) A special police officer employed by a port authority 1357
under section 4582.04 or 4582.28 of the Revised Code or a person 1358
serving as a special police officer employed by a port authority 1359
on a permanent basis on May 17, 2000, who has been awarded a 1360
certificate by the executive director of the Ohio peace officer 1361
training commission attesting to the person's satisfactory 1362
completion of an approved state, county, municipal, or 1363
department of natural resources peace officer basic training 1364
program; 1365

(19) A special police officer employed by a municipal 1366
corporation who has been awarded a certificate by the executive 1367
director of the Ohio peace officer training commission for 1368
satisfactory completion of an approved peace officer basic 1369
training program and who is employed on a permanent basis on or 1370

after March 19, 2003, at a municipal airport, or other municipal 1371
air navigation facility, that has scheduled operations, as 1372
defined in section 119.3 of Title 14 of the Code of Federal 1373
Regulations, 14 C.F.R. 119.3, as amended, and that is required 1374
to be under a security program and is governed by aviation 1375
security rules of the transportation security administration of 1376
the United States department of transportation as provided in 1377
Parts 1542. and 1544. of Title 49 of the Code of Federal 1378
Regulations, as amended; 1379

(20) A police officer who is employed by an owner or 1380
operator of an amusement park that has an average yearly 1381
attendance in excess of six hundred thousand guests and that 1382
employs and maintains its own proprietary police department or 1383
security department, and who is appointed and commissioned by a 1384
judge of the appropriate municipal court or county court 1385
pursuant to section 4973.17 of the Revised Code; 1386

(21) A police officer who is employed by a bank, savings 1387
and loan association, savings bank, credit union, or association 1388
of banks, savings and loan associations, savings banks, or 1389
credit unions, who has been appointed and commissioned by the 1390
secretary of state pursuant to sections 4973.17 to 4973.22 of 1391
the Revised Code, and who has been awarded a certificate by the 1392
executive director of the Ohio peace officer training commission 1393
attesting to the person's satisfactory completion of a state, 1394
county, municipal, or department of natural resources peace 1395
officer basic training program; 1396

(22) An investigator, as defined in section 109.541 of the 1397
Revised Code, of the bureau of criminal identification and 1398
investigation who is commissioned by the superintendent of the 1399
bureau as a special agent for the purpose of assisting law 1400

enforcement officers or providing emergency assistance to peace 1401
officers pursuant to authority granted under that section; 1402

(23) A state fire marshal law enforcement officer 1403
appointed under section 3737.22 of the Revised Code or a person 1404
serving as a state fire marshal law enforcement officer on a 1405
permanent basis on or after July 1, 1982, who has been awarded a 1406
certificate by the executive director of the Ohio peace officer 1407
training commission attesting to the person's satisfactory 1408
completion of an approved state, county, municipal, or 1409
department of natural resources peace officer basic training 1410
program; 1411

(24) A gaming agent employed under section 3772.03 of the 1412
Revised Code; 1413

(25) An employee of the state board of pharmacy designated 1414
by the executive director of the board pursuant to section 1415
4729.04 of the Revised Code to investigate violations of 1416
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 1417
Revised Code and rules adopted thereunder. 1418

(B) "Undercover drug agent" has the same meaning as in 1419
division (B) (2) of section 109.79 of the Revised Code. 1420

(C) "Crisis intervention training" means training in the 1421
use of interpersonal and communication skills to most 1422
effectively and sensitively interview victims of rape. 1423

(D) "Missing children" has the same meaning as in section 1424
2901.30 of the Revised Code. 1425

(E) "Tactical medical professional" means an EMT, EMT- 1426
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 1427
trained and certified in a nationally recognized tactical 1428
medical training program that is equivalent to "tactical combat 1429

casualty care" (TCCC) and "tactical emergency medical support" 1430
(TEMS) and who functions in the tactical or austere environment 1431
while attached to a law enforcement agency of either this state 1432
or a political subdivision of this state. 1433

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 1434
meanings as in section 4765.01 of the Revised Code and "EMT" and 1435
"AEMT" have the same meanings as in section 4765.011 of the 1436
Revised Code. 1437

(G) "Nurse" means any of the following: 1438

(1) Any person who is licensed to practice nursing as a 1439
registered nurse by the board of nursing; 1440

(2) Any certified nurse practitioner, clinical nurse 1441
specialist, certified registered nurse anesthetist, or certified 1442
nurse-midwife who holds a certificate of authority issued by the 1443
board of nursing under Chapter 4723. of the Revised Code; 1444

(3) Any person who is licensed to practice nursing as a 1445
licensed practical nurse by the board of nursing pursuant to 1446
Chapter 4723. of the Revised Code. 1447

(H) "Physician" means a person who is licensed pursuant to 1448
Chapter 4731. of the Revised Code to practice medicine and 1449
surgery or osteopathic medicine and surgery. 1450

(I) "County correctional officer" has the same meaning as 1451
in section 341.41 of the Revised Code. 1452

(J) (1) "Fire investigator" means an employee of a fire 1453
department charged with investigating fires and explosions who 1454
has been authorized, in accordance with sections 737.27 and 1455
3737.24 of the Revised Code, to perform the duties of 1456
investigating the origin and cause of fires and explosions using 1457

the scientific method to investigate elements of the event 1458
including the circumstances, actions, persons, means, and 1459
motives that resulted in the fire or explosion or the report of 1460
a fire or explosion within this state. 1461

(2) "Fire investigator" does not include a person who is 1462
acting as a fire investigator on behalf of an insurance company 1463
or any other privately owned or operated enterprise. 1464

(K) "Fire department" means a fire department of the state 1465
or an instrumentality of the state or of a municipal 1466
corporation, township, joint fire district, or other political 1467
subdivision. 1468

(L) "At-risk youth" means an individual who is all of the 1469
following: 1470

(1) Under twenty-one years of age; 1471

(2) One of the following: 1472

(a) At risk of becoming an abused, neglected, or dependent 1473
child, delinquent or unruly child, or juvenile traffic offender; 1474

(b) An abused, neglected, or dependent child, delinquent 1475
or unruly child, or juvenile traffic offender. 1476

(3) Residing in a state correctional institution, a 1477
department of youth services institution, or a residential 1478
facility. 1479

(M) "Residential facility" has the same meaning as in 1480
section 2151.46 of the Revised Code. 1481

Sec. 109.7411. (A) The attorney general, in consultation 1482
with the Ohio peace officer training commission and department 1483
of children and youth, shall adopt, in accordance with Chapter 1484

119. or section 109.74 of the Revised Code, rules governing the 1485
training of peace officers in identifying and interacting with 1486
at-risk youth. 1487

(B) The Ohio peace officer training academy shall provide 1488
the training described in division (A) of this section to peace 1489
officers. 1490

Sec. 111.16. Except as provided in section 1701.041 of the 1491
Revised Code, the secretary of state shall charge and collect, 1492
for the benefit of the state, the following fees: 1493

(A) For filing and recording articles of incorporation of 1494
a domestic corporation, including designation of agent: 1495

(1) Wherein the corporation shall not be authorized to 1496
issue any shares of capital stock, ninety-nine dollars; 1497

(2) Wherein the corporation shall be authorized to issue 1498
shares of capital stock, with or without par value: 1499

(a) Ten cents for each share authorized up to and 1500
including one thousand shares; 1501

(b) Five cents for each share authorized in excess of one 1502
thousand shares up to and including ten thousand shares; 1503

(c) Two cents for each share authorized in excess of ten 1504
thousand shares up to and including fifty thousand shares; 1505

(d) One cent for each share authorized in excess of fifty 1506
thousand shares up to and including one hundred thousand shares; 1507

(e) One-half cent for each share authorized in excess of 1508
one hundred thousand shares up to and including five hundred 1509
thousand shares; 1510

(f) One-quarter cent for each share authorized in excess 1511

of five hundred thousand shares; provided no fee shall be less 1512
than ninety-nine dollars or greater than one hundred thousand 1513
dollars. 1514

(B) For filing and recording a certificate of amendment to 1515
or amended articles of incorporation of a domestic corporation, 1516
or for filing and recording a certificate of reorganization, a 1517
certificate of dissolution, or an amendment to a foreign license 1518
application: 1519

(1) If the domestic corporation is not authorized to issue 1520
any shares of capital stock, fifty dollars; 1521

(2) If the domestic corporation is authorized to issue 1522
shares of capital stock, fifty dollars, and in case of any 1523
increase in the number of shares authorized to be issued, a 1524
further sum computed in accordance with the schedule set forth 1525
in division (A) (2) of this section less a credit computed in the 1526
same manner for the number of shares previously authorized to be 1527
issued by the corporation; provided no fee under division (B) (2) 1528
of this section shall be greater than one hundred thousand 1529
dollars; 1530

(3) If the foreign corporation is not authorized to issue 1531
any shares of capital stock, fifty dollars; 1532

(4) If the foreign corporation is authorized to issue 1533
shares of capital stock, fifty dollars. 1534

(C) For filing and recording articles of incorporation of 1535
a savings and loan association, ninety-nine dollars; and for 1536
filing and recording a certificate of amendment to or amended 1537
articles of incorporation of a savings and loan association, 1538
fifty dollars; 1539

(D) For filing and recording a certificate of conversion, 1540

including a designation of agent, a certificate of merger, or a 1541
certificate of consolidation, ninety-nine dollars and, in the 1542
case of any new corporation resulting from a consolidation or 1543
any surviving corporation that has an increased number of shares 1544
authorized to be issued resulting from a merger, an additional 1545
sum computed in accordance with the schedule set forth in 1546
division (A) (2) of this section less a credit computed in the 1547
same manner for the number of shares previously authorized to be 1548
issued or represented in this state by each of the corporations 1549
for which a consolidation or merger is effected by the 1550
certificate; 1551

(E) For filing and recording articles of incorporation of 1552
a credit union or the American credit union guaranty 1553
association, ninety-nine dollars, and for filing and recording a 1554
certificate of increase in capital stock or any other amendment 1555
of the articles of incorporation of a credit union or the 1556
association, fifty dollars; 1557

(F) For filing and recording articles of organization of a 1558
limited liability company, for filing and recording an 1559
application to become a registered foreign limited liability 1560
company, for filing and recording a registration application to 1561
become a domestic limited liability partnership, or for filing 1562
and recording an application to become a registered foreign 1563
limited liability partnership, ninety-nine dollars; 1564

(G) For filing and recording a certificate of limited 1565
partnership or an application for registration as a foreign 1566
limited partnership, or for filing an initial statement of 1567
partnership authority pursuant to section 1776.33 of the Revised 1568
Code, ninety-nine dollars; 1569

(H) For filing a copy of papers evidencing the 1570

incorporation of a municipal corporation or of annexation of 1571
territory by a municipal corporation, five dollars, to be paid 1572
by the municipal corporation, the petitioners therefor, or their 1573
agent; 1574

(I) For filing and recording any of the following: 1575

(1) A license to transact business in this state by a 1576
foreign corporation for profit pursuant to section 1703.04 of 1577
the Revised Code or a foreign nonprofit corporation pursuant to 1578
section 1703.27 of the Revised Code, ninety-nine dollars; 1579

(2) A biennial report or biennial statement pursuant to 1580
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 1581
twenty-five dollars; 1582

(3) Except as otherwise provided in this section or any 1583
other section of the Revised Code, any other certificate or 1584
paper that is required to be filed and recorded or is permitted 1585
to be filed and recorded by any provision of the Revised Code 1586
with the secretary of state, twenty-five dollars. 1587

(J) For filing any certificate or paper not required to be 1588
recorded, five dollars; 1589

(K) (1) For making copies of any certificate or other paper 1590
filed in the office of the secretary of state, a fee not to 1591
exceed one dollar per page, except as otherwise provided in the 1592
Revised Code, and for creating and affixing the seal of the 1593
office of the secretary of state to any good standing or other 1594
certificate, five dollars. For copies of certificates or papers 1595
required by state officers for official purpose, no charge shall 1596
be made. 1597

(2) For creating and affixing the seal of the office of 1598
the secretary of state to the certificates described in division 1599

(E) of section 1701.81, division (E) of section 1701.811, 1600
division (E) of section 1705.38, division (E) of section 1601
1705.381, division (D) of section 1702.43, division (E) of 1602
section 1775.47, division (E) of section 1775.55, division (E) 1603
of section 1776.70, division (E) of section 1776.74, division 1604
(E) of section 1782.433, or division (E) of section 1782.4310 of 1605
the Revised Code, twenty-five dollars. 1606

(L) For a minister's license to solemnize marriages, ten 1607
dollars; 1608

(M) For examining documents to be filed at a later date 1609
for the purpose of advising as to the acceptability of the 1610
proposed filing, fifty dollars; 1611

(N) Fifty dollars for filing and recording any of the 1612
following: 1613

(1) A certificate of dissolution and accompanying 1614
documents, or a certificate of cancellation, under section 1615
1701.86, 1702.47, 1705.43, 1706.471, 1776.65, or 1782.10 of the 1616
Revised Code; 1617

(2) A notice of dissolution of a foreign licensed 1618
corporation or a certificate of surrender of license by a 1619
foreign licensed corporation under section 1703.17 of the 1620
Revised Code; 1621

(3) The withdrawal of registration of a foreign or 1622
domestic limited liability partnership under section 1775.61, 1623
1775.64, 1776.81, or 1776.86 of the Revised Code, or the 1624
certificate of cancellation of registration of a foreign limited 1625
liability company under section 1705.57 or 1706.514 of the 1626
Revised Code; 1627

(4) The filing of a statement of denial under section 1628

1706.20 or 1776.34 of the Revised Code, a statement of 1629
dissociation under section 1776.57 of the Revised Code, a 1630
statement of disclaimer of general partner status under Chapter 1631
1782. of the Revised Code, ~~or~~ a cancellation of disclaimer of 1632
general partner status under Chapter 1782. of the Revised Code, 1633
a statement of authority under section 1706.19 of the Revised 1634
Code, or an amendment or cancellation of a statement of 1635
authority under section 1706.19 of the Revised Code. 1636

(O) For filing a statement of continued existence by a 1637
nonprofit corporation, twenty-five dollars; 1638

(P) For filing a restatement under section 1705.08, 1639
1706.161, or 1782.09 of the Revised Code, an amendment to a 1640
certificate of cancellation under section 1782.10 of the Revised 1641
Code, an amendment under section 1705.08, 1706.161, or 1782.09 1642
of the Revised Code, or a correction under section 1705.55, 1643
1706.173, ~~1706.511, 1706.513,~~ 1775.61, 1775.64, 1776.12, or 1644
1782.52 of the Revised Code, fifty dollars; 1645

(Q) For filing for reinstatement of an entity cancelled by 1646
operation of law, by the secretary of state, by order of the 1647
department of taxation, or by order of a court, twenty-five 1648
dollars; 1649

(R) For filing and recording any of the following: 1650

(1) A change of agent, resignation of agent, or change of 1651
agent's address under section 1701.07, 1702.06, 1703.041, 1652
1703.27, 1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, 1653
or 1782.04 of the Revised Code, twenty-five dollars; 1654

(2) A multiple change of agent name or address, 1655
standardization of agent address, or resignation of agent under 1656
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1657

1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised 1658
Code, one hundred twenty-five dollars, plus three dollars per 1659
entity record being changed, by the multiple agent update. 1660

(S) For filing and recording any of the following: 1661

(1) An application for the exclusive right to use a name 1662
or an application to reserve a name for future use under section 1663
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the 1664
Revised Code, thirty-nine dollars; 1665

(2) A trade name or fictitious name registration or 1666
report, thirty-nine dollars; 1667

(3) An application to renew any item covered by division 1668
(S) (1) or (2) of this section that is permitted to be renewed, 1669
twenty-five dollars; 1670

(4) An assignment of rights for use of a name covered by 1671
division (S) (1), (2), or (3) of this section, the cancellation 1672
of a name registration or name reservation that is so covered, 1673
or notice of a change of address of the registrant of a name 1674
that is so covered, twenty-five dollars. 1675

(T) For filing and recording a report to operate a 1676
business trust or a real estate investment trust, either foreign 1677
or domestic, ninety-nine dollars; and for filing and recording 1678
an amendment to a report or associated trust instrument, or a 1679
surrender of authority, to operate a business trust or real 1680
estate investment trust, fifty dollars; 1681

(U) (1) For filing and recording the registration of a 1682
trademark, service mark, or mark of ownership, one hundred 1683
twenty-five dollars; 1684

(2) For filing and recording the change of address of a 1685

registrant, the assignment of rights to a registration, a 1686
renewal of a registration, or the cancellation of a registration 1687
associated with a trademark, service mark, or mark of ownership, 1688
twenty-five dollars. 1689

(V) For filing a service of process with the secretary of 1690
state, five dollars per address to be served, except as 1691
otherwise provided in any section of the Revised Code. 1692

Fees specified in this section may be paid by cash, check, 1693
or money order, by credit card in accordance with section 113.40 1694
of the Revised Code, or by an alternative payment program in 1695
accordance with division (B) of section 111.18 of the Revised 1696
Code. Any credit card number or the expiration date of any 1697
credit card is not subject to disclosure under Chapter 149. of 1698
the Revised Code. 1699

Sec. 121.22. (A) This section shall be liberally construed 1700
to require public officials to take official action and to 1701
conduct all deliberations upon official business only in open 1702
meetings unless the subject matter is specifically excepted by 1703
law. 1704

(B) As used in this section: 1705

(1) "Public body" means any of the following: 1706

(a) Any board, commission, committee, council, or similar 1707
decision-making body of a state agency, institution, or 1708
authority, and any legislative authority or board, commission, 1709
committee, council, agency, authority, or similar decision- 1710
making body of any county, township, municipal corporation, 1711
school district, or other political subdivision or local public 1712
institution; 1713

(b) Any committee or subcommittee of a body described in 1714

division (B) (1) (a) of this section; 1715

(c) A court of jurisdiction of a sanitary district 1716
organized wholly for the purpose of providing a water supply for 1717
domestic, municipal, and public use when meeting for the purpose 1718
of the appointment, removal, or reappointment of a member of the 1719
board of directors of such a district pursuant to section 1720
6115.10 of the Revised Code, if applicable, or for any other 1721
matter related to such a district other than litigation 1722
involving the district. As used in division (B) (1) (c) of this 1723
section, "court of jurisdiction" has the same meaning as "court" 1724
in section 6115.01 of the Revised Code. 1725

(2) "Meeting" means any prearranged discussion of the 1726
public business of the public body by a majority of its members. 1727

(3) "Regulated individual" means either of the following: 1728

(a) A student in a state or local public educational 1729
institution; 1730

(b) A person who is, voluntarily or involuntarily, an 1731
inmate, patient, or resident of a state or local institution 1732
because of criminal behavior, mental illness, an intellectual 1733
disability, disease, disability, age, or other condition 1734
requiring custodial care. 1735

(4) "Public office" has the same meaning as in section 1736
149.011 of the Revised Code. 1737

(C) All meetings of any public body are declared to be 1738
public meetings open to the public at all times. A member of a 1739
public body shall be present in person at a meeting open to the 1740
public to be considered present or to vote at the meeting and 1741
for purposes of determining whether a quorum is present at the 1742
meeting. 1743

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of

the Revised Code;	1773
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	1774 1775 1776 1777
(8) The state board of pharmacy when determining whether to do either of the following:	1778 1779
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	1780 1781 1782 1783
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	1784 1785 1786 1787
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	1788 1789 1790
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	1791 1792 1793 1794 1795
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	1796 1797 1798 1799
(12) An audit conference conducted by the audit staff of	1800

the department of job and family services with officials of the 1801
public office that is the subject of that audit under section 1802
5101.37 of the Revised Code; 1803

(13) The occupational therapy section of the occupational 1804
therapy, physical therapy, and athletic trainers board when 1805
determining whether to suspend a license without a hearing 1806
pursuant to division (E) of section 4755.11 of the Revised Code; 1807

(14) The physical therapy section of the occupational 1808
therapy, physical therapy, and athletic trainers board when 1809
determining whether to suspend a license without a hearing 1810
pursuant to division (F) of section 4755.47 of the Revised Code; 1811

(15) The athletic trainers section of the occupational 1812
therapy, physical therapy, and athletic trainers board when 1813
determining whether to suspend a license without a hearing 1814
pursuant to division (E) of section 4755.64 of the Revised Code; 1815

(16) Meetings of the pregnancy-associated mortality review 1816
board established under section 3738.01 of the Revised Code; 1817

(17) Meetings of a fetal-infant mortality review board 1818
established under section 3707.71 of the Revised Code; 1819

(18) Meetings of a drug overdose fatality review committee 1820
described in section 307.631 of the Revised Code; 1821

(19) Meetings of a suicide fatality review committee 1822
described in section 307.641 of the Revised Code; 1823

(20) Meetings of the officers, members, or directors of an 1824
existing qualified nonprofit corporation that creates a special 1825
improvement district under Chapter 1710. of the Revised Code, at 1826
which the public business of the corporation pertaining to a 1827
purpose for which the district is created is not discussed; 1828

(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	1829 1830
<u>(22) Any nonprofit agency that has received an endorsement under section 122.69 of the Revised Code.</u>	1831 1832
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	1833 1834 1835 1836 1837 1838 1839 1840 1841
(1) Marketing plans;	1842
(2) Specific business strategy;	1843
(3) Production techniques and trade secrets;	1844
(4) Financial projections;	1845
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	1846 1847 1848 1849
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	1850 1851 1852 1853
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place,	1854 1855 1856

and purpose of all special meetings. A public body shall not 1857
hold a special meeting unless it gives at least twenty-four 1858
hours' advance notice to the news media that have requested 1859
notification, except in the event of an emergency requiring 1860
immediate official action. In the event of an emergency, the 1861
member or members calling the meeting shall notify the news 1862
media that have requested notification immediately of the time, 1863
place, and purpose of the meeting. 1864

The rule shall provide that any person, upon request and 1865
payment of a reasonable fee, may obtain reasonable advance 1866
notification of all meetings at which any specific type of 1867
public business is to be discussed. Provisions for advance 1868
notification may include, but are not limited to, mailing the 1869
agenda of meetings to all subscribers on a mailing list or 1870
mailing notices in self-addressed, stamped envelopes provided by 1871
the person. 1872

(G) Except as provided in divisions (G)(8) and (J) of this 1873
section, the members of a public body may hold an executive 1874
session only after a majority of a quorum of the public body 1875
determines, by a roll call vote, to hold an executive session 1876
and only at a regular or special meeting for the sole purpose of 1877
the consideration of any of the following matters: 1878

(1) To consider the appointment, employment, dismissal, 1879
discipline, promotion, demotion, or compensation of a public 1880
employee or official, or the investigation of charges or 1881
complaints against a public employee, official, licensee, or 1882
regulated individual, unless the public employee, official, 1883
licensee, or regulated individual requests a public hearing. 1884
Except as otherwise provided by law, no public body shall hold 1885
an executive session for the discipline of an elected official 1886

for conduct related to the performance of the elected official's 1887
official duties or for the elected official's removal from 1888
office. If a public body holds an executive session pursuant to 1889
division (G) (1) of this section, the motion and vote to hold 1890
that executive session shall state which one or more of the 1891
approved purposes listed in division (G) (1) of this section are 1892
the purposes for which the executive session is to be held, but 1893
need not include the name of any person to be considered at the 1894
meeting. 1895

(2) To consider the purchase of property for public 1896
purposes, the sale of property at competitive bidding, or the 1897
sale or other disposition of unneeded, obsolete, or unfit-for- 1898
use property in accordance with section 505.10 of the Revised 1899
Code, if premature disclosure of information would give an 1900
unfair competitive or bargaining advantage to a person whose 1901
personal, private interest is adverse to the general public 1902
interest. No member of a public body shall use division (G) (2) 1903
of this section as a subterfuge for providing covert information 1904
to prospective buyers or sellers. A purchase or sale of public 1905
property is void if the seller or buyer of the public property 1906
has received covert information from a member of a public body 1907
that has not been disclosed to the general public in sufficient 1908
time for other prospective buyers and sellers to prepare and 1909
submit offers. 1910

If the minutes of the public body show that all meetings 1911
and deliberations of the public body have been conducted in 1912
compliance with this section, any instrument executed by the 1913
public body purporting to convey, lease, or otherwise dispose of 1914
any right, title, or interest in any public property shall be 1915
conclusively presumed to have been executed in compliance with 1916
this section insofar as title or other interest of any bona fide 1917

purchasers, lessees, or transferees of the property is concerned.	1918 1919
(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;	1920 1921 1922
(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;	1923 1924 1925
(5) Matters required to be kept confidential by federal law or regulations or state statutes;	1926 1927
(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;	1928 1929 1930 1931 1932
(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;	1933 1934 1935 1936 1937 1938
(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:	1939 1940 1941 1942 1943 1944 1945
(a) The information is directly related to a request for	1946

economic development assistance that is to be provided or 1947
administered under any provision of Chapter 715., 725., 1724., 1948
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 1949
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 1950
5709.81 of the Revised Code, or that involves public 1951
infrastructure improvements or the extension of utility services 1952
that are directly related to an economic development project. 1953

(b) A unanimous quorum of the public body determines, by a 1954
roll call vote, that the executive session is necessary to 1955
protect the interests of the applicant or the possible 1956
investment or expenditure of public funds to be made in 1957
connection with the economic development project. 1958

If a public body holds an executive session to consider 1959
any of the matters listed in divisions (G) (2) to (8) of this 1960
section, the motion and vote to hold that executive session 1961
shall state which one or more of the approved matters listed in 1962
those divisions are to be considered at the executive session. 1963

A public body specified in division (B) (1) (c) of this 1964
section shall not hold an executive session when meeting for the 1965
purposes specified in that division. 1966

(H) A resolution, rule, or formal action of any kind is 1967
invalid unless adopted in an open meeting of the public body. A 1968
resolution, rule, or formal action adopted in an open meeting 1969
that results from deliberations in a meeting not open to the 1970
public is invalid unless the deliberations were for a purpose 1971
specifically authorized in division (G) or (J) of this section 1972
and conducted at an executive session held in compliance with 1973
this section. A resolution, rule, or formal action adopted in an 1974
open meeting is invalid if the public body that adopted the 1975
resolution, rule, or formal action violated division (F) of this 1976

section. 1977

(I) (1) Any person may bring an action to enforce this 1978
section. An action under division (I) (1) of this section shall 1979
be brought within two years after the date of the alleged 1980
violation or threatened violation. Upon proof of a violation or 1981
threatened violation of this section in an action brought by any 1982
person, the court of common pleas shall issue an injunction to 1983
compel the members of the public body to comply with its 1984
provisions. 1985

(2) (a) If the court of common pleas issues an injunction 1986
pursuant to division (I) (1) of this section, the court shall 1987
order the public body that it enjoins to pay a civil forfeiture 1988
of five hundred dollars to the party that sought the injunction 1989
and shall award to that party all court costs and, subject to 1990
reduction as described in division (I) (2) of this section, 1991
reasonable attorney's fees. The court, in its discretion, may 1992
reduce an award of attorney's fees to the party that sought the 1993
injunction or not award attorney's fees to that party if the 1994
court determines both of the following: 1995

(i) That, based on the ordinary application of statutory 1996
law and case law as it existed at the time of violation or 1997
threatened violation that was the basis of the injunction, a 1998
well-informed public body reasonably would believe that the 1999
public body was not violating or threatening to violate this 2000
section; 2001

(ii) That a well-informed public body reasonably would 2002
believe that the conduct or threatened conduct that was the 2003
basis of the injunction would serve the public policy that 2004
underlies the authority that is asserted as permitting that 2005
conduct or threatened conduct. 2006

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an

applicant for, recipient of, or former recipient of financial 2036
assistance under sections 5901.01 to 5901.15 of the Revised 2037
Code, and shall not exclude representatives selected by the 2038
applicant, recipient, or former recipient, from a meeting that 2039
the commission conducts as an executive session that pertains to 2040
the applicant's, recipient's, or former recipient's application 2041
for financial assistance. 2042

(3) A veterans service commission shall vote on the grant 2043
or denial of financial assistance under sections 5901.01 to 2044
5901.15 of the Revised Code only in an open meeting of the 2045
commission. The minutes of the meeting shall indicate the name, 2046
address, and occupation of the applicant, whether the assistance 2047
was granted or denied, the amount of the assistance if 2048
assistance is granted, and the votes for and against the 2049
granting of assistance. 2050

Sec. 122.6511. (A) As used in this section and section 2051
122.6512 of the Revised Code: 2052

(1) "Brownfield" means an abandoned, idled, or under-used 2053
industrial, commercial, or institutional property where 2054
expansion or redevelopment is complicated by known or potential 2055
releases of hazardous substances or petroleum. 2056

(2) "Lead entity" means ~~the award recipient and the~~ 2057
~~responsible party with whom the department of development~~ 2058
~~executes a grant agreement for the grant funds~~a county, 2059
township, municipal corporation, port authority, conservancy 2060
district, park district or other similar park authority, county 2061
land reutilization corporation, or organization for profit. 2062

(3) "Remediation" means any action to contain, remove, or 2063
dispose of hazardous substances or petroleum at a brownfield. 2064

~~"Cleanup or remediation"~~ "Remediation" includes the acquisition 2065
of a brownfield, demolition performed at a brownfield, and the 2066
installation or upgrade of the minimum amount of infrastructure 2067
that is necessary to make a brownfield operational for economic 2068
development activity. 2069

(4) "County land reutilization corporation" has the same 2070
meaning as in section 1724.01 of the Revised Code. 2071

(B) (1) There is hereby created the brownfield remediation 2072
program to award grants for the remediation of brownfield sites 2073
throughout Ohio. The program shall be administered by the 2074
director of development pursuant to this section and rules 2075
adopted pursuant to division (B) (2) of this section. 2076

(2) The director shall adopt rules, under Chapter 119. of 2077
the Revised Code, for the administration of the program. The 2078
rules shall include provisions for determining project and 2079
project sponsor eligibility, program administration, and any 2080
other provisions the director finds necessary. 2081

~~(3) The director shall ensure that the program is 2082
operational and accepting proposals for grants not later than 2083
ninety days after September 30, 2021. 2084~~

~~(4) To streamline funding through the program, each county 2085
shall have one lead entity designated in accordance with the 2086
following: 2087~~

~~(a) If the county has a population of less than one 2088
hundred thousand according to the most recent federal decennial 2089
census, the director shall select the lead entity from a list of 2090
recommendations made by the board of county commissioners of the 2091
county. The board shall submit a lead entity letter of intent 2092
and any other documentation required by the director in order 2093~~

~~for the director to select a lead entity for that county.~~ 2094

~~(b) If the county has a population of one hundred thousand or more according to the most recent federal decennial census and the county does not have a county land reutilization corporation, the director shall select the lead entity from a list of recommendations made by the board of county commissioners of the county. The board shall submit a lead entity letter of intent and any other documentation required by the director in order for the director to select a lead entity for that county.~~ 2095
2096
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2100
2101
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2103

~~(c) If the county has a population of one hundred thousand or more according to the most recent federal decennial census and the county has a county land reutilization corporation, the county land reutilization corporation is the lead entity for that county.~~ 2104
2105
2106
2107
2108

~~(5) The lead entity of each county shall submit all grant applications for that county. The lead entity shall submit with a grant application any agreements executed between the lead entity with other recipients that will receive grant money through the lead entity, if applicable. Such recipients may include local governments, nonprofit organizations, community development corporations, regional planning commissions, county land reutilization corporations, and community action agencies.~~ 2109
2110
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(C) (1) There is hereby created in the state treasury the brownfield remediation fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the fund. 2117
2118
2119
2120

The director shall reserve funds from each appropriation to the fund to each county in the state. The amount reserved 2121
2122

shall be one million dollars per county, or, if an appropriation 2123
is less than eighty-eight million dollars, a proportionate 2124
amount to each county. Amounts reserved pursuant to this section 2125
are reserved for one calendar year from the date of the 2126
appropriation. After one calendar year, the funds shall be 2127
available pursuant to division (D) of this section. 2128

(2) A lead entity may submit an initial grant application 2129
for the use of funds reserved under division (C)(1) of this 2130
section to the director. The lead entity may later submit an 2131
amended application to the director, and the director may accept 2132
and approve that application for use of funds up to the amount 2133
reserved for that county. 2134

(D) Funds from an appropriation not reserved under 2135
division (C)(1) of this section shall be available for grants to 2136
projects located anywhere in the state, and grants from those 2137
funds shall be awarded to qualifying projects on a first-come, 2138
first-served basis. ~~Grants awarded pursuant to this division~~ 2139
~~shall be limited to seventy-five per cent of a project's total~~ 2140
~~cost.~~ 2141

(E) The amendments to this section by this act apply to 2142
new projects that are applied for and awarded funding by the 2143
director of development on and after the effective date of this 2144
amendment. Projects that are applied for or were applied for 2145
under this section prior to that date shall be governed by this 2146
section as it existed prior to that date. 2147

Sec. 122.66. As used in sections 122.66 to 122.702 of the 2148
Revised Code: 2149

(A) "Poverty line" means the official poverty line 2150
established by the director of the United States office of 2151

management and budget and as revised by the secretary of health 2152
and human services in accordance with section 673(2) of the 2153
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 2154
9902. 2155

(B) "Low-income person" means a person whose adjusted 2156
gross income as defined in division (A) of section 5747.01 of 2157
the Revised Code is below the poverty line as defined in 2158
division (A) of this section. 2159

(C) "Advocacy" means the act of pleading for, supporting, 2160
or recommending actions on behalf of low-income persons. 2161

(D) "Community action agency" means a community-based and 2162
operated private nonprofit agency or organization incorporated 2163
under Chapter 1702. of the Revised Code that includes or is 2164
designed to include a sufficient number of projects or 2165
components to provide a range of services and activities having 2166
a measurable and potentially major impact on the causes of 2167
poverty in the community or those areas of the community where 2168
poverty is a particularly acute problem and is designated as a 2169
community action agency by the community services division 2170
pursuant to sections 122.68 and 122.69 of the Revised Code. A 2171
"community action agency" is not a state agency or public 2172
office. 2173

(E) "Community" means a city, village, county, multicounty 2174
or multicounty unit, a neighborhood or other area, disregarding 2175
boundaries or political subdivisions, which provides a suitable 2176
organizational base and possesses a commonality of needs and 2177
interests for a community action program suitable to be served 2178
by a community action agency. 2179

(F) "Service area" means the geographical area served by a 2180

community action agency.	2181
Sec. 122.70. The board of directors of a community action agency shall:	2182
	2183
(A) Select, appoint, and may remove the executive director of the community action agency;	2184
	2185
(B) Approve contracts, annual program budgets, and policies of the community action agency;	2186
	2187
(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes;	2188
	2189
	2190
	2191
	2192
(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty;	2193
	2194
	2195
(E) Annually evaluate the policies and programs of the community action agency according to criteria determined by <u>department of development services</u> agency rule;	2196
	2197
	2198
(F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the community services division;	2199
	2200
	2201
	2202
(G) Adopt a code of ethics for the board of directors and the employees of the community action agency;	2203
	2204
(H) Adopt written policies describing all of the following:	2205
	2206
(1) How the community action agency is to expend and	2207

distribute the community services block grant funds that it 2208
receives from the division under sections 122.68 and 122.69 of 2209
the Revised Code; 2210

(2) The salary, benefits, travel expenses, and any other 2211
compensation that persons are to receive for serving on the 2212
community action agency's board of directors; 2213

(3) The operating procedures to be used by the board to 2214
conduct its meetings, to vote on all official business it 2215
considers, and to provide notice of its meetings. 2216

The written operating procedures described in this 2217
division shall specify the methods by which the board may 2218
conduct meetings using virtual electronic technology, and shall 2219
specify that the board may provide notice of its meetings by any 2220
means deemed appropriate to the board. 2221

(I) Provide for the posting of notices in a conspicuous 2222
place indicating that the code of ethics described in division 2223
(G) of this section and the policies described in division (H) 2224
of this section are available for public inspection at the 2225
community action agency during normal business hours. 2226

Sec. 122.84. (A) As used in this section: 2227

(1) "Ohio qualified opportunity fund" means a qualified 2228
opportunity fund that holds one hundred per cent of its invested 2229
assets in qualified opportunity zone property situated in an 2230
Ohio opportunity zone. 2231

In the case of qualified opportunity zone property that is 2232
qualified opportunity zone stock or qualified opportunity zone 2233
partnership interest, the stock or interest is situated in an 2234
Ohio opportunity zone only if, during all of the qualified 2235
opportunity fund's holding period for such stock or interest, 2236

all of the use of the corporation's or partnership's tangible 2237
property was in an Ohio opportunity zone. In the case of 2238
qualified opportunity zone property that is qualified 2239
opportunity zone business property, the property is situated in 2240
an Ohio opportunity zone only if, during all of the fund's 2241
holding period for such property, all of the use of the property 2242
was in an Ohio opportunity zone. 2243

All terms used in division (A) of this section have the 2244
same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 2245
substituted for "substantially all" wherever "substantially all" 2246
appears in the definition of those terms or in the definition of 2247
terms used in those terms. 2248

(2) "Ohio opportunity zone" means a qualified opportunity 2249
zone designated in this state under 26 U.S.C. 1400Z-1 before, 2250
on, or after the effective date of the enactment of this section 2251
by H.B. 166 of the 133rd general assembly. 2252

~~(3) "Taxpayer" and "taxable year" have the same meanings~~ 2253
~~as in section 5747.01 of the Revised Code.~~ 2254

~~(4) "Qualifying taxable year" means one of the following,~~ 2255
~~as applicable:~~ 2256

~~(a) For a taxpayer, the taxpayer's taxable year that~~ 2257
~~includes the first day of a calendar year during which the Ohio~~ 2258
~~qualified opportunity fund in which the credit eligible~~ 2259
~~investment was made invests in a project located in an Ohio~~ 2260
~~opportunity zone;~~ 2261

~~(b) For a person that is not a taxpayer but is subject to~~ 2262
~~federal income taxation, the person's federal taxable year that~~ 2263
~~includes the first day of a calendar year during which an Ohio~~ 2264
~~qualified opportunity fund in which the credit eligible~~ 2265

~~investment was made invests in a project located in an Ohio-~~ 2266
~~opportunity zone;~~ 2267

~~(c) For any other person, the calendar year during which-~~ 2268
~~an Ohio qualified opportunity fund in which the credit eligible-~~ 2269
~~investment was made invests in a project located in an Ohio-~~ 2270
~~opportunity zone.~~ 2271

~~(5)~~ "Business day" means a day of the week excluding 2272
Saturday, Sunday, and a legal holiday as defined under section 2273
1.14 of the Revised Code. 2274

~~(6)~~(4) "Investment period" means the six-month period from 2275
the first day of January to the thirtieth day of June, or from 2276
the first day of July to the thirty-first day of December. 2277

(B) A person that invests in one or more Ohio qualified 2278
opportunity funds may apply to the director of development for a 2279
nonrefundable credit against the tax levied under section 2280
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 2281
application shall be made on forms prescribed by the director. 2282
The director shall accept and review applications submitted 2283
under this section during two annual periods, the first of which 2284
begins on the tenth day of January and ends after the first day 2285
of February, and the second of which begins on the tenth day of 2286
July and ends after the first day of August. If any of those 2287
dates fall on a day that is not a business day, then the 2288
application period begins on or ends after the next business 2289
day, as applicable. The credit shall equal ten per cent of the 2290
amount of the person's investment in the fund that the fund 2291
invested during the immediately preceding investment period in 2292
projects located in Ohio opportunity zones. 2293

The person shall include the following information with 2294

the person's application: 2295

(1) The amount of the person's investment in Ohio 2296
qualified opportunity funds ~~during the person's qualifying~~ 2297
~~taxable year~~, arranged according to the amount invested in each 2298
such fund if the person invested in more than one such fund; 2299

(2) A statement from an employee or officer of each Ohio 2300
qualified opportunity fund identified by the person under 2301
division (B)(1) of this section certifying the amount of the 2302
person's investment in the fund and the amount of that 2303
investment the fund invested in projects located in Ohio 2304
opportunity zones during the immediately preceding investment 2305
period. The statement shall describe each project funded by the 2306
investment and state each project's location and the portion of 2307
the person's investment invested in each such project. Unless 2308
the fund demonstrates otherwise to the director's satisfaction, 2309
the amount of a person's investment that the fund invested in a 2310
project located in an Ohio opportunity zone equals the same 2311
proportion of the amount of the fund's investment in the project 2312
as the person's investment in the fund bears to the total 2313
investment by all investors in that fund on the date the fund 2314
makes the investment in the project. 2315

The director shall review and process applications in the 2316
order in which applications are received. 2317

(C)(1) Subject to division (C)(2) of this section, if the 2318
director determines that the applicant qualifies for a credit 2319
under this section, the director shall issue, within sixty days 2320
after the last day on which an application may be submitted for 2321
that application period, a tax credit certificate to the person 2322
identified with a unique number and listing the amount of credit 2323
the director determines is eligible to be claimed or 2324

transferred. 2325

(2) The total amount of tax credits issued by the director 2326
shall not exceed: 2327

(a) Seventy-five million dollars for the fiscal biennium 2328
beginning July 1, 2021, and ending June 30, 2023; 2329

(b) Fifty million dollars for fiscal year 2024; 2330

(c) Twenty-five million dollars for each fiscal year 2331
thereafter. 2332

The director shall not issue certificates to a single 2333
applicant in any fiscal biennium in an amount that exceeds two 2334
million dollars. 2335

The director may not issue a certificate under this 2336
section on the basis of any investment for which a small 2337
business investment certificate has been issued under section 2338
122.86 of the Revised Code. 2339

(3) ~~The credit may be claimed by a taxpayer for the~~ 2340
~~taxpayer's qualifying taxable year or the next ensuing taxable~~ 2341
~~year. The taxpayer shall claim the credit in the order~~ 2342
~~prescribed by section 5747.98 of the Revised Code. Any unused~~ 2343
~~amount may be carried forward for the following five taxable~~ 2344
~~years. If the certificate is issued to a pass-through entity for~~ 2345
~~an investment by the entity, any taxpayer that is a direct or~~ 2346
~~indirect investor in the pass-through entity on the last day of~~ 2347
~~the entity's qualifying taxable year may claim the taxpayer's~~ 2348
~~proportionate or distributive share of the credit against the~~ 2349
~~taxpayer's aggregate amount of tax levied under that~~ 2350
~~section.~~person under section 5725.38, 5726.61, 5729.21, or 2351
5747.86 of the Revised Code, as applicable. A person that is not 2352
a taxpayer subject to taxation under section 5725.18, 5726.02, 2353

5729.03, or 5747.02 of the Revised Code shall not claim the 2354
credit but if the person is the applicant to which the 2355
certificate was initially issued, the person may transfer the 2356
right to claim the credit under division ~~(E)~~(D) of this section. 2357

(D) A taxpayer claiming a credit under this section shall 2358
submit a copy of the certificate with the taxpayer's return or 2359
report. 2360

(E) A person that holds a wholly or partially unclaimed 2361
certificate issued under this section may transfer the right to 2362
claim all or part of the remaining credit to any other person. 2363
To effectuate the transfer, the transferor must notify the tax 2364
commissioner, in writing, that the transferor is transferring 2365
the right to claim all or part of the remaining credit stated on 2366
the certificate. The transferor shall identify in that 2367
notification the certificate's number, the name and the tax 2368
identification number of the transferee, the amount of remaining 2369
credit transferred to the transferee, and, if applicable, the 2370
amount of remaining credit retained by the transferor. The 2371
transferee may claim the amount of credit received under this 2372
division pursuant to and in the manner required under divisions 2373
(C) (3) and (D) of this section. Transferring a credit under this 2374
division does not extend the taxable ~~years~~year or calendar year 2375
~~in for~~ which the credit may be claimed or number of years for 2376
which the unclaimed credit amount may be carried forward under 2377
~~division (C) (3) of this section~~ 5725.38, 5726.61, 5729.21, or 2378
5747.86 of the Revised Code, as applicable. 2379

Any person to which a credit has been transferred under 2380
this division may transfer the right to claim all or part of the 2381
transferred credit amount to any other person, in the same 2382
manner prescribed by this division for the initial transfer, 2383

including that any such transfer be reported by the transferor 2384
to the tax commissioner as described in this division. 2385

(F) On or before the first day of August each year, the 2386
director of development shall submit a report to the governor, 2387
the president and minority leader of the senate, and the speaker 2388
and minority leader of the house of representatives on the tax 2389
credit program authorized under this section. The report shall 2390
include the following information: 2391

(1) The number of projects funded by investments for which 2392
a tax credit application was submitted under this section during 2393
the preceding year, the Ohio opportunity zone in which each such 2394
project is located, the number of projects funded by investments 2395
for which certificates were allocated during the preceding year, 2396
a description of each such project, and the composition of an 2397
Ohio qualified opportunity fund's investments in each project 2398
funded by investments for which a tax credit application was 2399
submitted under this section; 2400

(2) The number of persons that invested in an Ohio 2401
qualified opportunity fund and applied for a tax credit based on 2402
the fund's investment in a project during the preceding year, 2403
the name of the fund in which each such investment was made, the 2404
number of persons allocated a credit for such investments under 2405
this section, and the dollar amount of those credits; 2406

(3) A map that shows the location of each Ohio opportunity 2407
zone and that indicates which zones include existing or pending 2408
projects that are, or will be, funded by tax credit-eligible 2409
investments. 2410

Sec. 125.182. (A) An Ohio trade association that 2411
represents the majority of newspapers of general circulation as 2412

defined in section 7.12 of the Revised Code shall operate and 2413
maintain the official public notice web site. 2414

Not later than one hundred eighty days after September 15, 2415
2014, in all cases in which a notice or advertisement is 2416
required by a section of the Revised Code or an administrative 2417
rule to be published in a newspaper of general circulation, or 2418
in a daily law journal as required by section 2701.09 of the 2419
Revised Code, the notice or advertisement also shall be posted 2420
on the official public notice web site by the publisher of the 2421
newspaper or journal. 2422

The operator of the official public notice web site shall: 2423

(1) Use a domain name for the web site that will be easily 2424
recognizable and remembered by and understandable to users of 2425
the web site; 2426

(2) Maintain the web site on the internet so that it is 2427
fully accessible to and searchable by members of the public at 2428
all times, other than during maintenance or acts of God outside 2429
the operator's control; 2430

(3) Not charge a fee to a person that accesses the web 2431
site to view notices or advertisements or to perform searches of 2432
the web site, provided that the operator may charge a fee for 2433
enhanced search and customized content delivery features; 2434

~~(4) Not charge a fee to a state agency or political 2435
subdivision for publishing a notice or advertisement on the web 2436
site, including when the notice or advertisement is not 2437
otherwise published in a newspaper or journal; 2438~~

~~(5) Ensure that notices and advertisements displayed on 2439
the web site conform to the requirements that would apply to the 2440
notices and advertisements if they were being published in a 2441~~

newspaper, as directed in section 7.16 of the Revised Code or in 2442
the relevant provision of the statute or rule that requires the 2443
notice, as applicable; 2444

~~(6)~~(5) Ensure that notices and advertisements continue to 2445
be displayed on the web site for not less than the length of 2446
time required by the relevant provision of the statute or rule 2447
that requires the notice or advertisement; 2448

~~(7)~~(6) Maintain an archive of notices and advertisements 2449
that no longer are displayed on the web site; 2450

~~(8)~~(7) Enable notices and advertisements, both those 2451
currently displayed and those archived, to be accessed by key 2452
word, by party name, by case number, by county, and by other 2453
useful identifiers; 2454

~~(9)~~(8) Maintain adequate systemic security and backup 2455
features, and develop and maintain a contingency plan for coping 2456
with and recovering from power outages, systemic failures, and 2457
other unforeseeable difficulties; 2458

~~(10)~~(9) Provide access to the web site to the publisher of 2459
any Ohio newspaper or daily law journal that qualifies under the 2460
Revised Code to publish notices and advertisements, for the 2461
posting of notices and advertisements at no cost, or for a 2462
reasonable, uniform fee for the service; and 2463

~~(11)~~(10) Provide, if requested, a regularly scheduled feed 2464
or similar data transfer to the department of administrative 2465
services of notices and advertisements posted on the web site, 2466
provided that the operator of the web site shall not be required 2467
to provide the feed or transfer more often than once every 2468
business day. 2469

(B) An error in a notice or advertisement posted on the 2470

official public notice web site, or a temporary web site outage 2471
or service interruption preventing the posting or display of a 2472
notice or advertisement on that web site, does not constitute a 2473
defect in making legal publication of the notice or 2474
advertisement, and publication requirements shall be considered 2475
met if the notice or advertisement published in the newspaper or 2476
daily law journal is correct. 2477

(C) The official public notice web site shall not contain 2478
any political publications or political advertising described in 2479
division (A) (1) (a), (b), or (c) of section 3517.20 of the 2480
Revised Code. 2481

(D) The publisher of a newspaper of general circulation or 2482
of a daily law journal that maintains a web site shall include 2483
on its web site a link to the official public notice web site. 2484

Sec. 147.01. (A) The secretary of state may appoint and 2485
commission as notaries public as many persons who meet the 2486
qualifications of division (B) of this section as the secretary 2487
of state considers necessary. 2488

(B) In order for a person to qualify to be appointed and 2489
commissioned as a notary public, except as provided in division 2490
(F) of this section, the person shall demonstrate to the 2491
secretary of state that the person satisfies all of the 2492
following: 2493

(1) The person has attained the age of eighteen years. 2494

(2) (a) Except as provided in division (B) (2) (b) of this 2495
section, the person is a legal resident of this state. 2496

(b) The person is not a legal resident of this state, but 2497
is an attorney admitted to the practice of law in this state by 2498
the Ohio supreme court, and has the person's principal place of 2499

business or the person's primary practice in this state. 2500

(3) (a) Except as provided in division (B) (3) (b) of this 2501
section, the person has submitted a criminal records check 2502
report completed within the preceding six months in accordance 2503
with section 147.022 of the Revised Code demonstrating that the 2504
applicant has not been convicted of or pleaded guilty or no 2505
contest to a disqualifying offense as determined in accordance 2506
with section 9.79 of the Revised Code. 2507

(b) A person that is an attorney admitted to the practice 2508
of law in this state or a peace officer shall not be required to 2509
submit a criminal records check when applying to be appointed a 2510
notary public. 2511

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 2512
of this section, the person has successfully completed an 2513
educational program and passed a test administered by the 2514
entities authorized by the secretary of state as required under 2515
section 147.021 of the Revised Code. 2516

(b) An attorney who is commissioned as a notary public in 2517
this state prior to September 20, 2019, shall not be required to 2518
complete an education program or pass a test as required in 2519
division (B) (4) (a) of this section. 2520

(c) Any attorney who applies to become commissioned as a 2521
notary public in this state after September 20, 2019, shall not 2522
be required to pass a test as required in division (B) (4) (a) of 2523
this section, but shall be required to complete an education 2524
program required by that division. 2525

~~(C)~~ (C) (1) A notary public shall be appointed and 2526
commissioned as a notary public for the state. ~~The~~ 2527

(2) The secretary of state may revoke a commission issued 2528

to a notary public upon the judgment of a court or presentation 2529
of satisfactory evidence of official misconduct or incapacity. 2530

(3) If the secretary of state revokes a person's 2531
commission, the person is ineligible for reappointment to the 2532
office of notary public. 2533

(D) The secretary of state shall oversee the processing of 2534
notary public applications and shall issue all notary public 2535
commissions. The secretary of state shall oversee the creation 2536
and maintenance of the online database of notaries public 2537
commissioned in this state pursuant to section 147.051 of the 2538
Revised Code. The secretary of state may perform all other 2539
duties as required by this section. The entities authorized by 2540
the secretary of state pursuant to section 147.021 or 147.63 of 2541
the Revised Code shall administer the educational program and 2542
required test or course of instruction and examination, as 2543
applicable. 2544

(E) All submissions to the secretary of state for 2545
receiving and renewing commissions, or notifications made under 2546
section 147.05 of the Revised Code, shall be done 2547
electronically. 2548

(F) The secretary of state shall appoint and commission as 2549
a notary public for the state an applicant who is commissioned 2550
or licensed as a notary public in another state in accordance 2551
with Chapter 4796. of the Revised Code. 2552

(G) Before entering upon the duties of office, a notary 2553
public shall personally appear before a notary public or any 2554
officer authorized by law to administer oaths, who shall 2555
administer an oath of office to the notary public. 2556

Sec. 147.011. As used in this chapter: 2557

(A) "Acknowledgment" means a declaration by an individual 2558
before a notary public that the individual has signed a record 2559
for the purpose stated in the record, and if the record is 2560
signed in a representative capacity, that the individual signed 2561
the record with proper authority and signed it as the act of the 2562
individual or entity identified in the record. 2563

(B) "Criminal records check" has the same meaning as in 2564
section 109.572 of the Revised Code. 2565

(C) "Jurat" means a notarial act in which both of the 2566
following are met: 2567

(1) The signer of the notarized document is required to 2568
give an oath or affirmation that the statement in the notarized 2569
document is true and correct; 2570

(2) The signer signs the notarized document in the 2571
presence of a notary public. 2572

(D) "Notarial certificate" means the part of, or 2573
attachment to, a document that is completed by the notary public 2574
and upon which the notary public places the notary public's 2575
signature and seal. 2576

(E) "Peace officer" has the same meaning as in section 2577
2935.01 of the Revised Code. 2578

(F) "Notary public" means an officer of the state, 2579
commissioned to perform notarial acts by the secretary of state, 2580
or prior to June 6, 2001, by the governor. A notary public is 2581
not considered an occupation or profession under Title XLVII of 2582
the Revised Code, and a notary commission is not an occupational 2583
or professional license. 2584

Sec. 147.03. Each notary public, except an attorney 2585

admitted to the practice of law in this state by the Ohio 2586
supreme court, shall hold office for the term of five years 2587
unless the commission is revoked. An attorney admitted to the 2588
practice of law in this state by the Ohio supreme court shall 2589
hold office as a notary public as long as the attorney is a 2590
resident of this state or has the attorney's principal place of 2591
business or primary practice in this state, the attorney is in 2592
good standing before the Ohio supreme court, and the commission 2593
is not revoked. ~~Before entering upon the duties of office, a~~ 2594
~~notary public shall take and subscribe an oath to be endorsed on~~ 2595
~~the notary public's commission.~~ 2596

~~A notary public who violates the oath of office required~~ 2597
~~by this section shall be removed from office by the secretary of~~ 2598
~~state, upon complaint filed and substantiated by the secretary~~ 2599
~~of state. The person so removed shall be ineligible for~~ 2600
~~reappointment to the office of notary public.~~ 2601

Sec. 147.032. (A) (1) If the secretary of state believes 2602
that a violation of this chapter has occurred, the secretary of 2603
state may investigate such violations. 2604

(2) The secretary of state may investigate possible 2605
violations of this chapter upon a signed complaint from any 2606
person. 2607

~~(B) The secretary of state may hold a disciplinary hearing~~ 2608
~~if the secretary of state determines a hearing to be appropriate~~ 2609
~~after an investigation conducted under division (A) of this~~ 2610
~~section.~~ 2611

~~(C) After holding an administrative hearing and concluding~~ 2612
~~that a violation of this chapter has occurred, After an~~ 2613
~~investigation, the secretary of state may ~~do~~ take any of the~~ 2614

following <u>actions</u> :	2615
(1) Revoke the notary public's commission;	2616
(2) Suspend the notary public's commission for a specified period of time or until fulfillment of a condition, such as retraining, or both.	2617 2618 2619
(3) Issue a letter of admonition that shall be placed in the notary public's record.	2620 2621
<u>(C) A notary public shall cooperate fully with the secretary of state during the course of an investigation under this section, including by responding in a timely manner to all questions posed by the secretary of state as part of that investigation. The secretary of state shall revoke the commission of a notary public who does not cooperate or respond to questions as required by this division.</u>	2622 2623 2624 2625 2626 2627 2628
<u>(D) The secretary of state may revoke the commission of a notary public for any act or omission by the notary public that demonstrates the notary public lacks the requisite honesty, integrity, competence, or reliability to act as a notary public, including any of the following:</u>	2629 2630 2631 2632 2633
<u>(1) Failure to administer an oath or affirmation when executing a jurat;</u>	2634 2635
<u>(2) Performing a notarial act without requiring personal appearance, except in the case of an online notary public performing an online notarization in accordance with sections 147.60 to 147.66 of the Revised Code;</u>	2636 2637 2638 2639
<u>(3) Fraudulent, dishonest, or deceitful misstatement or omission on a notarial certificate.</u>	2640 2641
<u>(E) A person whose notary commission has been revoked may</u>	2642

not apply for a subsequent notary commission. 2643

~~(E)~~ (F) The secretary of state may adopt rules under 2644
Chapter 119. of the Revised Code to set forth procedures for 2645
investigations and hearings regarding violations of this chapter 2646
and disciplinary actions taken. 2647

~~(F)~~ (G) The secretary of state may establish an advisory 2648
board to meet as the secretary of state considers necessary to 2649
discuss matters related to notary law and procedures. 2650

Sec. 147.051. The secretary of state shall maintain a 2651
database of notaries public on a publicly accessible web site. 2652
The web site shall provide all of the following information in 2653
relation to each notary public: 2654

(A) ~~A verification of the authority and good standing of~~ 2655
~~the individual~~ The status of an individual's authority to 2656
perform notarial acts; 2657

(B) Whether the notary is ~~registered~~ authorized to perform 2658
online notarizations, as defined in section 147.60 of the 2659
Revised Code; 2660

(C) A description of any administrative or disciplinary 2661
action taken against the notary. 2662

Sec. 147.07. A notary public ~~may, throughout the state,~~ 2663
~~administer oaths required or authorized by law, take and certify~~ 2664
~~depositions, and take and certify acknowledgments of deeds,~~ 2665
~~mortgages, liens, powers of attorney, and other instruments of~~ 2666
~~writing. In taking depositions, a notary public shall have the~~ 2667
~~power that is by law vested in judges of county courts to compel~~ 2668
~~the attendance of witnesses and punish them for refusing to~~ 2669
~~testify. Sheriffs and constables are required to serve and~~ 2670
~~return all process issued by notaries public in the taking of~~ 2671

~~depositions~~has statewide jurisdiction. 2672

Sec. 147.08. (A) A notary public is entitled to the 2673
following fees: 2674

⊕ 2675

(1) Up to five dollars for any notarial act that is not an 2676
online notarization; 2677

(2) For an online notarization, up to ~~twenty-five~~thirty 2678
dollars. 2679

(B) A notary charging the fee authorized under division 2680
(A) (2) of this section shall not also charge the fee authorized 2681
under division (A) (1) of this section. 2682

(C) The fees charged under division (A) of this section 2683
shall not be calculated on a per signature basis. 2684

(D) In addition to the fees authorized under division (A) 2685
of this section, a notary may charge ~~a~~either or both of the 2686
following: 2687

(1) A reasonable travel fee, as agreed to by the notary 2688
and the principal prior to the notarial act; 2689

(2) A technology fee up to ten dollars for the use of an 2690
online notarization system when performing an online 2691
notarization, as defined in section 147.60 of the Revised Code. 2692
A notary may charge a technology fee regardless of whether the 2693
notarial act is completed, such as when a signer fails to pass 2694
the identification process in the online notarization system, 2695
but the total technology fee charged shall not exceed ten 2696
dollars per online notarization session. 2697

(E) The secretary of state may adopt rules under Chapter 2698

119. of the Revised Code to increase the fees authorized under this section.	2699 2700
Sec. 147.141. (A) A notary public shall not do any of the following:	2701 2702
(1) Perform a notarial act with regard to a record or document executed by the notary;	2703 2704
(2) Notarize the notary's own signature;	2705
(3) Take the notary's own deposition;	2706
(4) Perform a notarial act if the notary has a conflict of interest with regard to the transaction in question;	2707 2708
(5) Certify that a document is either of the following:	2709
(a) An original document;	2710
(b) A true copy of another record.	2711
(6) Use a name or initial in signing certificates other than that by which the notary public is commissioned;	2712 2713
(7) Sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits the notary's ability to make a written signature and unless the notary has first submitted written notice to the secretary of state with an example of the facsimile signature stamp;	2714 2715 2716 2717 2718 2719
(8) Affix the notary's signature to a blank form of an affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment;	2720 2721 2722 2723
(9) Take the acknowledgment of, or administer an oath or affirmation to, a person who the notary public knows to have	2724 2725

been adjudicated mentally incompetent by a court of competent jurisdiction, if the acknowledgment or oath or affirmation necessitates the exercise of a right that has been removed;	2726 2727 2728
(10) Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization;	2729 2730 2731
(11) Alter anything in a written instrument after it has been signed by anyone;	2732 2733
(12) Amend or alter a notarial certificate after the notarization is complete;	2734 2735
(13) Notarize a signature on a document if the document is incomplete or blank;	2736 2737
(14) Notarize a signature on a document if it appears that the signer may be unduly influenced or coerced so as to be restricted from or compromised in exercising the person's own free will when signing the document;	2738 2739 2740 2741
(15) Take an acknowledgment of execution in lieu of an oath or affirmation if an oath or affirmation is required;	2742 2743
(16) <u>Execute a jurat without administering an oath or affirmation to the signer;</u>	2744 2745
<u>(17) Determine the validity of a power of attorney document or any other form designating a representative capacity, such as trustee, authorized officer, agent, personal representative, or guardian, unless that notary is an attorney licensed to practice law in this state;</u>	2746 2747 2748 2749 2750
<u>(18) Charge or accept a fee greater than the amount prescribed by law.</u>	2751 2752

(B) Division (A) (5) of this section shall not be construed 2753
as prohibiting a notary from notarizing the signature of a 2754
holder of a document on a written statement certifying that the 2755
document is a true copy of an original document. 2756

(C) As used in this section, "conflict of interest" means 2757
either of the following: 2758

(1) The notary has a direct financial or other interest in 2759
the transaction in question, excluding the fees authorized under 2760
this chapter. 2761

(2) The notary is named, individually or as a grantor, 2762
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 2763
vendor, lessor, or lessee, or as a party in some other capacity 2764
to the transaction. 2765

Sec. 147.371. (A) Upon receipt of a fee of two dollars ~~and~~ 2766
~~an affidavit that the original commission of a notary public has~~ 2767
~~been lost or destroyed~~ and submission of the electronic duplicate 2768
commission request form, a duplicate commission as notary public 2769
shall be issued by the secretary of state. 2770

(B) Upon receipt of a fee of two dollars and ~~the properly~~ 2771
~~completed, prescribed form~~ submission of the electronic 2772
amendment form for a name ~~and address~~ change under division (B) 2773
of section 147.05 of the Revised Code, the secretary of state 2774
shall issue a duplicate commission as a notary public. 2775

(C) The secretary of state shall prescribe and make 2776
available an electronic duplicate commission request form and an 2777
electronic amendment form. 2778

Sec. 147.49. (A) A notary public who takes an 2779
acknowledgment of a record shall determine, from personal 2780
knowledge or satisfactory evidence of the identity of the person 2781

acknowledging, that the person appearing before the notary 2782
public and making the acknowledgment has the identity claimed 2783
and that the signature on the record is the signature of the 2784
person. 2785

(B) A notary public who takes a verification of a 2786
statement on oath or affirmation, a jurat, shall determine from 2787
personal knowledge or satisfactory evidence of the identity of 2788
the person making the verification, that the person appearing 2789
before the notary public and making the verification has the 2790
identity claimed and that the signature on the statement 2791
verified is the signature of the person. 2792

Sec. 147.50. (A) A notary public has personal knowledge of 2793
the identity of the person appearing before the notary public if 2794
the person is personally known to the notary public through 2795
dealings sufficient to provide reasonable certainty that the 2796
person has the identity claimed. 2797

(B) A notary public has satisfactory evidence of the 2798
identity of the person appearing before the notary public if the 2799
notary public can identify the person by either of the following 2800
means: 2801

(1) An inspection of a passport, driver's license, 2802
government-issued nondriver identification card, or other form 2803
of government-issued identification with the signature or 2804
photograph of the individual, which is current or expired not 2805
more than three years before performance of the notarial act, 2806
and is satisfactory to the notary public; 2807

(2) By verification on oath or affirmation of a credible 2808
witness personally appearing before the notary public and 2809
personally known to the notary public or whom the notary public 2810

can identify on the basis of a passport, driver's license, or 2811
other government-issued nondriver identification card, which is 2812
current or expired not more than three years before performance 2813
of the notarial act. A witness is not credible if the witness 2814
has a conflict of interest regarding the transaction. 2815

(C) A notary public may require a person to provide 2816
additional information or identification credentials necessary 2817
to assure the notary public of the identity of the person. 2818

(D) As used in this section, "conflict of interest" means 2819
either of the following: 2820

(1) The person has a direct financial or other interest in 2821
the transaction in question. 2822

(2) The person is named, individually or as a grantor, 2823
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 2824
vendor, lessor, or lessee, or as a party in some other capacity 2825
to the transaction. 2826

~~**Sec. 147.51.** For the purposes of sections 147.51 to 147.58~~ 2827
~~of the Revised Code, "notarial acts" means acts which the laws~~ 2828
~~and regulations of this state authorize notaries public of this~~ 2829
~~state to perform, including the administration of oaths and~~ 2830
~~affirmations, taking proof of execution and acknowledgment of~~ 2831
~~instruments, attesting documents, and executing a jurat.~~ 2832

(A) A notary public, or any other individual with similar 2833
authority under this section, is authorized to perform the 2834
following notarial acts: 2835

(1) Administer oaths or affirmations required or 2836
authorized by law; 2837

(2) Take and certify acknowledgments of deeds, mortgages, 2838

liens, powers of attorney, and other instruments of writing; 2839

(3) Take and certify depositions. In taking depositions, a 2840
notary public shall have the power that is by law vested in 2841
judges of county courts to compel the attendance of witnesses 2842
and punish them for refusing to testify. Sheriffs and constables 2843
are required to serve and return all process issued by notaries 2844
public in the taking of depositions. 2845

(B) Notarial acts may be performed outside this state for 2846
use in this state with the same effect as if performed by a 2847
notary public of this state by the following persons authorized 2848
pursuant to the laws and regulations of other governments, in 2849
addition to any other persons authorized by the laws and 2850
regulations of this state: 2851

~~(A)~~ (1) A notary public authorized to perform notarial 2852
acts in the place in which the act is performed; 2853

~~(B)~~ (2) A judge, clerk, or deputy clerk of any court of 2854
record in the place in which the notarial act is performed; 2855

~~(C)~~ (3) An officer of the foreign service of the United 2856
States, a consular agent, or any other person authorized by 2857
regulation of the United States department of state to perform 2858
notarial acts in the place in which the act is performed; 2859

~~(D)~~ (4) A commissioned officer in active service with the 2860
armed forces of the United States and any other person 2861
authorized by regulation of the armed forces to perform notarial 2862
acts if the notarial act is performed for one of the following 2863
or for a dependent of one of the following: 2864

~~(1)~~ (a) A member of the merchant marines of the United 2865
States; 2866

(2) <u>(b)</u> A member of the armed forces of the United States;	2867
(3) <u>(c)</u> Any other person serving with or accompanying the armed forces of the United States.	2868 2869
(E) <u>(5)</u> Any other person authorized to perform notarial acts in the place in which the act is performed.	2870 2871
Sec. 147.52. (A) If the notarial act is performed by any of the persons described in divisions (A) to (D) <u>and (B)</u> of section 147.51 of the Revised Code, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his <u>the person's</u> authority is not required.	2872 2873 2874 2875 2876 2877 2878 2879
(B) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:	2880 2881 2882 2883
(1) Either a foreign service officer of the United States residing in the country in which the act is performed or a diplomatic or consular officer of the foreign country residing in the United States certifies that a person holding that office is authorized to perform the act;	2884 2885 2886 2887 2888
(2) The official seal of the person performing the notarial act is affixed to the document; or	2889 2890
(3) The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.	2891 2892 2893 2894

(C) If the notarial act is performed by a person other 2895
than one described in divisions (A) and (B) of this section, 2896
there is sufficient proof of the authority of that person to act 2897
if the clerk of a court of record in the place in which the 2898
notarial act is performed certifies to the official character of 2899
that person and to ~~his~~ that person's authority to perform the 2900
notarial act. 2901

(D) The signature and title of the person performing the 2902
act are prima-facie evidence that ~~he~~ the person is a person with 2903
the designated title and that the signature is genuine. 2904

Sec. 147.53. (A) The person taking an acknowledgment shall 2905
certify that: 2906

~~(A) The~~ the person acknowledging appeared before ~~him~~ the 2907
notary public and acknowledged ~~he executed~~ executing the 2908
instrument. 2909

~~(B) The person acknowledging was known to the person~~ 2910
~~taking the acknowledgment, or that the person taking the~~ 2911
~~acknowledgment had satisfactory evidence that the person~~ 2912
~~acknowledging was the person described in and who executed the~~ 2913
~~instrument~~ words in an acknowledgment notarial certificate 2914
"acknowledged before me" mean that: 2915

(1) The person acknowledging appeared before the person 2916
taking the acknowledgment; 2917

(2) The person acknowledging acknowledged executing the 2918
instrument; 2919

(3) In the case of: 2920

(a) A natural person, the person executed the instrument 2921
for the purposes therein stated; 2922

(b) A corporation, the officer or agent acknowledged 2923
holding the position or title set forth in the instrument and 2924
certificate, the officer or agent signed the instrument on 2925
behalf of the corporation by proper authority, and the 2926
instrument was the act of the corporation for the purpose 2927
therein stated; 2928

(c) A limited liability company, the member, manager, or 2929
agent acknowledged signing the instrument on behalf of the 2930
limited liability company by proper authority and the member, 2931
manager, or agent executed the instrument as the act of the 2932
limited liability company for the purposes therein stated; 2933

(d) A partnership, the partner or agent acknowledged 2934
signing the instrument on behalf of the partnership by proper 2935
authority and the partner or agent executed the instrument as 2936
the act of the partnership for the purposes therein stated; 2937

(e) A person acknowledging as principal by an attorney in 2938
fact, the attorney in fact executed the instrument by proper 2939
authority as the act of the principal for the purposes therein 2940
stated; 2941

(f) A person acknowledging as a public officer, trustee, 2942
administrator, guardian, or other representative, the person 2943
signed the instrument by proper authority and the person 2944
executed the instrument in the capacity and for the purposes 2945
stated. 2946

(4) The person taking the acknowledgment either knew or 2947
had satisfactory evidence that the person acknowledging was the 2948
person named in the instrument or certificate. 2949

Sec. 147.54. (A) The person executing a jurat shall 2950
certify all of the following: 2951

<u>(1) The signer appeared before the notary public;</u>	2952
<u>(2) The notary public administered an oath or affirmation</u>	2953
<u>to the signer that the statement in the jurat is true and</u>	2954
<u>correct;</u>	2955
<u>(3) The signer signed the document in the presence of the</u>	2956
<u>notary public.</u>	2957
<u>(B) The oath or affirmation administered by the notary</u>	2958
<u>public to the signer of a jurat shall include one of the</u>	2959
<u>following questions, or substantially similar questions:</u>	2960
<u>(1) "Do you solemnly swear that the statements in this</u>	2961
<u>document are true, so help you God?"</u>	2962
<u>(2) "Do you affirm, under penalty of perjury, that the</u>	2963
<u>statements in this document are true?"</u>	2964
Sec. 147.542. (A) A notary public shall provide a	2965
completed notarial certificate for every notarial act the notary	2966
public performs.	2967
(B) If a notarial certificate incorrectly indicates the	2968
type of notarization performed, the notary public shall provide	2969
a correct certificate at no charge to the person signing in	2970
question.	2971
(C) A jurat certificate shall state that an oath or	2972
affirmation was administered to the signer with regard to the	2973
notarial act <u>The form of a notarial certificate used by a person</u>	2974
<u>whose authority is recognized under section 147.51 of the</u>	2975
<u>Revised Code shall be accepted in this state if any of the</u>	2976
<u>following apply:</u>	2977
<u>(1) The notarial certificate is in a form prescribed by</u>	2978
<u>the laws or regulations of this state;</u>	2979

(2) The notarial certificate is in a form prescribed by 2980
the laws or regulations applicable in the place in which the 2981
notarial act is performed; 2982

(3) The certificate contains the words: 2983

(a) "Acknowledged before me," or their substantial 2984
equivalent, when taking an acknowledgment; 2985

(b) "Sworn to and subscribed before me," "affirmed to and 2986
subscribed before me," or their substantial equivalent, when 2987
executing a jurat. 2988

(D) (1) A notary public shall not use an acknowledgment 2989
certificate with regard to a notarial act in which an oath or 2990
affirmation has been administered. 2991

(2) A notary public shall not use a jurat certificate with 2992
regard to a notarial act in which an oath or affirmation has not 2993
been administered. 2994

(E) A certificate required under this section may be 2995
provided through any of the following means: 2996

(1) Preprinting on a notarial document; 2997

(2) Ink stamp; 2998

(3) Handwritten note; 2999

(4) A separate, attached document. 3000

(F) A notarial certificate shall show all of the following 3001
information: 3002

(1) The state and county venue where the notarization is 3003
being performed; 3004

(2) The wording of the acknowledgment or jurat in 3005

question;	3006
(3) The date on which the notarial act was performed;	3007
(4) The signature of the notary, exactly as shown on the notary's commission;	3008 3009
(5) The notary's printed name, displayed below the notary's signature or inked stamp;	3010 3011
(6) The notary's notarial seal and commission expiration date;	3012 3013
(7) If an electronic document was signed in the physical presence of a notary and notarized pursuant to section 147.591 of the Revised Code, or if an online notarization was performed pursuant to sections 147.60 to 147.66 of the Revised Code, the certificate shall include a statement to that effect.	3014 3015 3016 3017 3018
(G) A notary public may explain to a signer the difference between an acknowledgment and a jurat, but shall not, unless that notary is an attorney, advise the person on the type of notarial act that best suits a situation.	3019 3020 3021 3022
Sec. 147.591. (A) As used in this section, "electronic document," "electronic seal," "electronic signature," and "online notarization" have the same meanings as in section 147.60 of the Revised Code.	3023 3024 3025 3026
(B) (1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document.	3027 3028 3029 3030
(2) Notwithstanding any other provision of the Revised Code to the contrary, a digital copy of a document executed electronically by the parties and acknowledged or sworn before a	3031 3032 3033

notary acting pursuant to this section shall be accepted by 3034
county auditors, clerks of courts of record, deputy registrars, 3035
engineers, and recorders for purposes of approval, transfer, and 3036
recording to the same extent as any other document that is 3037
submitted by an electronic recording method and shall not be 3038
rejected solely by reason of containing electronic signatures or 3039
an electronic notarization, including an online notarization. 3040

(3) A county auditor, clerk of a court of record, deputy 3041
registrar, engineer, and recorder shall accept a printed 3042
document that was executed electronically for purposes of 3043
approval, transfer, and recording if that document contains an 3044
attached authenticator certificate in the following, or a 3045
substantially similar, format: 3046

"AUTHENTICATOR CERTIFICATE 3047

I certify and warrant that the foregoing and annexed paper 3048
document being presented for record, to which this certification 3049
is attached, represents a true, exact, complete, and unaltered 3050
copy of the original electronic document. The county offices of 3051
the auditor, treasurer, recorder, and others necessary to 3052
effectuate the transfer and recording of the instrument shall be 3053
entitled to rely on such certification and warranty for all 3054
purposes. 3055

_____ [signature of authenticator] 3056

_____ [printed name of authenticator] 3057

_____ [street address of authenticator] 3058

_____ [city, state, zip code of 3059
authenticator] 3060

_____ [telephone number of 3061

authenticator] 3062

3063

1

2

A State of _____)

B _____):ss

C County of _____)

The foregoing authenticator certificate was subscribed and 3064

sworn to in my presence by _____ [printed 3065

name of authenticator] on this ____ day of _____, 20__ 3066

_____ 3067

Notary Public" 3068

(C) An authenticator certificate may not be signed or 3069

notarized with an electronic signature or electronic seal, 3070

either in person or through the use of an online notarization 3071

system. 3072

(D) Any notary public may obtain an electronic seal and an 3073

electronic signature for the purposes of notarizing documents 3074

under this section. 3075

~~(D)~~ (E) A notary public shall comply with the provisions 3076

of section 147.66 of the Revised Code pertaining to the 3077

electronic seal and electronic signature. 3078

Sec. 147.60. As used in this section and sections 147.61 3079

to 147.66 of the Revised Code: 3080

(A) "Appear in person" means being in the same physical 3081

location as another person and being close enough to hear, 3082
communicate with, and exchange tangible identification 3083
credentials with that individual. "Appear in person" also means 3084
being in a different location as another person and interacting 3085
with that individual by means of live two-way, audio-video 3086
communication. 3087

(B) "Credential analysis" means a process or service 3088
operating according to standards adopted by the secretary of 3089
state under section 147.62 of the Revised Code through which a 3090
third person affirms the validity of a government-issued 3091
identification credential through review of public and 3092
proprietary data sources. 3093

(C) "Electronic" means relating to technology having 3094
electrical, digital, magnetic, wireless, optical, 3095
electromagnetic, or similar capabilities. 3096

(D) "Electronic document" means information that is 3097
created, generated, sent, communicated, received, or stored in 3098
an electronic medium and is retrievable in perceivable form. 3099

(E) "Electronic seal" means information within a notarized 3100
electronic document to which all of the following apply: 3101

(1) The information confirms the notary public's name, 3102
jurisdiction, and commission expiration date. 3103

(2) The information generally corresponds to the contents, 3104
layout, and format of the notary public's seal for use on paper 3105
documents, as required under section 147.04 of the Revised Code. 3106

(F) "Electronic signature" means an electronic sound, 3107
symbol, or process attached to or logically associated with an 3108
electronic document and executed or adopted by a natural person 3109
with the intent to sign the electronic document. 3110

(G) "Identity proofing" means a process or service 3111
operating according to standards adopted by the secretary of 3112
state under section 147.62 of the Revised Code through which a 3113
third person affirms the identity of a natural person through 3114
the review of personal information from public and proprietary 3115
data sources. 3116

(H) "Notarial act" means the performance of a function 3117
authorized under ~~sections 147.07 and section~~ 147.51 of the 3118
Revised Code. "Notarial act" does not include the taking or 3119
certifying of depositions. 3120

(I) "Online notarization" means a notarial act performed 3121
by means of live two-way video and audio conference technology 3122
that conforms to the standards adopted by the secretary of state 3123
under section 147.62 of the Revised Code. 3124

(J) "Online notary public" means a notary public who has 3125
been duly appointed and commissioned under section 147.01 of the 3126
Revised Code and has received authorization by the secretary of 3127
state under section 147.63 of the Revised Code to perform online 3128
notarizations. 3129

(K) "Principal" means a natural person whose electronic 3130
signature is notarized in an online notarization, or the natural 3131
person taking an oath or affirmation from the online notary 3132
public. "Principal" does not include a natural person taking an 3133
oath or giving an affirmation in the capacity of a witness for 3134
the online notarization. 3135

(L) "Remote presentation" means transmission to an online 3136
notary public through live two-way video and audio conference 3137
technology of an image of a government-issued identification 3138
credential that is of sufficient quality to enable the online 3139

notary public to identify the principal seeking the online 3140
notary public's services and to perform credential analysis. 3141

(M) "Territory of the United States" means the United 3142
States, Puerto Rico, the United States Virgin Islands, and any 3143
territory, insular possession, or other location subject to the 3144
jurisdiction of the United States. 3145

Sec. 147.99. ~~(A)~~ Whoever violates section 147.10 of the 3146
Revised Code shall be fined not more than five hundred dollars. 3147

~~(B) Whoever violates section 147.14 of the Revised Code 3148
shall be fined not more than one hundred dollars or imprisoned 3149
not more than thirty days, or both. 3150~~

Sec. 149.311. (A) As used in this section: 3151

(1) "Historic building" means a building, including its 3152
structural components, that is located in this state and that is 3153
either individually listed on the national register of historic 3154
places under 16 U.S.C. 470a, located in a registered historic 3155
district, and certified by the state historic preservation 3156
officer as being of historic significance to the district, or is 3157
individually listed as an historic landmark designated by a 3158
local government certified under 16 U.S.C. 470a(c). 3159

(2) "Qualified rehabilitation expenditures" means 3160
expenditures paid or incurred during the rehabilitation period, 3161
and before and after that period as determined under 26 U.S.C. 3162
47, by an owner or qualified lessee of an historic building to 3163
rehabilitate the building. "Qualified rehabilitation 3164
expenditures" includes architectural or engineering fees paid or 3165
incurred in connection with the rehabilitation, and expenses 3166
incurred in the preparation of nomination forms for listing on 3167
the national register of historic places. "Qualified 3168

rehabilitation expenditures" does not include any of the	3169
following:	3170
(a) The cost of acquiring, expanding, or enlarging an	3171
historic building;	3172
(b) Expenditures attributable to work done to facilities	3173
related to the building, such as parking lots, sidewalks, and	3174
landscaping;	3175
(c) New building construction costs.	3176
(3) "Owner" of an historic building means a person holding	3177
the fee simple interest in the building. "Owner" does not	3178
include the state or a state agency, or any political	3179
subdivision as defined in section 9.23 of the Revised Code.	3180
(4) "Qualified lessee" means a person subject to a lease	3181
agreement for an historic building and eligible for the federal	3182
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"	3183
does not include the state or a state agency or political	3184
subdivision as defined in section 9.23 of the Revised Code.	3185
(5) "Certificate owner" means the owner or qualified	3186
lessee of an historic building to which a rehabilitation tax	3187
credit certificate was issued under this section.	3188
(6) "Registered historic district" means an historic	3189
district listed in the national register of historic places	3190
under 16 U.S.C. 470a, an historic district designated by a local	3191
government certified under 16 U.S.C. 470a(c), or a local	3192
historic district certified under 36 C.F.R. 67.8 and 67.9.	3193
(7) "Rehabilitation" means the process of repairing or	3194
altering an historic building or buildings, making possible an	3195
efficient use while preserving those portions and features of	3196

the building and its site and environment that are significant 3197
to its historic, architectural, and cultural values. 3198

(8) "Rehabilitation period" means one of the following: 3199

(a) If the rehabilitation initially was not planned to be 3200
completed in stages, a period chosen by the owner or qualified 3201
lessee not to exceed twenty-four months during which 3202
rehabilitation occurs; 3203

(b) If the rehabilitation initially was planned to be 3204
completed in stages, a period chosen by the owner or qualified 3205
lessee not to exceed sixty months during which rehabilitation 3206
occurs. Each stage shall be reviewed as a phase of a 3207
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 3208
successor to that section. 3209

(9) "State historic preservation officer" or "officer" 3210
means the state historic preservation officer appointed by the 3211
governor under 16 U.S.C. 470a. 3212

(10) "Catalytic project" means the rehabilitation of an 3213
historic building, the rehabilitation of which will foster 3214
economic development within two thousand five hundred feet of 3215
the historic building. 3216

(B) The owner or qualified lessee of an historic building 3217
may apply to the director of development for a rehabilitation 3218
tax credit certificate for qualified rehabilitation expenditures 3219
paid or incurred by such owner or qualified lessee after April 3220
4, 2007, for rehabilitation of an historic building. If the 3221
owner of an historic building enters a pass-through agreement 3222
with a qualified lessee for the purposes of the federal 3223
rehabilitation tax credit under 26 U.S.C. 47, the qualified 3224
rehabilitation expenditures paid or incurred by the owner after 3225

April 4, 2007, may be attributed to the qualified lessee. 3226

The form and manner of filing such applications shall be 3227
prescribed by rule of the director. Each application shall state 3228
the amount of qualified rehabilitation expenditures the 3229
applicant estimates will be paid or incurred and shall indicate 3230
whether the historic building was used as a theater before, and 3231
is intended to be used as a theater after, the rehabilitation. 3232
The director may require applicants to furnish documentation of 3233
such estimates. 3234

The director, after consultation with the tax commissioner 3235
and in accordance with Chapter 119. of the Revised Code, shall 3236
adopt rules that establish all of the following: 3237

(1) Forms and procedures by which applicants may apply for 3238
rehabilitation tax credit certificates; 3239

(2) Criteria for reviewing, evaluating, and approving 3240
applications for certificates within the limitations under 3241
division (D) of this section, criteria for assuring that the 3242
certificates issued encompass a mixture of high and low 3243
qualified rehabilitation expenditures, and criteria for issuing 3244
certificates under division (C) (3) (b) of this section; 3245

(3) Eligibility requirements for obtaining a certificate 3246
under this section; 3247

(4) The form of rehabilitation tax credit certificates; 3248

(5) Reporting requirements and monitoring procedures; 3249

(6) Procedures and criteria for conducting cost-benefit 3250
analyses of historic buildings that are the subjects of 3251
applications filed under this section. The purpose of a cost- 3252
benefit analysis shall be to determine whether rehabilitation of 3253

the historic building will result in a net revenue gain in state 3254
and local taxes once the building is used. 3255

(7) Any other rules necessary to implement and administer 3256
this section. 3257

(C) The director shall review the applications with the 3258
assistance of the state historic preservation officer and 3259
determine whether all of the following criteria are met: 3260

(1) That the building that is the subject of the 3261
application is an historic building and the applicant is the 3262
owner or qualified lessee of the building; 3263

(2) That the rehabilitation will satisfy standards 3264
prescribed by the United States secretary of the interior under 3265
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 3266
successor to that section; 3267

(3) That receiving a rehabilitation tax credit certificate 3268
under this section is a major factor in: 3269

(a) The applicant's decision to rehabilitate the historic 3270
building; or 3271

(b) To increase the level of investment in such 3272
rehabilitation. 3273

(4) The historic building that is the subject of the 3274
application is not, and will not upon completion of the 3275
rehabilitation project be, part of a qualified low-income 3276
housing project allocated a tax credit pursuant to section 42 of 3277
the Internal Revenue Code. 3278

An applicant shall demonstrate to the satisfaction of the 3279
state historic preservation officer and director that the 3280
rehabilitation will satisfy the standards described in division 3281

(C) (2) of this section before the applicant begins the physical 3282
rehabilitation of the historic building. 3283

(D) (1) If the director determines that an application 3284
meets the criteria in division (C) of this section, the director 3285
shall conduct a cost-benefit analysis for the historic building 3286
that is the subject of the application to determine whether 3287
rehabilitation of the historic building will result in a net 3288
revenue gain in state and local taxes once the building is used. 3289
The director shall consider the results of the cost-benefit 3290
analysis in determining whether to approve the application. The 3291
director shall also consider the potential economic impact and 3292
the regional distributive balance of the credits throughout the 3293
state. The director shall not consider whether the historic 3294
building is located in or will benefit an economically 3295
distressed area, including by weighting preference based on the 3296
poverty rate in the jurisdiction or census tract in which the 3297
building is located. The director may approve an application 3298
only after completion of the cost-benefit analysis. 3299

(2) A rehabilitation tax credit certificate shall not be 3300
issued for an amount greater than the estimated amount furnished 3301
by the applicant on the application for such certificate and 3302
approved by the director. The director shall not approve more 3303
than a total of one hundred twenty million dollars of 3304
rehabilitation tax credits for each of fiscal years 2023 and 3305
2024, and sixty million dollars of rehabilitation tax credits 3306
for each fiscal year thereafter but the director may reallocate 3307
unused tax credits from a prior fiscal year for new applicants 3308
and such reallocated credits shall not apply toward the dollar 3309
limit of this division. 3310

(3) For rehabilitations with a rehabilitation period not 3311

exceeding twenty-four months as provided in division (A) (8) (a) 3312
of this section, a rehabilitation tax credit certificate shall 3313
not be issued before the rehabilitation of the historic building 3314
is completed. 3315

(4) For rehabilitations with a rehabilitation period not 3316
exceeding sixty months as provided in division (A) (8) (b) of this 3317
section, a rehabilitation tax credit certificate shall not be 3318
issued before a stage of rehabilitation is completed. After all 3319
stages of rehabilitation are completed, if the director cannot 3320
determine that the criteria in division (C) of this section are 3321
satisfied for all stages of rehabilitations, the director shall 3322
certify this finding to the tax commissioner, and any 3323
rehabilitation tax credits received by the applicant shall be 3324
repaid by the applicant and may be collected by assessment as 3325
unpaid tax by the commissioner. 3326

(5) The director shall require the applicant to provide a 3327
third-party cost certification by a certified public accountant 3328
of the actual costs attributed to the rehabilitation of the 3329
historic building when qualified rehabilitation expenditures 3330
exceed two hundred thousand dollars. 3331

If an applicant whose application is approved for receipt 3332
of a rehabilitation tax credit certificate fails to provide to 3333
the director sufficient evidence of reviewable progress, 3334
including a viable financial plan, copies of final construction 3335
drawings, and evidence that the applicant has obtained all 3336
historic approvals within twelve months after the date the 3337
applicant received notification of approval, and if the 3338
applicant fails to provide evidence to the director that the 3339
applicant has secured and closed on financing for the 3340
rehabilitation within eighteen months after receiving 3341

notification of approval, the director may rescind the approval 3342
of the application. The director shall notify the applicant if 3343
the approval has been rescinded. Credits that would have been 3344
available to an applicant whose approval was rescinded shall be 3345
available for other qualified applicants. Nothing in this 3346
division prohibits an applicant whose approval has been 3347
rescinded from submitting a new application for a rehabilitation 3348
tax credit certificate. 3349

(6) The director may approve the application of, and issue 3350
a rehabilitation tax credit certificate to, the owner of a 3351
catalytic project, provided the application otherwise meets the 3352
criteria described in divisions (C) and (D) of this section. The 3353
director may not approve more than one application for a 3354
rehabilitation tax credit certificate under division (D)(6) of 3355
this section during each state fiscal biennium. The director 3356
shall not approve an application for a rehabilitation tax credit 3357
certificate under division (D)(6) of this section during the 3358
state fiscal biennium beginning July 1, 2017, or during any 3359
state fiscal biennium thereafter. The director shall consider 3360
the following criteria in determining whether to approve an 3361
application for a certificate under division (D)(6) of this 3362
section: 3363

(a) Whether the historic building is a catalytic project; 3364

(b) The effect issuance of the certificate would have on 3365
the availability of credits for other applicants that qualify 3366
for a credit certificate within the credit dollar limit 3367
described in division (D)(2) of this section; 3368

(c) The number of jobs, if any, the catalytic project will 3369
create. 3370

(7) (a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D) (6) of this section. In such a case, the director shall consider each application at the time the application is submitted.

(b) The director shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.

(8) The director shall give consideration for tax credits awarded under this section to rehabilitations of historic buildings used as a theater before, and intended to be used as a theater after, the rehabilitation. In determining whether to approve an application for such a rehabilitation, the director shall consider the extent to which the rehabilitation will increase attendance at the theater and increase the theater's gross revenue.

(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete.

(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C) (1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may

be claimed is subject to inspection and examination by the tax 3401
commissioner or employees of the commissioner under section 3402
5703.19 of the Revised Code and any other applicable law. Upon 3403
the issuance of a certificate, the director shall certify to the 3404
tax commissioner, in the form and manner requested by the tax 3405
commissioner, the name of the applicant, the amount of qualified 3406
rehabilitation expenditures shown on the certificate, and any 3407
other information required by the rules adopted under this 3408
section. 3409

(F) (1) On or before the first day of August each year, the 3410
director and tax commissioner jointly shall submit to the 3411
president of the senate and the speaker of the house of 3412
representatives a report on the tax credit program established 3413
under this section and sections 5725.151, 5725.34, 5726.52, 3414
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 3415
shall present an overview of the program and shall include 3416
information on the number of rehabilitation tax credit 3417
certificates issued under this section during the preceding 3418
fiscal year, an update on the status of each historic building 3419
for which an application was approved under this section, the 3420
dollar amount of the tax credits granted under sections 3421
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 3422
Revised Code, and any other information the director and 3423
commissioner consider relevant to the topics addressed in the 3424
report. 3425

(2) On or before December 1, 2015, the director and tax 3426
commissioner jointly shall submit to the president of the senate 3427
and the speaker of the house of representatives a comprehensive 3428
report that includes the information required by division (F) (1) 3429
of this section and a detailed analysis of the effectiveness of 3430
issuing tax credits for rehabilitating historic buildings. The 3431

report shall be prepared with the assistance of an economic 3432
research organization jointly chosen by the director and 3433
commissioner. 3434

(G) There is hereby created in the state treasury the 3435
historic rehabilitation tax credit operating fund. The director 3436
is authorized to charge reasonable application and other fees in 3437
connection with the administration of tax credits authorized by 3438
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 3439
5733.47, and 5747.76 of the Revised Code. Any such fees 3440
collected shall be credited to the fund and used to pay 3441
reasonable costs incurred by the department of development in 3442
administering this section and sections 5725.151, 5725.34, 3443
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 3444

The Ohio historic preservation office is authorized to 3445
charge reasonable fees in connection with its review and 3446
approval of applications under this section. Any such fees 3447
collected shall be credited to the fund and used to pay 3448
administrative costs incurred by the Ohio historic preservation 3449
office pursuant to this section. 3450

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 3451
5729.17, 5733.47, and 5747.76 of the Revised Code, the 3452
certificate owner of a tax credit certificate issued under 3453
division (D)(6) of this section may claim a tax credit equal to 3454
twenty-five per cent of the dollar amount indicated on the 3455
certificate for a total credit of not more than twenty-five 3456
million dollars. The credit claimed by such a certificate owner 3457
for any calendar year, tax year, or taxable year under section 3458
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 3459
Revised Code shall not exceed five million dollars. If the 3460
certificate owner is eligible for more than five million dollars 3461

in total credits, the certificate owner may carry forward the 3462
balance of the credit in excess of the amount claimed for that 3463
year for not more than five ensuing calendar years, tax years, 3464
or taxable years. If the credit claimed in any calendar year, 3465
tax year, or taxable year exceeds the tax otherwise due, the 3466
excess shall be refunded to the taxpayer. 3467

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 3468
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 3469
apply to a tax credit approved under this section after 3470
September 13, 2022, and before July 1, 2024: 3471

(1) The certificate holder may claim a tax credit equal to 3472
thirty-five per cent of the dollar amount indicated on the tax 3473
credit certificate if any county, township, or municipal 3474
corporation within which the project is located has a population 3475
of less than three hundred thousand according to the 2020 3476
decennial census. The tax credit equals twenty-five per cent of 3477
the dollar amount indicated on the certificate if the project is 3478
not located within such a county, township, or municipal 3479
corporation. 3480

(2) The total tax credit claimed under section 5725.151, 3481
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 3482
Code for any one project shall not exceed ten million dollars 3483
for any calendar year, tax year, or taxable year. 3484

(3) If the credit claimed in any calendar year, tax year, 3485
or taxable year exceeds the tax otherwise due, the excess shall 3486
be refunded to the taxpayer, subject to division (I)(2) of this 3487
section. 3488

(J) The director of development, in consultation with the 3489
director of budget and management, shall develop and adopt a 3490

system of tracking any information necessary to anticipate the 3491
impact of credits issued under this section on tax revenues for 3492
current and future fiscal years. Such information may include 3493
the number of applications approved, the estimated 3494
rehabilitation expenditures and rehabilitation period associated 3495
with such applications, the number and amount of tax credit 3496
certificates issued, and any other information the director of 3497
budget and management requires for the purposes of this 3498
division. 3499

(K) For purposes of this section and Chapter 122:19-1 of 3500
the Ohio Administrative Code, a tax credit certificate issued 3501
under this section is effective on the date that all historic 3502
buildings rehabilitated by the project are "placed in service," 3503
as that term is used in section 47 of the Internal Revenue Code. 3504

Sec. 149.43. (A) As used in this section: 3505

(1) "Public record" means records kept by any public 3506
office, including, but not limited to, state, county, city, 3507
village, township, and school district units, and records 3508
pertaining to the delivery of educational services by an 3509
alternative school in this state kept by the nonprofit or for- 3510
profit entity operating the alternative school pursuant to 3511
section 3313.533 of the Revised Code. "Public record" does not 3512
mean any of the following: 3513

(a) Medical records; 3514

(b) Records pertaining to probation and parole 3515
proceedings, to proceedings related to the imposition of 3516
community control sanctions and post-release control sanctions, 3517
or to proceedings related to determinations under section 3518
2967.271 of the Revised Code regarding the release or maintained 3519

incarceration of an offender to whom that section applies;	3520
(c) Records pertaining to actions under section 2151.85	3521
and division (C) of section 2919.121 of the Revised Code and to	3522
appeals of actions arising under those sections;	3523
(d) Records pertaining to adoption proceedings, including	3524
the contents of an adoption file maintained by the department of	3525
health under sections 3705.12 to 3705.124 of the Revised Code;	3526
(e) Information in a record contained in the putative	3527
father registry established by section 3107.062 of the Revised	3528
Code, regardless of whether the information is held by the	3529
department of job and family services or, pursuant to section	3530
3111.69 of the Revised Code, the office of child support in the	3531
department or a child support enforcement agency;	3532
(f) Records specified in division (A) of section 3107.52	3533
of the Revised Code;	3534
(g) Trial preparation records;	3535
(h) Confidential law enforcement investigatory records;	3536
(i) Records containing information that is confidential	3537
under section 2710.03 or 4112.05 of the Revised Code;	3538
(j) DNA records stored in the DNA database pursuant to	3539
section 109.573 of the Revised Code;	3540
(k) Inmate records released by the department of	3541
rehabilitation and correction to the department of youth	3542
services or a court of record pursuant to division (E) of	3543
section 5120.21 of the Revised Code;	3544
(l) Records maintained by the department of youth services	3545
pertaining to children in its custody released by the department	3546

of youth services to the department of rehabilitation and	3547
correction pursuant to section 5139.05 of the Revised Code;	3548
(m) Intellectual property records;	3549
(n) Donor profile records;	3550
(o) Records maintained by the department of job and family	3551
services pursuant to section 3121.894 of the Revised Code;	3552
(p) Designated public service worker residential and	3553
familial information;	3554
(q) In the case of a county hospital operated pursuant to	3555
Chapter 339. of the Revised Code or a municipal hospital	3556
operated pursuant to Chapter 749. of the Revised Code,	3557
information that constitutes a trade secret, as defined in	3558
section 1333.61 of the Revised Code;	3559
(r) Information pertaining to the recreational activities	3560
of a person under the age of eighteen;	3561
(s) In the case of a child fatality review board acting	3562
under sections 307.621 to 307.629 of the Revised Code or a	3563
review conducted pursuant to guidelines established by the	3564
director of health under section 3701.70 of the Revised Code,	3565
records provided to the board or director, statements made by	3566
board members during meetings of the board or by persons	3567
participating in the director's review, and all work products of	3568
the board or director, and in the case of a child fatality	3569
review board, child fatality review data submitted by the board	3570
to the department of health or a national child death review	3571
database, other than the report prepared pursuant to division	3572
(A) of section 307.626 of the Revised Code;	3573
(t) Records provided to and statements made by the	3574

executive director of a public children services agency or a	3575
prosecuting attorney acting pursuant to section 5153.171 of the	3576
Revised Code other than the information released under that	3577
section;	3578
(u) Test materials, examinations, or evaluation tools used	3579
in an examination for licensure as a nursing home administrator	3580
that the board of executives of long-term services and supports	3581
administers under section 4751.15 of the Revised Code or	3582
contracts under that section with a private or government entity	3583
to administer;	3584
(v) Records the release of which is prohibited by state or	3585
federal law;	3586
(w) Proprietary information of or relating to any person	3587
that is submitted to or compiled by the Ohio venture capital	3588
authority created under section 150.01 of the Revised Code;	3589
(x) Financial statements and data any person submits for	3590
any purpose to the Ohio housing finance agency or the	3591
controlling board in connection with applying for, receiving, or	3592
accounting for financial assistance from the agency, and	3593
information that identifies any individual who benefits directly	3594
or indirectly from financial assistance from the agency;	3595
(y) Records listed in section 5101.29 of the Revised Code;	3596
(z) Discharges recorded with a county recorder under	3597
section 317.24 of the Revised Code, as specified in division (B)	3598
(2) of that section;	3599
(aa) Usage information including names and addresses of	3600
specific residential and commercial customers of a municipally	3601
owned or operated public utility;	3602

(bb) Records described in division (C) of section 187.04 3603
of the Revised Code that are not designated to be made available 3604
to the public as provided in that division; 3605

(cc) Information and records that are made confidential, 3606
privileged, and not subject to disclosure under divisions (B) 3607
and (C) of section 2949.221 of the Revised Code; 3608

(dd) Personal information, as defined in section 149.45 of 3609
the Revised Code; 3610

(ee) The confidential name, address, and other personally 3611
identifiable information of a program participant in the address 3612
confidentiality program established under sections 111.41 to 3613
111.47 of the Revised Code, including the contents of any 3614
application for absent voter's ballots, absent voter's ballot 3615
identification envelope statement of voter, or provisional 3616
ballot affirmation completed by a program participant who has a 3617
confidential voter registration record; records or portions of 3618
records pertaining to that program that identify the number of 3619
program participants that reside within a precinct, ward, 3620
township, municipal corporation, county, or any other geographic 3621
area smaller than the state; and any real property 3622
confidentiality notice filed under section 111.431 of the 3623
Revised Code and the information described in division (C) of 3624
that section. As used in this division, "confidential address" 3625
and "program participant" have the meaning defined in section 3626
111.41 of the Revised Code. 3627

(ff) Orders for active military service of an individual 3628
serving or with previous service in the armed forces of the 3629
United States, including a reserve component, or the Ohio 3630
organized militia, except that, such order becomes a public 3631
record on the day that is fifteen years after the published date 3632

or effective date of the call to order; 3633

(gg) The name, address, contact information, or other 3634
personal information of an individual who is less than eighteen 3635
years of age that is included in any record related to a traffic 3636
accident involving a school vehicle in which the individual was 3637
an occupant at the time of the accident; 3638

(hh) Protected health information, as defined in 45 C.F.R. 3639
160.103, that is in a claim for payment for a health care 3640
product, service, or procedure, as well as any other health 3641
claims data in another document that reveals the identity of an 3642
individual who is the subject of the data or could be used to 3643
reveal that individual's identity; 3644

(ii) Any depiction by photograph, film, videotape, or 3645
printed or digital image under either of the following 3646
circumstances: 3647

(i) The depiction is that of a victim of an offense the 3648
release of which would be, to a reasonable person of ordinary 3649
sensibilities, an offensive and objectionable intrusion into the 3650
victim's expectation of bodily privacy and integrity. 3651

(ii) The depiction captures or depicts the victim of a 3652
sexually oriented offense, as defined in section 2950.01 of the 3653
Revised Code, at the actual occurrence of that offense. 3654

(jj) Restricted portions of a body-worn camera or 3655
dashboard camera recording; 3656

(kk) In the case of a fetal-infant mortality review board 3657
acting under sections 3707.70 to 3707.77 of the Revised Code, 3658
records, documents, reports, or other information presented to 3659
the board or a person abstracting such materials on the board's 3660
behalf, statements made by review board members during board 3661

meetings, all work products of the board, and data submitted by 3662
the board to the department of health or a national infant death 3663
review database, other than the report prepared pursuant to 3664
section 3707.77 of the Revised Code. 3665

(ll) Records, documents, reports, or other information 3666
presented to the pregnancy-associated mortality review board 3667
established under section 3738.01 of the Revised Code, 3668
statements made by board members during board meetings, all work 3669
products of the board, and data submitted by the board to the 3670
department of health, other than the biennial reports prepared 3671
under section 3738.08 of the Revised Code; 3672

(mm) Except as otherwise provided in division (A) (1) (oo) 3673
of this section, telephone numbers for a victim, as defined in 3674
section 2930.01 of the Revised Code or a witness to a crime that 3675
are listed on any law enforcement record or report. 3676

(nn) A preneed funeral contract, as defined in section 3677
4717.01 of the Revised Code, and contract terms and personally 3678
identifying information of a preneed funeral contract, that is 3679
contained in a report submitted by or for a funeral home to the 3680
board of embalmers and funeral directors under division (C) of 3681
section 4717.13, division (J) of section 4717.31, or section 3682
4717.41 of the Revised Code. 3683

(oo) Telephone numbers for a party to a motor vehicle 3684
accident subject to the requirements of section 5502.11 of the 3685
Revised Code that are listed on any law enforcement record or 3686
report, except that the telephone numbers described in this 3687
division are not excluded from the definition of "public record" 3688
under this division on and after the thirtieth day after the 3689
occurrence of the motor vehicle accident. 3690

(pp) Records pertaining to individuals who complete 3691
training under section 5502.703 of the Revised Code to be 3692
permitted by a school district board of education or governing 3693
body of a community school established under Chapter 3314. of 3694
the Revised Code, a STEM school established under Chapter 3326. 3695
of the Revised Code, or a chartered nonpublic school to convey 3696
deadly weapons or dangerous ordnance into a school safety zone; 3697

(qq) Records, documents, reports, or other information 3698
presented to a domestic violence fatality review board 3699
established under section 307.651 of the Revised Code, 3700
statements made by board members during board meetings, all work 3701
products of the board, and data submitted by the board to the 3702
department of health, other than a report prepared pursuant to 3703
section 307.656 of the Revised Code; 3704

(rr) Records, documents, and information the release of 3705
which is prohibited under sections 2930.04 and 2930.07 of the 3706
Revised Code; 3707

(ss) Records of an existing qualified nonprofit 3708
corporation that creates a special improvement district under 3709
Chapter 1710. of the Revised Code that do not pertain to a 3710
purpose for which the district is created; 3711

(tt) Educational support services data, as defined in 3712
section 3319.325 of the Revised Code. 3713

A record that is not a public record under division (A) (1) 3714
of this section and that, under law, is permanently retained 3715
becomes a public record on the day that is seventy-five years 3716
after the day on which the record was created, except for any 3717
record protected by the attorney-client privilege, a trial 3718
preparation record as defined in this section, a statement 3719

prohibiting the release of identifying information signed under 3720
section 3107.083 of the Revised Code, a denial of release form 3721
filed pursuant to section 3107.46 of the Revised Code, or any 3722
record that is exempt from release or disclosure under section 3723
149.433 of the Revised Code. If the record is a birth 3724
certificate and a biological parent's name redaction request 3725
form has been accepted under section 3107.391 of the Revised 3726
Code, the name of that parent shall be redacted from the birth 3727
certificate before it is released under this paragraph. If any 3728
other section of the Revised Code establishes a time period for 3729
disclosure of a record that conflicts with the time period 3730
specified in this section, the time period in the other section 3731
prevails. 3732

(2) "Confidential law enforcement investigatory record" 3733
means any record that pertains to a law enforcement matter of a 3734
criminal, quasi-criminal, civil, or administrative nature, but 3735
only to the extent that the release of the record would create a 3736
high probability of disclosure of any of the following: 3737

(a) The identity of a suspect who has not been charged 3738
with the offense to which the record pertains, or of an 3739
information source or witness to whom confidentiality has been 3740
reasonably promised; 3741

(b) Information provided by an information source or 3742
witness to whom confidentiality has been reasonably promised, 3743
which information would reasonably tend to disclose the source's 3744
or witness's identity; 3745

(c) Specific confidential investigatory techniques or 3746
procedures or specific investigatory work product; 3747

(d) Information that would endanger the life or physical 3748

safety of law enforcement personnel, a crime victim, a witness, 3749
or a confidential information source. 3750

(3) "Medical record" means any document or combination of 3751
documents, except births, deaths, and the fact of admission to 3752
or discharge from a hospital, that pertains to the medical 3753
history, diagnosis, prognosis, or medical condition of a patient 3754
and that is generated and maintained in the process of medical 3755
treatment. 3756

(4) "Trial preparation record" means any record that 3757
contains information that is specifically compiled in reasonable 3758
anticipation of, or in defense of, a civil or criminal action or 3759
proceeding, including the independent thought processes and 3760
personal trial preparation of an attorney. 3761

(5) "Intellectual property record" means a record, other 3762
than a financial or administrative record, that is produced or 3763
collected by or for faculty or staff of a state institution of 3764
higher learning in the conduct of or as a result of study or 3765
research on an educational, commercial, scientific, artistic, 3766
technical, or scholarly issue, regardless of whether the study 3767
or research was sponsored by the institution alone or in 3768
conjunction with a governmental body or private concern, and 3769
that has not been publicly released, published, or patented. 3770

(6) "Donor profile record" means all records about donors 3771
or potential donors to a public institution of higher education 3772
except the names and reported addresses of the actual donors and 3773
the date, amount, and conditions of the actual donation. 3774

(7) "Designated public service worker" means a peace 3775
officer, parole officer, probation officer, bailiff, prosecuting 3776
attorney, assistant prosecuting attorney, correctional employee, 3777

county or multicounty corrections officer, community-based 3778
correctional facility employee, designated Ohio national guard 3779
member, protective services worker, youth services employee, 3780
firefighter, EMT, medical director or member of a cooperating 3781
physician advisory board of an emergency medical service 3782
organization, state board of pharmacy employee, investigator of 3783
the bureau of criminal identification and investigation, 3784
emergency service telecommunicator, forensic mental health 3785
provider, mental health evaluation provider, regional 3786
psychiatric hospital employee, judge, magistrate, or federal law 3787
enforcement officer. 3788

(8) "Designated public service worker residential and 3789
familial information" means any information that discloses any 3790
of the following about a designated public service worker: 3791

(a) The address of the actual personal residence of a 3792
designated public service worker, except for the following 3793
information: 3794

(i) The address of the actual personal residence of a 3795
prosecuting attorney or judge; and 3796

(ii) The state or political subdivision in which a 3797
designated public service worker resides. 3798

(b) Information compiled from referral to or participation 3799
in an employee assistance program; 3800

(c) The social security number, the residential telephone 3801
number, any bank account, debit card, charge card, or credit 3802
card number, or the emergency telephone number of, or any 3803
medical information pertaining to, a designated public service 3804
worker; 3805

(d) The name of any beneficiary of employment benefits, 3806

including, but not limited to, life insurance benefits, provided 3807
to a designated public service worker by the designated public 3808
service worker's employer; 3809

(e) The identity and amount of any charitable or 3810
employment benefit deduction made by the designated public 3811
service worker's employer from the designated public service 3812
worker's compensation, unless the amount of the deduction is 3813
required by state or federal law; 3814

(f) The name, the residential address, the name of the 3815
employer, the address of the employer, the social security 3816
number, the residential telephone number, any bank account, 3817
debit card, charge card, or credit card number, or the emergency 3818
telephone number of the spouse, a former spouse, or any child of 3819
a designated public service worker; 3820

(g) A photograph of a peace officer who holds a position 3821
or has an assignment that may include undercover or plain 3822
clothes positions or assignments as determined by the peace 3823
officer's appointing authority. 3824

(9) As used in divisions (A) (7) and (15) to (17) of this 3825
section: 3826

"Peace officer" has the meaning defined in section 109.71 3827
of the Revised Code and also includes the superintendent and 3828
troopers of the state highway patrol; it does not include the 3829
sheriff of a county or a supervisory employee who, in the 3830
absence of the sheriff, is authorized to stand in for, exercise 3831
the authority of, and perform the duties of the sheriff. 3832

"Correctional employee" means any employee of the 3833
department of rehabilitation and correction who in the course of 3834
performing the employee's job duties has or has had contact with 3835

inmates and persons under supervision. 3836

"County or multicounty corrections officer" means any 3837
corrections officer employed by any county or multicounty 3838
correctional facility. 3839

"Designated Ohio national guard member" means a member of 3840
the Ohio national guard who is participating in duties related 3841
to remotely piloted aircraft, including, but not limited to, 3842
pilots, sensor operators, and mission intelligence personnel, 3843
duties related to special forces operations, or duties related 3844
to cybersecurity, and is designated by the adjutant general as a 3845
designated public service worker for those purposes. 3846

"Protective services worker" means any employee of a 3847
county agency who is responsible for child protective services, 3848
child support services, or adult protective services. 3849

"Youth services employee" means any employee of the 3850
department of youth services who in the course of performing the 3851
employee's job duties has or has had contact with children 3852
committed to the custody of the department of youth services. 3853

"Firefighter" means any regular, paid or volunteer, member 3854
of a lawfully constituted fire department of a municipal 3855
corporation, township, fire district, or village. 3856

"EMT" means EMTs-basic, EMTs-I, and paramedics that 3857
provide emergency medical services for a public emergency 3858
medical service organization. "Emergency medical service 3859
organization," "EMT-basic," "EMT-I," and "paramedic" have the 3860
meanings defined in section 4765.01 of the Revised Code. 3861

"Investigator of the bureau of criminal identification and 3862
investigation" has the meaning defined in section 2903.11 of the 3863
Revised Code. 3864

"Emergency service telecommunicator" means an individual 3865
employed by an emergency service provider as defined under 3866
section 128.01 of the Revised Code, whose primary responsibility 3867
is to be an operator for the receipt or processing of calls for 3868
emergency services made by telephone, radio, or other electronic 3869
means. 3870

"Forensic mental health provider" means any employee of a 3871
community mental health service provider or local alcohol, drug 3872
addiction, and mental health services board who, in the course 3873
of the employee's duties, has contact with persons committed to 3874
a local alcohol, drug addiction, and mental health services 3875
board by a court order pursuant to section 2945.38, 2945.39, 3876
2945.40, or 2945.402 of the Revised Code. 3877

"Mental health evaluation provider" means an individual 3878
who, under Chapter 5122. of the Revised Code, examines a 3879
respondent who is alleged to be a mentally ill person subject to 3880
court order, as defined in section 5122.01 of the Revised Code, 3881
and reports to the probate court the respondent's mental 3882
condition. 3883

"Regional psychiatric hospital employee" means any 3884
employee of the department of mental health and addiction 3885
services who, in the course of performing the employee's duties, 3886
has contact with patients committed to the department of mental 3887
health and addiction services by a court order pursuant to 3888
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 3889
Code. 3890

"Federal law enforcement officer" has the meaning defined 3891
in section 9.88 of the Revised Code. 3892

(10) "Information pertaining to the recreational 3893

activities of a person under the age of eighteen" means 3894
information that is kept in the ordinary course of business by a 3895
public office, that pertains to the recreational activities of a 3896
person under the age of eighteen years, and that discloses any 3897
of the following: 3898

(a) The address or telephone number of a person under the 3899
age of eighteen or the address or telephone number of that 3900
person's parent, guardian, custodian, or emergency contact 3901
person; 3902

(b) The social security number, birth date, or 3903
photographic image of a person under the age of eighteen; 3904

(c) Any medical record, history, or information pertaining 3905
to a person under the age of eighteen; 3906

(d) Any additional information sought or required about a 3907
person under the age of eighteen for the purpose of allowing 3908
that person to participate in any recreational activity 3909
conducted or sponsored by a public office or to use or obtain 3910
admission privileges to any recreational facility owned or 3911
operated by a public office. 3912

(11) "Community control sanction" has the meaning defined 3913
in section 2929.01 of the Revised Code. 3914

(12) "Post-release control sanction" has the meaning 3915
defined in section 2967.01 of the Revised Code. 3916

(13) "Redaction" means obscuring or deleting any 3917
information that is exempt from the duty to permit public 3918
inspection or copying from an item that otherwise meets the 3919
definition of a "record" in section 149.011 of the Revised Code. 3920

(14) "Designee," "elected official," and "future official" 3921

have the meanings defined in section 109.43 of the Revised Code. 3922

(15) "Body-worn camera" means a visual and audio recording 3923
device worn on the person of a correctional employee, youth 3924
services employee, or peace officer while the correctional 3925
employee, youth services employee, or peace officer is engaged 3926
in the performance of official duties. 3927

(16) "Dashboard camera" means a visual and audio recording 3928
device mounted on a peace officer's vehicle or vessel that is 3929
used while the peace officer is engaged in the performance of 3930
the peace officer's duties. 3931

(17) "Restricted portions of a body-worn camera or 3932
dashboard camera recording" means any visual or audio portion of 3933
a body-worn camera or dashboard camera recording that shows, 3934
communicates, or discloses any of the following: 3935

(a) The image or identity of a child or information that 3936
could lead to the identification of a child who is a primary 3937
subject of the recording when the department of rehabilitation 3938
and correction, department of youth services, or the law 3939
enforcement agency knows or has reason to know the person is a 3940
child based on the department's or law enforcement agency's 3941
records or the content of the recording; 3942

(b) The death of a person or a deceased person's body, 3943
unless the death was caused by a correctional employee, youth 3944
services employee, or peace officer or, subject to division (H) 3945
(1) of this section, the consent of the decedent's executor or 3946
administrator has been obtained; 3947

(c) The death of a correctional employee, youth services 3948
employee, peace officer, firefighter, paramedic, or other first 3949
responder, occurring while the decedent was engaged in the 3950

performance of official duties, unless, subject to division (H) 3951
(1) of this section, the consent of the decedent's executor or 3952
administrator has been obtained; 3953

(d) Grievous bodily harm, unless the injury was effected 3954
by a correctional employee, youth services employee, or peace 3955
officer or, subject to division (H) (1) of this section, the 3956
consent of the injured person or the injured person's guardian 3957
has been obtained; 3958

(e) An act of severe violence against a person that 3959
results in serious physical harm to the person, unless the act 3960
and injury was effected by a correctional employee, youth 3961
services employee, or peace officer or, subject to division (H) 3962
(1) of this section, the consent of the injured person or the 3963
injured person's guardian has been obtained; 3964

(f) Grievous bodily harm to a correctional employee, youth 3965
services employee, peace officer, firefighter, paramedic, or 3966
other first responder, occurring while the injured person was 3967
engaged in the performance of official duties, unless, subject 3968
to division (H) (1) of this section, the consent of the injured 3969
person or the injured person's guardian has been obtained; 3970

(g) An act of severe violence resulting in serious 3971
physical harm against a correctional employee, youth services 3972
employee, peace officer, firefighter, paramedic, or other first 3973
responder, occurring while the injured person was engaged in the 3974
performance of official duties, unless, subject to division (H) 3975
(1) of this section, the consent of the injured person or the 3976
injured person's guardian has been obtained; 3977

(h) A person's nude body, unless, subject to division (H) 3978
(1) of this section, the person's consent has been obtained; 3979

(i) Protected health information, the identity of a person 3980
in a health care facility who is not the subject of a 3981
correctional, youth services, or law enforcement encounter, or 3982
any other information in a health care facility that could 3983
identify a person who is not the subject of a correctional, 3984
youth services, or law enforcement encounter; 3985

(j) Information that could identify the alleged victim of 3986
a sex offense, menacing by stalking, or domestic violence; 3987

(k) Information, that does not constitute a confidential 3988
law enforcement investigatory record, that could identify a 3989
person who provides sensitive or confidential information to the 3990
department of rehabilitation and correction, the department of 3991
youth services, or a law enforcement agency when the disclosure 3992
of the person's identity or the information provided could 3993
reasonably be expected to threaten or endanger the safety or 3994
property of the person or another person; 3995

(l) Personal information of a person who is not arrested, 3996
cited, charged, or issued a written warning by a peace officer; 3997

(m) Proprietary correctional, youth services, or police 3998
contingency plans or tactics that are intended to prevent crime 3999
and maintain public order and safety; 4000

(n) A personal conversation unrelated to work between 4001
correctional employees, youth services employees, or peace 4002
officers or between a correctional employee, youth services 4003
employee, or peace officer and an employee of a law enforcement 4004
agency; 4005

(o) A conversation between a correctional employee, youth 4006
services employee, or peace officer and a member of the public 4007
that does not concern correctional, youth services, or law 4008

enforcement activities; 4009

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer; 4010
4011
4012
4013

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location. 4014
4015
4016
4017

As used in division (A) (17) of this section: 4018

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 4019
4020

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 4021
4022

"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 4023
4024

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties. 4025
4026

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 4027
4028
4029
4030

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 4031
4032

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 4033
4034

(B) (1) Upon request by any person and subject to division 4035

(B) (8) of this section, all public records responsive to the 4036
request shall be promptly prepared and made available for 4037
inspection to the requester at all reasonable times during 4038
regular business hours. Subject to division (B) (8) of this 4039
section, upon request by any person, a public office or person 4040
responsible for public records shall make copies of the 4041
requested public record available to the requester at cost and 4042
within a reasonable period of time. 4043

When considering whether a state or local law enforcement 4044
agency promptly prepared a video record for inspection or 4045
provided a video record for production within a reasonable 4046
period of time, in addition to any other factors, a court shall 4047
consider the time required for a state or local law enforcement 4048
agency to retrieve, download, review, redact, seek legal advice 4049
regarding, and produce the video record. Notwithstanding any 4050
other requirement set forth in Chapter 149. of the Revised Code, 4051
a state or local law enforcement agency may charge a requester 4052
the actual cost associated with preparing a video record for 4053
inspection or production, not to exceed seventy-five dollars per 4054
hour of video produced, nor seven hundred fifty dollars total. 4055
As used in this division, "actual cost," with respect to video 4056
records only, means all costs incurred by the state or local law 4057
enforcement agency in reviewing, blurring or otherwise 4058
obscuring, redacting, uploading, or producing the video records, 4059
including but not limited to the storage medium on which the 4060
record is produced, staff time, and any other relevant overhead 4061
necessary to comply with the request. A state or local law 4062
enforcement agency may include in its public records policy the 4063
requirement that a requester pay the estimated actual cost 4064
before beginning the process of preparing a video record for 4065
inspection or production. Where a state or local law enforcement 4066

agency imposes such a requirement, its obligation to produce a 4067
video or make it available for inspection begins once the 4068
estimated actual cost is paid in full by the requester. A state 4069
or local law enforcement agency shall provide the requester with 4070
the estimated actual cost within five business days of receipt 4071
of the public records request. If the actual cost exceeds the 4072
estimated actual cost, a state or local law enforcement agency 4073
may charge a requester for the difference upon fulfilling a 4074
request for video records if the requester is notified in 4075
advance that the actual cost may be up to twenty per cent higher 4076
than the estimated actual cost. A state or local law enforcement 4077
agency shall not charge a requester a difference that exceeds 4078
twenty per cent of the estimated actual cost. 4079

If a public record contains information that is exempt 4080
from the duty to permit public inspection or to copy the public 4081
record, the public office or the person responsible for the 4082
public record shall make available all of the information within 4083
the public record that is not exempt. When making that public 4084
record available for public inspection or copying that public 4085
record, the public office or the person responsible for the 4086
public record shall notify the requester of any redaction or 4087
make the redaction plainly visible. A redaction shall be deemed 4088
a denial of a request to inspect or copy the redacted 4089
information, except if federal or state law authorizes or 4090
requires a public office to make the redaction. When the auditor 4091
of state receives a request to inspect or to make a copy of a 4092
record that was provided to the auditor of state for purposes of 4093
an audit, but the original public office has asserted to the 4094
auditor of state that the record is not a public record, the 4095
auditor of state may handle the requests by directing the 4096
requestor to the original public office that provided the record 4097

to the auditor of state. 4098

(2) To facilitate broader access to public records, a 4099
public office or the person responsible for public records shall 4100
organize and maintain public records in a manner that they can 4101
be made available for inspection or copying in accordance with 4102
division (B) of this section. A public office also shall have 4103
available a copy of its current records retention schedule at a 4104
location readily available to the public. If a requester makes 4105
an ambiguous or overly broad request or has difficulty in making 4106
a request for copies or inspection of public records under this 4107
section such that the public office or the person responsible 4108
for the requested public record cannot reasonably identify what 4109
public records are being requested, the public office or the 4110
person responsible for the requested public record may deny the 4111
request but shall provide the requester with an opportunity to 4112
revise the request by informing the requester of the manner in 4113
which records are maintained by the public office and accessed 4114
in the ordinary course of the public office's or person's 4115
duties. 4116

(3) If a request is ultimately denied, in part or in 4117
whole, the public office or the person responsible for the 4118
requested public record shall provide the requester with an 4119
explanation, including legal authority, setting forth why the 4120
request was denied. If the initial request was provided in 4121
writing, the explanation also shall be provided to the requester 4122
in writing. The explanation shall not preclude the public office 4123
or the person responsible for the requested public record from 4124
relying upon additional reasons or legal authority in defending 4125
an action commenced under division (C) of this section. 4126

(4) Unless specifically required or authorized by state or 4127

federal law or in accordance with division (B) of this section, 4128
no public office or person responsible for public records may 4129
limit or condition the availability of public records by 4130
requiring disclosure of the requester's identity or the intended 4131
use of the requested public record. Any requirement that the 4132
requester disclose the requester's identity or the intended use 4133
of the requested public record constitutes a denial of the 4134
request. 4135

(5) A public office or person responsible for public 4136
records may ask a requester to make the request in writing, may 4137
ask for the requester's identity, and may inquire about the 4138
intended use of the information requested, but may do so only 4139
after disclosing to the requester that a written request is not 4140
mandatory, that the requester may decline to reveal the 4141
requester's identity or the intended use, and when a written 4142
request or disclosure of the identity or intended use would 4143
benefit the requester by enhancing the ability of the public 4144
office or person responsible for public records to identify, 4145
locate, or deliver the public records sought by the requester. 4146

(6) If any person requests a copy of a public record in 4147
accordance with division (B) of this section, the public office 4148
or person responsible for the public record may require the 4149
requester to pay in advance the cost involved in providing the 4150
copy of the public record in accordance with the choice made by 4151
the requester under this division. The public office or the 4152
person responsible for the public record shall permit the 4153
requester to choose to have the public record duplicated upon 4154
paper, upon the same medium upon which the public office or 4155
person responsible for the public record keeps it, or upon any 4156
other medium upon which the public office or person responsible 4157
for the public record determines that it reasonably can be 4158

duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7) (a) Upon a request made in accordance with division (B) of this section and subject to division (B) (6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B) (7) of this section. A public office that adopts a policy and procedures under division (B) (7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division 4189
(B) (7) of this section: 4190

(i) A public office may limit the number of records 4191
requested by a person that the office will physically deliver by 4192
United States mail or by another delivery service to ten per 4193
month, unless the person certifies to the office in writing that 4194
the person does not intend to use or forward the requested 4195
records, or the information contained in them, for commercial 4196
purposes; 4197

(ii) A public office that chooses to provide some or all 4198
of its public records on a web site that is fully accessible to 4199
and searchable by members of the public at all times, other than 4200
during acts of God outside the public office's control or 4201
maintenance, and that charges no fee to search, access, 4202
download, or otherwise receive records provided on the web site, 4203
may limit to ten per month the number of records requested by a 4204
person that the office will deliver in a digital format, unless 4205
the requested records are not provided on the web site and 4206
unless the person certifies to the office in writing that the 4207
person does not intend to use or forward the requested records, 4208
or the information contained in them, for commercial purposes. 4209

(iii) For purposes of division (B) (7) of this section, 4210
"commercial" shall be narrowly construed and does not include 4211
reporting or gathering news, reporting or gathering information 4212
to assist citizen oversight or understanding of the operation or 4213
activities of government, or nonprofit educational research. 4214

(8) A public office or person responsible for public 4215
records is not required to permit a person who is incarcerated 4216
pursuant to a criminal conviction or a juvenile adjudication to 4217
inspect or to obtain a copy of any public record concerning a 4218

criminal investigation or prosecution or concerning what would 4219
be a criminal investigation or prosecution if the subject of the 4220
investigation or prosecution were an adult, unless the request 4221
to inspect or to obtain a copy of the record is for the purpose 4222
of acquiring information that is subject to release as a public 4223
record under this section and the judge who imposed the sentence 4224
or made the adjudication with respect to the person, or the 4225
judge's successor in office, finds that the information sought 4226
in the public record is necessary to support what appears to be 4227
a justiciable claim of the person. 4228

(9) (a) Upon written request made and signed by a 4229
journalist, a public office, or person responsible for public 4230
records, having custody of the records of the agency employing a 4231
specified designated public service worker shall disclose to the 4232
journalist the address of the actual personal residence of the 4233
designated public service worker and, if the designated public 4234
service worker's spouse, former spouse, or child is employed by 4235
a public office, the name and address of the employer of the 4236
designated public service worker's spouse, former spouse, or 4237
child. The request shall include the journalist's name and title 4238
and the name and address of the journalist's employer and shall 4239
state that disclosure of the information sought would be in the 4240
public interest. 4241

(b) Division (B) (9) (a) of this section also applies to 4242
journalist requests for: 4243

(i) Customer information maintained by a municipally owned 4244
or operated public utility, other than social security numbers 4245
and any private financial information such as credit reports, 4246
payment methods, credit card numbers, and bank account 4247
information; 4248

(ii) Information about minors involved in a school vehicle 4249
accident as provided in division (A) (1) (gg) of this section, 4250
other than personal information as defined in section 149.45 of 4251
the Revised Code. 4252

(c) As used in division (B) (9) of this section, 4253
"journalist" means a person engaged in, connected with, or 4254
employed by any news medium, including a newspaper, magazine, 4255
press association, news agency, or wire service, a radio or 4256
television station, or a similar medium, for the purpose of 4257
gathering, processing, transmitting, compiling, editing, or 4258
disseminating information for the general public. 4259

(10) Upon a request made by a victim, victim's attorney, 4260
or victim's representative, as that term is used in section 4261
2930.02 of the Revised Code, a public office or person 4262
responsible for public records shall transmit a copy of a 4263
depiction of the victim as described in division (A) (1) (ii) of 4264
this section to the victim, victim's attorney, or victim's 4265
representative. 4266

(C) (1) If a person allegedly is aggrieved by the failure 4267
of a public office or the person responsible for public records 4268
to promptly prepare a public record and to make it available to 4269
the person for inspection in accordance with division (B) of 4270
this section or by any other failure of a public office or the 4271
person responsible for public records to comply with an 4272
obligation in accordance with division (B) of this section, the 4273
person allegedly aggrieved may do only one of the following, and 4274
not both: 4275

(a) File a complaint with the clerk of the court of claims 4276
or the clerk of the court of common pleas under section 2743.75 4277
of the Revised Code; 4278

(b) Commence a mandamus action to obtain a judgment that 4279
orders the public office or the person responsible for the 4280
public record to comply with division (B) of this section, that 4281
awards court costs and reasonable attorney's fees to the person 4282
that instituted the mandamus action, and, if applicable, that 4283
includes an order fixing statutory damages under division (C) (2) 4284
of this section. The mandamus action may be commenced in the 4285
court of common pleas of the county in which division (B) of 4286
this section allegedly was not complied with, in the supreme 4287
court pursuant to its original jurisdiction under Section 2 of 4288
Article IV, Ohio Constitution, or in the court of appeals for 4289
the appellate district in which division (B) of this section 4290
allegedly was not complied with pursuant to its original 4291
jurisdiction under Section 3 of Article IV, Ohio Constitution. 4292

(2) If a requester transmits a written request by hand 4293
delivery, electronic submission, or certified mail to inspect or 4294
receive copies of any public record in a manner that fairly 4295
describes the public record or class of public records to the 4296
public office or person responsible for the requested public 4297
records, except as otherwise provided in this section, the 4298
requester shall be entitled to recover the amount of statutory 4299
damages set forth in this division if a court determines that 4300
the public office or the person responsible for public records 4301
failed to comply with an obligation in accordance with division 4302
(B) of this section. 4303

The amount of statutory damages shall be fixed at one 4304
hundred dollars for each business day during which the public 4305
office or person responsible for the requested public records 4306
failed to comply with an obligation in accordance with division 4307
(B) of this section, beginning with the day on which the 4308
requester files a mandamus action to recover statutory damages, 4309

up to a maximum of one thousand dollars. The award of statutory 4310
damages shall not be construed as a penalty, but as compensation 4311
for injury arising from lost use of the requested information. 4312
The existence of this injury shall be conclusively presumed. The 4313
award of statutory damages shall be in addition to all other 4314
remedies authorized by this section. 4315

The court may reduce an award of statutory damages or not 4316
award statutory damages if the court determines both of the 4317
following: 4318

(a) That, based on the ordinary application of statutory 4319
law and case law as it existed at the time of the conduct or 4320
threatened conduct of the public office or person responsible 4321
for the requested public records that allegedly constitutes a 4322
failure to comply with an obligation in accordance with division 4323
(B) of this section and that was the basis of the mandamus 4324
action, a well-informed public office or person responsible for 4325
the requested public records reasonably would believe that the 4326
conduct or threatened conduct of the public office or person 4327
responsible for the requested public records did not constitute 4328
a failure to comply with an obligation in accordance with 4329
division (B) of this section; 4330

(b) That a well-informed public office or person 4331
responsible for the requested public records reasonably would 4332
believe that the conduct or threatened conduct of the public 4333
office or person responsible for the requested public records 4334
would serve the public policy that underlies the authority that 4335
is asserted as permitting that conduct or threatened conduct. 4336

(3) In a mandamus action filed under division (C) (1) of 4337
this section, the following apply: 4338

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 4368
of the alleged bad faith of the public office or person 4369
responsible for the public records. This division shall not be 4370
construed as creating a presumption that the public office or 4371
the person responsible for the public records acted in bad faith 4372
when the office or person voluntarily made the public records 4373
available to the relator for the first time after the relator 4374
commenced the mandamus action, but before the court issued any 4375
order described in this division. 4376

(c) The court shall not award attorney's fees to the 4377
relator if the court determines both of the following: 4378

(i) That, based on the ordinary application of statutory 4379
law and case law as it existed at the time of the conduct or 4380
threatened conduct of the public office or person responsible 4381
for the requested public records that allegedly constitutes a 4382
failure to comply with an obligation in accordance with division 4383
(B) of this section and that was the basis of the mandamus 4384
action, a well-informed public office or person responsible for 4385
the requested public records reasonably would believe that the 4386
conduct or threatened conduct of the public office or person 4387
responsible for the requested public records did not constitute 4388
a failure to comply with an obligation in accordance with 4389
division (B) of this section; 4390

(ii) That a well-informed public office or person 4391
responsible for the requested public records reasonably would 4392
believe that the conduct or threatened conduct of the public 4393
office or person responsible for the requested public records 4394
would serve the public policy that underlies the authority that 4395
is asserted as permitting that conduct or threatened conduct. 4396

(4) All of the following apply to any award of reasonable 4397

attorney's fees awarded under division (C) (3) (b) of this section: 4398
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(a) The fees shall be construed as remedial and not punitive. 4400
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(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 4402
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 4406
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 4409
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 4415
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 4422
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 4424
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appropriate designees shall attend training approved by the 4427
attorney general as provided in section 109.43 of the Revised 4428
Code. A future official may satisfy the requirements of this 4429
division by attending the training before taking office, 4430
provided that the future official may not send a designee in the 4431
future official's place. 4432

(2) All public offices shall adopt a public records policy 4433
in compliance with this section for responding to public records 4434
requests. In adopting a public records policy under this 4435
division, a public office may obtain guidance from the model 4436
public records policy developed and provided to the public 4437
office by the attorney general under section 109.43 of the 4438
Revised Code. Except as otherwise provided in this section, the 4439
policy may not limit the number of public records that the 4440
public office will make available to a single person, may not 4441
limit the number of public records that it will make available 4442
during a fixed period of time, and may not establish a fixed 4443
period of time before it will respond to a request for 4444
inspection or copying of public records, unless that period is 4445
less than eight hours. 4446

The public office shall distribute the public records 4447
policy adopted by the public office under this division to the 4448
employee of the public office who is the records custodian or 4449
records manager or otherwise has custody of the records of that 4450
office. The public office shall require that employee to 4451
acknowledge receipt of the copy of the public records policy. 4452
The public office shall create a poster that describes its 4453
public records policy and shall post the poster in a conspicuous 4454
place in the public office and in all locations where the public 4455
office has branch offices. The public office may post its public 4456
records policy on the internet web site of the public office if 4457

the public office maintains an internet web site. A public 4458
office that has established a manual or handbook of its general 4459
policies and procedures for all employees of the public office 4460
shall include the public records policy of the public office in 4461
the manual or handbook. 4462

(F) (1) The bureau of motor vehicles may adopt rules 4463
pursuant to Chapter 119. of the Revised Code to reasonably limit 4464
the number of bulk commercial special extraction requests made 4465
by a person for the same records or for updated records during a 4466
calendar year. The rules may include provisions for charges to 4467
be made for bulk commercial special extraction requests for the 4468
actual cost of the bureau, plus special extraction costs, plus 4469
ten per cent. The bureau may charge for expenses for redacting 4470
information, the release of which is prohibited by law. 4471

(2) As used in division (F) (1) of this section: 4472

(a) "Actual cost" means the cost of depleted supplies, 4473
records storage media costs, actual mailing and alternative 4474
delivery costs, or other transmitting costs, and any direct 4475
equipment operating and maintenance costs, including actual 4476
costs paid to private contractors for copying services. 4477

(b) "Bulk commercial special extraction request" means a 4478
request for copies of a record for information in a format other 4479
than the format already available, or information that cannot be 4480
extracted without examination of all items in a records series, 4481
class of records, or database by a person who intends to use or 4482
forward the copies for surveys, marketing, solicitation, or 4483
resale for commercial purposes. "Bulk commercial special 4484
extraction request" does not include a request by a person who 4485
gives assurance to the bureau that the person making the request 4486
does not intend to use or forward the requested copies for 4487

surveys, marketing, solicitation, or resale for commercial 4488
purposes. 4489

(c) "Commercial" means profit-seeking production, buying, 4490
or selling of any good, service, or other product. 4491

(d) "Special extraction costs" means the cost of the time 4492
spent by the lowest paid employee competent to perform the task, 4493
the actual amount paid to outside private contractors employed 4494
by the bureau, or the actual cost incurred to create computer 4495
programs to make the special extraction. "Special extraction 4496
costs" include any charges paid to a public agency for computer 4497
or records services. 4498

(3) For purposes of divisions (F) (1) and (2) of this 4499
section, "surveys, marketing, solicitation, or resale for 4500
commercial purposes" shall be narrowly construed and does not 4501
include reporting or gathering news, reporting or gathering 4502
information to assist citizen oversight or understanding of the 4503
operation or activities of government, or nonprofit educational 4504
research. 4505

(G) A request by a defendant, counsel of a defendant, or 4506
any agent of a defendant in a criminal action that public 4507
records related to that action be made available under this 4508
section shall be considered a demand for discovery pursuant to 4509
the Criminal Rules, except to the extent that the Criminal Rules 4510
plainly indicate a contrary intent. The defendant, counsel of 4511
the defendant, or agent of the defendant making a request under 4512
this division shall serve a copy of the request on the 4513
prosecuting attorney, director of law, or other chief legal 4514
officer responsible for prosecuting the action. 4515

(H) (1) Any portion of a body-worn camera or dashboard 4516

camera recording described in divisions (A) (17) (b) to (h) of 4517
this section may be released by consent of the subject of the 4518
recording or a representative of that person, as specified in 4519
those divisions, only if either of the following applies: 4520

(a) The recording will not be used in connection with any 4521
probable or pending criminal proceedings; 4522

(b) The recording has been used in connection with a 4523
criminal proceeding that was dismissed or for which a judgment 4524
has been entered pursuant to Rule 32 of the Rules of Criminal 4525
Procedure, and will not be used again in connection with any 4526
probable or pending criminal proceedings. 4527

(2) If a public office denies a request to release a 4528
restricted portion of a body-worn camera or dashboard camera 4529
recording, as defined in division (A) (17) of this section, any 4530
person may file a mandamus action pursuant to this section or a 4531
complaint with the clerk of the court of claims pursuant to 4532
section 2743.75 of the Revised Code, requesting the court to 4533
order the release of all or portions of the recording. If the 4534
court considering the request determines that the filing 4535
articulates by clear and convincing evidence that the public 4536
interest in the recording substantially outweighs privacy 4537
interests and other interests asserted to deny release, the 4538
court shall order the public office to release the recording. 4539

Sec. 305.021. (A) When there is a vacancy in the county 4540
engineer's office as a result of death or resignation and the 4541
vacancy cannot be filled by election or appointment as provided 4542
in section 305.02 of the Revised Code, or if no one runs for the 4543
office of county engineer and, for that reason, the office is 4544
vacant, the board of county commissioners may contract with 4545
another county's county engineer to exercise the powers and 4546

perform the acts, duties, or functions of the county engineer. 4547
Notwithstanding any contrary provision of the Revised Code or 4548
the common law, the same person may serve as the county engineer 4549
of more than one county, including adjacent counties, under this 4550
section. 4551

(B) A county engineer with whom the board contracts shall 4552
receive supplemental compensation for services rendered under 4553
the contract in an amount equal to the compensation specified in 4554
sections 325.14 and 325.18 of the Revised Code for the 4555
population range of the county in which the engineer is 4556
contracted to perform services, prorated for the duration of the 4557
contract. The supplemental compensation shall have no effect on 4558
the compensation a county engineer receives for serving as 4559
county engineer in the county in which the engineer holds 4560
office. The duration of the contract shall not extend beyond the 4561
last day of the term for which there was a vacancy. 4562

Sec. 315.251. ~~(A)~~—If a deed conveying title to real 4563
property is presented to the county auditor for transfer, and 4564
the deed contains a legal description for land that is a cut-up 4565
or split of the grantor's one or more existing parcels of land 4566
as shown in the county auditor's records, or if the legal 4567
description of the land conveyed in the deed is different from 4568
the legal description shown in the prior deed to the grantor, a 4569
boundary survey plat in conformity with the new description 4570
shall be submitted with the deed. The survey plat and 4571
description shall satisfy the minimum standards for boundary 4572
surveys promulgated by the board of registration for 4573
professional engineers and surveyors pursuant to Chapter 4733. 4574
of the Revised Code. If, in the opinion of the county engineer, 4575
the survey plat and description satisfy those standards, the 4576
county auditor shall accept the deed for transfer and a copy of 4577

the survey plat shall be filed in the county engineer's survey 4578
file for public inspection. 4579

This section applies only if the requirements of this 4580
section are included in the standards governing conveyances of 4581
real property in the county adopted under section 319.203 of the 4582
Revised Code. 4583

~~(B) Beginning on the effective date of this amendment, in 4584
the counties where the county engineer elects to engage in the 4585
private practice of engineering or surveying under division (B) 4586
of section 325.14 of the Revised Code the county auditor of that 4587
county shall designate another engineer who is registered under 4588
Chapter 4733. of the Revised Code and who is employed in the 4589
same county engineer's office to perform the duty of the county 4590
engineer under division (A) of this section or to exercise or 4591
perform any authority or duty of the county engineer under 4592
section 319.203 of the Revised Code if the county engineer 4593
reasonably believes that the performance of that duty or 4594
exercise of that authority by the county engineer would 4595
constitute a violation of Chapter 102. of the Revised Code or 4596
any other similar civil or criminal statute. Pursuant to this 4597
authorization, the designee engineer shall act in the place of 4598
the county engineer. Neither the county engineer nor the 4599
designee engineer shall discuss any matter reasonably related to 4600
this authorization. Any act in compliance with this section is 4601
not a violation of Chapter 102. of the Revised Code or any other 4602
similar statute. 4603~~

~~Division (B) of this section applies only to a county 4604
engineer holding office on the effective date of this amendment 4605
during such time as the person continues to serve that term or 4606
an immediately consecutive term of office as a county engineer. 4607~~

Sec. 319.203. ~~Subject to division (B) of section 315.251~~ 4608
~~of the Revised Code, the~~ The county auditor and the county 4609
engineer of each county, by written agreement, shall adopt 4610
standards governing conveyances of real property in the county. 4611
These standards may include the requirements specified in 4612
section 315.251 of the Revised Code. The county auditor and 4613
county engineer may modify those standards from time to time as 4614
they consider necessary or desirable. The standards shall be 4615
adopted or modified only after the county auditor and county 4616
engineer have held two public hearings, not less than ten days 4617
apart, concerning adoption or modification of the standards. The 4618
standards shall be available for public inspection during normal 4619
business hours at the offices of the county auditor and county 4620
engineer. 4621

Before the county auditor transfers any conveyance of real 4622
property presented to the auditor under section 319.20 or 4623
315.251 of the Revised Code, the county auditor shall review the 4624
conveyance to determine whether it complies with the standards 4625
adopted under this section. The county auditor shall not 4626
transfer any conveyance that does not comply with those 4627
standards. 4628

Sec. 319.28. (A) Except as otherwise provided in division 4629
(B) of this section, on or before the first Monday of August, 4630
annually, the county auditor shall compile and make up a general 4631
tax list of real and public utility property in the county, 4632
either in tabular form and alphabetical order, or, with the 4633
consent of the county treasurer, by listing all parcels in a 4634
permanent parcel number sequence to which a separate 4635
alphabetical index is keyed, containing the names of the several 4636
persons, companies, firms, partnerships, associations, and 4637
corporations in whose names real property has been listed in 4638

each township, municipal corporation, special district, or 4639
separate school district, or part of either in the auditor's 4640
county, placing separately, in appropriate columns opposite each 4641
name, the description of each tract, lot, or parcel of real 4642
estate, the value of each tract, lot, or parcel, the value of 4643
the improvements thereon, and of the names of the several public 4644
utilities whose property, subject to taxation on the general tax 4645
list and duplicate, has been apportioned by the department of 4646
taxation to the county, and the amount so apportioned to each 4647
township, municipal corporation, special district, or separate 4648
school district or part of either in the auditor's county, as 4649
shown by the certificates of apportionment of public utility 4650
property. If the name of the owner of any tract, lot, or parcel 4651
of real estate is unknown to the auditor, "unknown" shall be 4652
entered in the column of names opposite said tract, lot, or 4653
parcel. Such lists shall be prepared in duplicate. On or before 4654
the first Monday of September in each year, the auditor shall 4655
correct such lists in accordance with the additions and 4656
deductions ordered by the tax commissioner and by the county 4657
board of revision, and shall certify and on the first day of 4658
October deliver one copy thereof to the county treasurer. The 4659
copies prepared by the auditor shall constitute the auditor's 4660
general tax list and treasurer's general duplicate of real and 4661
public utility property for the current year. 4662

Once a permanent parcel numbering system has been 4663
established in any county as provided by the preceding 4664
paragraph, such system shall remain in effect until otherwise 4665
agreed upon by the county auditor and county treasurer. 4666

~~(B) (1) An individual, or the spouse of that individual,~~ 4667
~~whose residential and familial information is not a public~~ 4668
~~record A designated public service worker under divisions (A) (1)~~ 4669

~~(p) and division~~ (A) (7) of section 149.43 of the Revised Code, 4670
or the designated public service worker's spouse, may submit an 4671
affidavit to the county auditor requesting the county auditor to 4672
remove the name of the individual filing the affidavit from any 4673
record made available to the general public on the internet or a 4674
publicly accessible database, and from the general tax list and 4675
duplicate of real and public utility property, and to instead 4676
insert the individual's initials on any such record, and on the 4677
general tax list and duplicate of real and public utility 4678
property as the name of the individual that appears on the deed. 4679

(2) Upon receiving an affidavit described in division (B) 4680
(1) of this section, the county auditor shall act within five 4681
business days in accordance with the request to remove the 4682
individual's name from any record made available to the general 4683
public on the internet or a publicly accessible database, and 4684
from the general tax list and duplicate of real and public 4685
utility property and insert the individual's initials on any 4686
such record and on the general tax list and duplicate of real 4687
and public utility property, if practicable. If the removal and 4688
insertion is not practicable, the county auditor shall verbally 4689
or in writing within five business days after receiving the 4690
affidavit explain to the individual why the removal and 4691
insertion is impracticable. 4692

(C) The county auditor shall keep confidential information 4693
that is subject to a real property confidentiality notice under 4694
section 111.431 of the Revised Code, in accordance with that 4695
section. 4696

Sec. 323.78. (A) Notwithstanding anything in Chapters 4697
323., 5721., and 5723. of the Revised Code, a county treasurer 4698
may elect to invoke the alternative redemption period in any 4699

petition for foreclosure of abandoned lands under section 4700
323.25, sections 323.65 to 323.79, or section 5721.18 of the 4701
Revised Code. 4702

(B) If a county treasurer invokes the alternative 4703
redemption period pursuant to this section, and if a municipal 4704
corporation, township, county, school district, community 4705
development organization, or county land reutilization 4706
corporation has requested title to the parcel, then upon 4707
adjudication of foreclosure of the parcel, the court or board of 4708
revision shall order, in the decree of foreclosure or by 4709
separate order, that the equity of redemption and any statutory 4710
or common law right of redemption in the parcel by its owner 4711
shall be forever terminated after the expiration of the 4712
alternative redemption period and that the parcel shall be 4713
transferred by deed directly to the requesting municipal 4714
corporation, township, county, school district, community 4715
development ~~corporation~~organization, or county land 4716
reutilization corporation without appraisal and without a sale, 4717
free and clear of all impositions and any other liens on the 4718
property, which shall be deemed forever satisfied and 4719
discharged. The court or board of revision shall order such a 4720
transfer regardless of whether the value of the taxes, 4721
assessments, penalties, interest, and other charges due on the 4722
parcel, and the costs of the action, exceed the fair market 4723
value of the parcel. No further act of confirmation or other 4724
order shall be required for such a transfer, or for the 4725
extinguishment of any statutory or common law right of 4726
redemption. 4727

(C) If a county treasurer invokes the alternative 4728
redemption period pursuant to this section and if no community 4729
development organization, county land reutilization corporation, 4730

municipal corporation, county, township, or school district has 4731
requested title to the parcel, then upon adjudication of 4732
foreclosure of the parcel, the court or board of revision shall 4733
order the property sold as otherwise provided in Chapters 323. 4734
and 5721. of the Revised Code, and, failing any bid at any such 4735
sale, the parcel shall be forfeited to the state and otherwise 4736
disposed of pursuant to Chapter 5723. of the Revised Code. 4737

(D) (1) A municipal corporation, township, county, school 4738
district, community development organization, or county land 4739
reutilization corporation to which property is transferred 4740
pursuant to division (B) of this section shall cause the 4741
property to be sold through either of the following means: 4742

(a) At a public auction conducted by the sheriff of the 4743
county in which the property is located or a designee of the 4744
sheriff in the manner provided by law for the sale of real 4745
property on execution. The auction shall be advertised in the 4746
same manner required in division (A) of section 323.73 of the 4747
Revised Code. 4748

(b) By the solicitation of sealed bids. The political 4749
subdivision, community development organization, or county land 4750
reutilization corporation shall advertise the sale in a 4751
newspaper of general circulation that meets the requirements of 4752
section 7.12 of the Revised Code in the county in which the 4753
property is located, prescribe the form of bids, and accept bids 4754
over a period of at least three weeks. 4755

(2) Upon a sale of property pursuant to division (D) (1) of 4756
this section, the municipal corporation, township, county, 4757
school district, community development organization, or county 4758
land reutilization corporation that sold the property shall 4759
calculate the sum of the taxes, assessments, penalties, 4760

interest, and other charges due on the property at the time the 4761
property was transferred under division (B) of this section; the 4762
costs of the foreclosure action that resulted in the property's 4763
transfer under that division; and any costs incurred by the 4764
political subdivision, community development organization, or 4765
county land reutilization corporation in connection with the 4766
property. If the sale price exceeds that sum, the excess 4767
proceeds shall be delivered to the county treasurer of the 4768
county in which the property is located not later than forty- 4769
five days after its sale. Thereafter, the excess proceeds shall 4770
be treated in the same manner as surplus funds under section 4771
5721.20 of the Revised Code. 4772

The political subdivision, community development 4773
organization, or county land reutilization corporation shall 4774
maintain a record of the amounts calculated under this division, 4775
and the property's sale price, for three years after its sale 4776
date. The record is a public record subject to section 149.43 of 4777
the Revised Code. 4778

Sec. 325.14. (A) Each county engineer shall be classified, 4779
for salary purposes, according to the population of the county. 4780
All county engineers shall receive annual compensation in 4781
accordance with the following ~~schedules~~ schedule and in 4782
accordance with section 325.18 of the Revised Code: 4783

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 4784

~~FOR CALENDAR YEAR 2018 FOR~~ 4785

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 4786

4787

	1	2	3	
A	Class	Population Range	Compensation	
B	1	1 — 55,000	\$67,746	
C	2	55,001 — 95,000	73,059	
D	3	95,001 — 200,000	78,594	
E	4	200,001 — 400,000	83,022	
F	5	400,001 — 1,000,000	88,556	
G	6	1,000,001 or more	92,009	
	CLASSIFICATION AND COMPENSATION SCHEDULE			4788
	FOR CALENDAR YEAR 2018 FOR			4789
	COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE			4790
				4791

	1	2	3	
A	Class	Population Range	Compensation	
B	1	1 — 55,000	\$94,103	
C	2	55,001 — 95,000	99,417	
D	3	95,001 — 200,000	104,950	
E	4	200,001 — 400,000	109,378	

F	5	400,001 — 1,000,000	114,914
G	6	1,000,001 or more	118,361

CLASSIFICATION AND COMPENSATION SCHEDULE	4792
FOR CALENDAR YEAR 2019 FOR COUNTY ENGINEERS	4793
WITH A PRIVATE PRACTICE	4794

4795

	1	2	3
A	Class	Population Range	Compensation
B	1	1 — 55,000	\$71,133
C	2	55,001 — 95,000	76,712
D	3	95,001 — 200,000	82,524
E	4	200,001 — 400,000	87,173
F	5	400,001 — 1,000,000	92,984
G	6	1,000,001 or more	96,609

CLASSIFICATION AND COMPENSATION SCHEDULE	4796
FOR CALENDAR YEAR 2019 FOR COUNTY ENGINEERS	4797
WITHOUT A PRIVATE PRACTICE	4798

4799

	1	2	3	
A	Class	Population Range	Compensation	
B	1	1 — 55,000	\$98,808	
C	2	55,001 — 95,000	104,388	
D	3	95,001 — 200,000	110,198	
E	4	200,001 — 400,000	114,847	
F	5	400,001 — 1,000,000	120,660	
G	6	1,000,001 or more	124,279	
	CLASSIFICATION AND COMPENSATION SCHEDULE			4800
	FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS			4801
	WITH A PRIVATE PRACTICE			4802
				4803

	1	2	3	
A	Class	Population Range	Compensation	
B	1	1 — 55,000	\$74,690	
C	2	55,001 — 95,000	80,548	
D	3	95,001 — 200,000	86,650	
E	4	200,001 — 400,000	91,532	

F	5	400,001 — 1,000,000	97,633
G	6	1,000,001 or more	101,440

CLASSIFICATION AND COMPENSATION SCHEDULE	4804
FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS	4805
WITHOUT A PRIVATE PRACTICE	4806

4807

	1	2	3
A	Class	Population Range	Compensation
B	1	1 - 55,000	\$103,749
C	2	55,001 - 95,000	109,607
D	3	95,001 - 200,000	115,707
E	4	200,001 - 400,000	120,589
F	5	400,001 - 1,000,000	126,693
G	6	1,000,001 or more	130,493

Such salary may be paid monthly out of the general county	4808
fund or out of the county's share of the fund derived from the	4809
receipts from motor vehicle licenses, as distributed by section	4810
4501.04 of the Revised Code, and the county's share of the fund	4811
derived from the motor vehicle fuel tax, as distributed by	4812
section 5735.27 of the Revised Code, as the board of county	4813
commissioners directs, upon the warrant of the county auditor	4814

and shall be in lieu of all fees, costs, per diem or other 4815
allowances, and other perquisites, of whatever kind, which any 4816
engineer collects and receives. The engineer shall be the county 4817
tax map draftperson, but shall receive no additional 4818
compensation for performing the duties of that position. When 4819
the engineer performs service in connection with ditches or 4820
drainage works, the engineer shall charge and collect the per 4821
diem allowances or other fees provided by law and shall pay all 4822
of those allowances and fees, monthly, into the county treasury 4823
to the credit of the general county fund. The engineer shall pay 4824
into the county treasury all allowances and fees collected when 4825
the engineer performs services under sections 315.28 to 315.34 4826
of the Revised Code. 4827

(B) A county engineer may elect to engage or not to engage 4828
in the private practice of engineering or surveying ~~before the~~ 4829
~~commencement of each new term of office, and a county engineer~~ 4830
~~who elects not to engage in the private practice of engineering~~ 4831
~~or surveying may, for a period of six months after taking~~ 4832
~~office, engage in the private practice of engineering or~~ 4833
~~surveying for the purpose of concluding the affairs of private~~ 4834
~~practice without any diminution of salary as provided in~~ 4835
~~division (A) of this section and in section 325.18 of the~~ 4836
~~Revised Code. A county engineer, including an acting county~~ 4837
~~engineer described in section 305.021 of the Revised Code, shall~~ 4838
~~not perform any private engineering or surveying work that would~~ 4839
~~go before the office of the county engineer of any county in~~ 4840
~~which the person serves as the county engineer or acting county~~ 4841
~~engineer.~~ 4842

Sec. 349.01. As used in this chapter: 4843

(A) "New community" means a community or development of 4844

property in relation to an existing community planned so that 4845
the resulting community includes facilities for the conduct of 4846
industrial, commercial, residential, cultural, educational, and 4847
recreational activities, and designed in accordance with 4848
planning concepts for the placement of utility, open space, and 4849
other supportive facilities. 4850

(B) "New community development program" means a program 4851
for the development of a new community characterized by well- 4852
balanced and diversified land use patterns and which includes 4853
land acquisition and land development, the acquisition, 4854
construction, operation, and maintenance of community 4855
facilities, and the provision of services authorized in this 4856
chapter. 4857

A new community development program may take into account 4858
any existing community in relation to which a new community is 4859
developed for purposes of being characterized by well-balanced 4860
and diversified land use patterns. 4861

(C) "New community district" means the area of land 4862
described by the developer in the petition as set forth in 4863
division (A) of section 349.03 of the Revised Code for 4864
development as a new community and any lands added to the 4865
district by amendment of the resolution establishing the 4866
community authority. 4867

(D) "New community authority" means a body corporate and 4868
politic in this state, established pursuant to section 349.03 of 4869
the Revised Code and governed by a board of trustees as provided 4870
in section 349.04 of the Revised Code. 4871

(E) "Developer" means any person, organized for carrying 4872
out a new community development program who owns or controls, 4873

through leases of at least seventy-five years' duration, 4874
options, or contracts to purchase, the land within a new 4875
community district, or any municipal corporation, township, 4876
county, or port authority that owns the land within a new 4877
community district, or has the ability to acquire such land, 4878
either by voluntary acquisition or condemnation in order to 4879
eliminate slum, blighted, and deteriorated or deteriorating 4880
areas and to prevent the recurrence thereof. "Developer" may 4881
also mean a person, municipal corporation, township, county, or 4882
port authority that controls land within a new community 4883
district through leases of at least seventy-five years' 4884
duration. "Developer" includes a lessor that continues to own 4885
and control land for purposes of this chapter pursuant to leases 4886
with a ninety-nine-year renewable term, so long as all of the 4887
following apply: 4888

(1) The developer's new community district consists of at 4889
least five leases described in this section. 4890

(2) The leases are subject to forfeiture for all of the 4891
following: 4892

(a) Failing to pay taxes and assessments; 4893

(b) Failing to pay an annual fee of up to one per cent of 4894
rent for sanitary purposes and improvements made to streets; 4895

(c) Failing to keep the premises as required by sanitary 4896
and police regulations of the developer. 4897

(3) The new community authority is established on or 4898
before December 31, 2024. 4899

(F) "Organizational board of commissioners" means any of 4900
the following: 4901

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners;

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;

(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the board of township trustees of the township;

(5) In the event that more than one body meets the definitions set forth in divisions (F) (1) to (4) of this section, "organizational board of commissioners" means the organizational board of commissioners with which the original petition was filed or another body meeting the definitions set forth in divisions (F) (1) to (4) of this section appointed in a resolution adopted by the organizational board of commissioners with which the original petition was filed.

(G) "Land acquisition" means the acquisition of real

property and interests in real property as part of a new 4931
community development program. 4932

(H) "Land development" means the process of clearing and 4933
grading land, making, installing, or constructing water 4934
distribution systems, sewers, sewage collection systems, steam, 4935
gas, and electric lines, roads, streets, curbs, gutters, 4936
sidewalks, storm drainage facilities, and other installations or 4937
work, whether within or without the new community district, and 4938
the construction of community facilities. 4939

(I) "Community facilities" means all real property, 4940
buildings, structures, or other facilities, including related 4941
fixtures, equipment, and furnishings, to be owned, operated, 4942
financed, constructed, and maintained under this chapter or in 4943
furtherance of community activities, whether within or without 4944
the new community district, including public, community, 4945
village, neighborhood, or town buildings, centers and plazas, 4946
auditoriums, child care centers, recreation halls, educational 4947
facilities, health care facilities including hospital facilities 4948
as defined in section 140.01 of the Revised Code, 4949
telecommunications facilities, including all facilities 4950
necessary to provide telecommunications service as defined in 4951
section 4927.01 of the Revised Code, recreational facilities, 4952
natural resource facilities, including parks and other open 4953
space land, lakes and streams, cultural facilities, community 4954
streets and off-street parking facilities, pathway and bikeway 4955
systems, pedestrian underpasses and overpasses, lighting 4956
facilities, design amenities, or other community facilities, and 4957
buildings needed in connection with water supply or sewage 4958
disposal installations, or energy facilities including those for 4959
renewable or sustainable energy sources, and steam, gas, or 4960
electric lines or installation. 4961

(J) "Cost" as applied to a new community development 4962
program means all costs related to land acquisition and land 4963
development, the acquisition, construction, maintenance, and 4964
operation of community facilities and offices of the community 4965
authority, and of providing furnishings and equipment therefor, 4966
financing charges including interest prior to and during 4967
construction and for the duration of the new community 4968
development program, planning expenses, engineering expenses, 4969
administrative expenses including working capital, and all other 4970
expenses necessary and incident to the carrying forward of the 4971
new community development program. 4972

(K) "Income source" means any and all sources of income to 4973
the community authority, including community development charges 4974
of which the new community authority is the beneficiary as 4975
provided in section 349.07 of the Revised Code, rentals, user 4976
fees and other charges received by the new community authority, 4977
any gift or grant received, any moneys received from any funds 4978
invested by or on behalf of the new community authority, and 4979
proceeds from the sale or lease of land and community 4980
facilities. 4981

(L) "Community development charge" means: 4982

(1) A dollar amount which shall be determined on the basis 4983
of the assessed valuation of real property or interests in real 4984
property in a new community district, the income of the 4985
residents of such property subject to such charge under section 4986
349.07 of the Revised Code, if such property is devoted to 4987
residential uses or to the profits, gross receipts, or other 4988
revenues of any business including, but not limited to, rentals 4989
received from leases of real property located in the district, a 4990
uniform or other fee on each parcel of such real property in a 4991

new community district, or any combination of the foregoing 4992
bases. 4993

(2) If a new community authority imposes a community 4994
development charge determined on the basis of rentals received 4995
from leases of real property, improvements of any real property 4996
located in the new community district and subject to that charge 4997
may not be exempted from taxation under section 5709.40, 4998
5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised 4999
Code. 5000

(M) "Proximate community" means the following: 5001

(1) For a new community district other than a new 5002
community district described in division (M) (2), (3), or (4) of 5003
this section, any city that, as of the date of filing of the 5004
petition under section 349.03 of the Revised Code, is the city 5005
with the greatest population located in the county in which the 5006
proposed new community district is located, is the city with the 5007
greatest population located in an adjoining county if any 5008
portion of such city is within five miles of any part of the 5009
boundaries of such district, or exercises extraterritorial 5010
subdivision authority under section 711.09 of the Revised Code 5011
with respect to any part of such district. 5012

(2) A municipal corporation in which, at the time of 5013
filing the petition under section 349.03 of the Revised Code, 5014
any portion of the proposed new community district is located. 5015

(3) For a new community district other than a new 5016
community district described in division (M) (2) or (4) of this 5017
section, if at the time of filing the petition under section 5018
349.03 of the Revised Code, more than one-half of the proposed 5019
district is contained within a joint economic development 5020

district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(4) For a new community district other than a new community district described in division (M) (2) or (3) of this section, if at the time of filing the petition under section 343.03 of the Revised Code the proposed new community district is comprised entirely of unincorporated territory within the boundaries of a township with a population of five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the township in which the proposed new community district is located.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof.

Sec. 349.03. (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of an organizational board of commissioners determined based on where the territory of the proposed new community district is located. Such petition shall be signed by the developer and may be signed by each proximate community. The legislative authorities of each such proximate community shall act in behalf of such community. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;

(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees;

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability;

(8) A statement that the development will comply with all applicable environmental laws and regulations.

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies

with the requirements of this section as to form and substance. 5079
The board in subsequent proceedings may at any time permit the 5080
petition to be amended in form and substance to conform to the 5081
facts by correcting any errors in the description of the 5082
proposed new community district or in any other particular. 5083

Upon the determination of the organizational board of 5084
commissioners that a sufficient petition has been filed in 5085
accordance with this section, the board shall fix the time and 5086
place of a hearing on the petition for the establishment of the 5087
proposed new community authority. Such hearing shall be held not 5088
less than ninety-five nor more than one hundred fifteen days 5089
after the petition filing date, except that if the petition has 5090
been signed by all proximate communities or if the 5091
organizational board of commissioners is the legislative 5092
authority of the only proximate community for the proposed new 5093
community district, such hearing shall be held not less than 5094
thirty nor more than forty-five days after the petition filing 5095
date. The clerk of the organizational board of commissioners 5096
shall give notice thereof by publication once each week for 5097
three consecutive weeks, or as provided in section 7.16 of the 5098
Revised Code, in a newspaper of general circulation in any 5099
county of which a portion is within the proposed new community 5100
district. Except where the organizational board of commissioners 5101
is the legislative authority of the only proximate community for 5102
the proposed new community district, such clerk shall also give 5103
written notice of the date, time, and place of the hearing and 5104
furnish a certified copy of the petition to the clerk of the 5105
legislative authority of each proximate community which has not 5106
signed such petition. Except where the organizational board of 5107
commissioners is the legislative authority of the only proximate 5108
community for the proposed new community district, in the event 5109

that the legislative authority of a proximate community which 5110
did not sign the petition does not approve by ordinance, 5111
resolution, or motion the establishment of the proposed new 5112
community authority and does not deliver such ordinance, 5113
resolution, or motion to the clerk of the organizational board 5114
of commissioners within ninety days following the date of the 5115
first publication of the notice of the public hearing, the 5116
organizational board of commissioners shall cancel such public 5117
hearing and terminate the proceedings for the establishment of 5118
the new community authority. 5119

Upon the hearing, if the organizational board of 5120
commissioners determines by resolution that the proposed new 5121
community district will be conducive to the public health, 5122
safety, convenience, and welfare, and is intended to result in 5123
the development of a new community, the board shall by its 5124
resolution, declare the new community authority to be organized 5125
and a body politic and corporate with the corporate name 5126
designated in the resolution, and define the boundary of the new 5127
community district. In addition, the resolution shall provide 5128
the method of selecting the board of trustees of the new 5129
community authority and fix the surety for their bonds in 5130
accordance with section 349.04 of the Revised Code. 5131

If the organizational board of commissioners finds that 5132
the establishment of the district will not be conducive to the 5133
public health, safety, convenience, or welfare, or is not 5134
intended to result in the development of a new community, it 5135
shall reject the petition thereby terminating the proceedings 5136
for the establishment of the new community authority. 5137

(B) (1) At any time after the creation of a new community 5138
authority, the developer may file an application with the clerk 5139

of the organizational board of commissioners with which the 5140
original petition was filed, or the organizational board of 5141
commissioners appointed pursuant to division (F) (5) of section 5142
349.01 of the Revised Code, setting forth a general description 5143
of territory it desires to add or to delete from such district, 5144
that such change will be conducive to the public health, safety, 5145
convenience, and welfare, and will be consistent with the 5146
development of a new community and will not jeopardize the plan 5147
of the new community. 5148

(2) If the territory to be added or deleted from a new 5149
community district meets the criteria described in either 5150
division (F) (3) or (4) of section 349.01 of the Revised Code, 5151
and the original petition was not filed with the legislative 5152
authority of the municipal corporation or the board of township 5153
trustees of the township ~~organizational board of commissioners~~ 5154
described in those divisions, the developer shall also file a 5155
copy of the application to the clerk of that ~~municipal~~ 5156
legislative authority or township ~~organizational board of~~ 5157
~~commissioners~~ fiscal officer. ~~A municipal or township~~ 5158
~~organizational board of commissioners that receives an~~ 5159
~~application under division (B) (2) of this section is the acting~~ 5160
~~organizational board of commissioners for the purposes of~~ 5161
~~division (B) (4) of this section. Otherwise, the organizational~~ 5162
~~board of commissioners with which the original petition was~~ 5163
~~filed is the acting organizational board of commissioners for~~ 5164
~~the purposes of that division.~~ 5165

(3) If the developer is not a municipal corporation, port 5166
authority, or county, all of such an addition to such a district 5167
shall be owned by, or under the control through leases of at 5168
least seventy-five years' duration, options, or contracts to 5169
purchase, of the developer. 5170

(4) Upon the filing of the application, the ~~acting~~ 5171
organizational board of commissioners shall follow the same 5172
procedure as required by this section in relation to the 5173
original petition for the establishment of the proposed new 5174
community. The ~~acting~~ organizational board of commissioners also 5175
may determine by resolution to add territory to such district, 5176
provided that the owner or other person who controls such 5177
territory through leases of at least forty years' duration, 5178
options, or contracts to purchase files a written consent to the 5179
addition of such territory with the clerk of the ~~acting~~ 5180
organizational board of commissioners, and ~~neither~~ the developer 5181
~~nor, if applicable, the organizational board of commissioners~~ 5182
~~with which the original petition was filed objects~~ does not 5183
object to the addition of such territory by filing a written 5184
objection with the clerk of the ~~acting~~ organizational board of 5185
commissioners before the adoption of the resolution adding such 5186
territory to the district. The ~~acting~~ organizational board of 5187
commissioners shall follow the same procedure as required by 5188
this section in relation to the original petition for the 5189
establishment of the proposed new community when adopting such a 5190
resolution. 5191

(C) If all or any part of the new community district is 5192
annexed to one or more existing municipal corporations, their 5193
legislative authorities may appoint persons to replace any 5194
appointed citizen member of the board of trustees. The number of 5195
such trustees to be replaced by the municipal corporation shall 5196
be the number, rounded to the lowest integer, bearing the 5197
proportionate relationship to the number of existing appointed 5198
citizen members as the acreage of the new community district 5199
within such municipal corporation bears to the total acreage of 5200
the new community district. If any such municipal corporation 5201

chooses to replace an appointed citizen member, it shall do so 5202
by ordinance, the term of the trustee being replaced shall 5203
terminate thirty days from the date of passage of such 5204
ordinance, and the trustee to be replaced shall be determined by 5205
lot. Each newly appointed member shall assume the term of the 5206
member's predecessor. 5207

Sec. 349.14. Except as provided in section 349.03 of the 5208
Revised Code, or as otherwise provided in a resolution adopted 5209
by the organizational board of commissioners of a new community 5210
authority, a new community authority organized under this 5211
chapter may be dissolved only on the vote of a majority of the 5212
voters of the new community district at a special election 5213
called by the board of trustees on the question of dissolution. 5214
Such an election may be called only after the board has 5215
determined that the new community development program has been 5216
completed, when no community authority bonds or notes are 5217
outstanding, and other legal indebtedness of the authority has 5218
been discharged or provided for, and only after there has been 5219
filed with the board of trustees a petition requesting such 5220
election, signed by a number of qualified electors residing in 5221
the new community district equal to not less than eight per cent 5222
of the total vote cast for all candidates for governor in the 5223
new community district at the most recent general election at 5224
which a governor was elected. If a majority of the votes cast 5225
favor dissolution, the board of trustees shall, by resolution, 5226
declare the authority dissolved and thereupon the community 5227
authority shall be dissolved. A certified copy of the resolution 5228
shall, within fifteen days after its adoption, be filed with the 5229
clerk of the organizational board of commissioners ~~with which~~ 5230
~~the original petition for the organization of the new community~~ 5231
~~authority was filed and with the clerk of any other~~ 5232

~~organizational board of commissioners where territory of the new~~ 5233
~~community district was located.~~ 5234

Upon dissolution of a new community authority, the powers 5235
thereof shall cease to exist. Any property of the new community 5236
authority shall vest with a municipal corporation, county, or 5237
township in which that property is located or with the developer 5238
of the new community authority or the developer's designee, all 5239
as provided in a resolution adopted by the organizational board 5240
of commissioners. Any vesting of property in a municipal 5241
corporation, township, or county shall be subject to acceptance 5242
of the property by resolution of the legislative authority of 5243
the municipal corporation, board of township trustees, or board 5244
of county commissioners, as applicable. If the legislative 5245
authority of a municipal corporation, board of township 5246
trustees, or board of county commissioners declines to accept 5247
the property, the property vests with the developer or the 5248
developer's designee. Any funds of the community authority at 5249
the time of dissolution shall be transferred to the municipal 5250
corporation and county or township, as provided in a resolution, 5251
in which the new community district is located in the proportion 5252
to the assessed valuation of taxable real property of the new 5253
community authority within such municipal corporation and 5254
township or county as said valuation appears on the current 5255
assessment rolls. 5256

Sec. 501.07. Lands described in division (A) of section 5257
501.06 of the Revised Code shall continue to be leased under the 5258
terms granted until such time as the lease may expire. At the 5259
time of expiration, subject to section 501.04 of the Revised 5260
Code, the land may be leased again by the board of education of 5261
the school district for whose benefit the land has been 5262
allocated or be offered for sale by public auction or by the 5263

receipt of sealed bids with the sale awarded by the school board 5264
to the highest bidder. Prior to the offering of these lands for 5265
sale, the school board shall have an appraisal made of these 5266
lands by at least two disinterested appraisers. Notification of 5267
the sale of these lands, including the minerals in or on these 5268
or other lands, shall be advertised once a week for two 5269
consecutive weeks, ~~or as provided in section 7.16 of the Revised~~ 5270
~~Code, in using at least one of the following methods:~~ 5271

(A) In the print or digital edition of a newspaper of 5272
general circulation in the county in which the land is located; 5273

(B) On the official public notice web site established 5274
under section 125.182 of the Revised Code; 5275

(C) On the web site and social media account of the 5276
township. No 5277

No bids shall be accepted for less than the appraised 5278
value of the land. 5279

Sec. 503.162. (A) After certification of a resolution as 5280
provided in section 503.161 of the Revised Code, the board of 5281
elections shall submit the question of whether the township's 5282
name shall be changed to the electors of the unincorporated area 5283
of the township in accordance with division (C) of that section, 5284
and the ballot language shall be substantially as follows: 5285

"Shall the township of _____ (name) change its name 5286
to _____ (proposed name)? 5287

_____ For name change 5288

_____ Against name change" 5289

(B) (1) At least forty-five days before the election on 5290
this question, the board of township trustees shall ~~provide~~ 5291

publish notice of the election and an explanation of the 5292
proposed name change ~~in a newspaper of general circulation in~~ 5293
~~the township~~ once a week for two consecutive weeks ~~or as~~ 5294
~~provided in section 7.16 of the Revised Code~~ using at least one 5295
of the following methods: 5296

(a) In the print or digital edition of a newspaper of 5297
general circulation in the township; 5298

(b) On the official public notice web site established 5299
under section 125.182 of the Revised Code; 5300

(c) On the web site and social media account of the 5301
township. ~~The~~ 5302

The board of township trustees shall post the notice and 5303
explanation in five conspicuous places in the unincorporated 5304
area of the township. 5305

(2) If the board of elections operates and maintains a web 5306
site, notice of the election and an explanation of the proposed 5307
name change shall be posted on that web site for at least thirty 5308
days before the election on this question. 5309

(C) If a majority of the votes cast on the proposition of 5310
changing the township's name is in the affirmative, the name 5311
change is adopted and becomes effective ninety days after the 5312
board of elections certifies the election results to the fiscal 5313
officer of the township. Upon receipt of the certification of 5314
the election results from the board of elections, the fiscal 5315
officer of the township shall send a copy of that certification 5316
to the secretary of state. 5317

(D) A change in the name of a township shall not alter the 5318
rights or liabilities of the township as previously named. 5319

Sec. 503.41. (A) A board of township trustees, by 5320
resolution, may regulate and require the registration of massage 5321
establishments and their employees within the unincorporated 5322
territory of the township. In accordance with sections 503.40 to 5323
503.49 of the Revised Code, for that purpose, the board, by a 5324
majority vote of all members, may adopt, amend, administer, and 5325
enforce regulations within the unincorporated territory of the 5326
township. 5327

(B) A board may adopt regulations and amendments under 5328
this section only after public hearing at not fewer than two 5329
regular sessions of the board. The board shall ~~cause to be~~ 5330
~~published in a newspaper of general circulation in the township,~~ 5331
~~or as provided in section 7.16 of the Revised Code, publish~~ 5332
notice of the public hearings, including the time, date, and 5333
place, once a week for two weeks immediately preceding the 5334
hearings using at least one of the following methods: 5335

(1) In the print or digital edition of a newspaper of 5336
general circulation in the township; 5337

(2) On the official public notice web site established 5338
under section 125.182 of the Revised Code; 5339

(3) On the web site and social media account of the 5340
township. The 5341

The board shall make available proposed regulations or 5342
amendments to the public at the office of the board. 5343

(C) Regulations or amendments adopted by the board are 5344
effective thirty days after the date of adoption unless, within 5345
thirty days after the adoption of the regulations or amendments, 5346
the township fiscal officer receives a petition, signed by a 5347
number of qualified electors residing in the unincorporated area 5348

of the township equal to not less than ten per cent of the total 5349
vote cast for all candidates for governor in the area at the 5350
most recent general election at which a governor was elected, 5351
requesting the board to submit the regulations or amendments to 5352
the electors of the area for approval or rejection at the next 5353
primary or general election occurring at least ninety days after 5354
the board receives the petition. 5355

No regulation or amendment for which the referendum vote 5356
has been requested is effective unless a majority of the votes 5357
cast on the issue is in favor of the regulation or amendment. 5358
Upon certification by the board of elections that a majority of 5359
the votes cast on the issue was in favor of the regulation or 5360
amendment, the regulation or amendment takes immediate effect. 5361

(D) The board shall make available regulations it adopts 5362
or amends to the public at the office of the board and shall 5363
cause to be published once a notice of the availability of the 5364
regulations ~~in a newspaper of general circulation in the~~ 5365
~~township~~ within ten days after their adoption or amendment, 5366
using at least one of the following methods: 5367

(1) In the print or digital edition of a newspaper of 5368
general circulation in the township; 5369

(2) On the official public notice web site established 5370
under section 125.182 of the Revised Code; 5371

(3) On the web site and social media account of the 5372
township. 5373

(E) Nothing in sections 503.40 to 503.49 of the Revised 5374
Code shall be construed to allow a board of township trustees to 5375
regulate the practice of any limited branch of medicine 5376
specified in section 4731.15 of the Revised Code or the practice 5377

of providing therapeutic massage by a licensed physician, a 5378
licensed chiropractor, a licensed podiatrist, a licensed nurse, 5379
or any other licensed health professional. ~~As~~ As used in this 5380
division, "licensed" means licensed, certified, or registered to 5381
practice in this state. 5382

(F) If a township adopts regulations to require the 5383
registration of massage establishments and their employees, the 5384
township shall comply with Chapter 4796. of the Revised Code. 5385

Sec. 503.54. (A) As used in this section: 5386

(1) "Admission" means the right or privilege to enter into 5387
any place. 5388

(2) "Qualifying township" means a township that has all or 5389
any part of a qualifying event venue within its boundaries. 5390

(3) "Qualifying event venue" means a theater, concert 5391
hall, entertainment venue, or similar space for hosting 5392
performances or events that meets both of the following 5393
requirements: 5394

(a) The venue has a capacity of at least two thousand 5395
attendees; 5396

(b) The venue, and the land on which it is situated, is 5397
exempt from property taxation. 5398

(B) For the purposes of providing revenue for police, 5399
fire, and emergency medical services and of paying the costs of 5400
administering the fee, the legislative authority of a qualifying 5401
township may, by resolution, impose a fee upon the sale of 5402
admission to any qualifying event venue in the township. 5403

(C) The resolution shall state that the fee does not apply 5404
to amounts paid for admission to any of the following: 5405

(1) A county fairground; 5406

(2) Events or activities sponsored by the state or a 5407
political subdivision, including any city, local, or exempted 5408
village school district; 5409

(3) Events or activities wherein the charge for admission 5410
is ten dollars or less. 5411

(D) The rate of a fee imposed under this section shall 5412
equal a fixed amount per admission, but shall not exceed one 5413
dollar per admission. Every person receiving any payment for a 5414
sale on which a fee is imposed under this section shall collect 5415
the amount of the fee from the person making the admission 5416
payment and remit the fee to the qualifying township in the 5417
manner and at the times prescribed by the regulations adopted by 5418
the board of township trustees. 5419

(E) The resolution shall state that the fee shall be 5420
referred to as a "protect and serve charge." Before adopting the 5421
resolution, the board of township trustees shall conduct two 5422
public hearings on the resolution, the second hearing to be not 5423
less than three nor more than ten days after the first. Notice 5424
of the date, time, and place of such hearings shall be given by 5425
publication in a newspaper of general circulation in the 5426
township or as provided in section 7.16 of the Revised Code once 5427
a week on the same day of the week for two consecutive weeks, 5428
the second publication being not less than ten nor more than 5429
thirty days before the first hearing. 5430

No resolution under this section shall become effective 5431
sooner than thirty days following its adoption, and such 5432
resolution is subject to a referendum in the same manner, except 5433
as to the form of the petition, as provided in division (H) of 5434

section 519.12 of the Revised Code for a proposed amendment to a 5435
township zoning resolution. In addition, a petition under this 5436
section shall be governed by the rules specified in section 5437
3501.38 of the Revised Code. No resolution imposing a fee under 5438
this section for which a referendum vote has been requested 5439
shall go into effect unless approved by a majority of those 5440
voting upon it. 5441

(F) The legislative authority of a qualifying township 5442
imposing a fee pursuant to this section shall establish all 5443
regulations necessary to provide for the administration of the 5444
fee. The regulations shall provide, after deducting the real and 5445
actual costs of administering the fee, that the revenue be used 5446
exclusively for providing police, fire, and emergency medical 5447
services within the township. 5448

(G) A fee imposed pursuant to this section continues in 5449
effect until repealed by resolution adopted by the board of 5450
township trustees. 5451

Sec. 504.02. (A) After certification of a resolution as 5452
provided in division (A) of section 504.01 of the Revised Code, 5453
the board of elections shall submit the question of whether to 5454
adopt a limited home rule government to the electors of the 5455
unincorporated area of the township, and the ballot language 5456
shall be substantially as follows: 5457

"Shall the township of _____ (name) adopt a limited 5458
home rule government, under which government the board of 5459
township trustees, by resolution, may exercise limited powers of 5460
local self-government and limited police powers? 5461

_____ For adoption of a limited home rule government 5462

_____ Against adoption of a limited home rule government" 5463

(B) (1) At least forty-five days before the election on 5464
this question, the board of township trustees shall have notice 5465
of the election and a description of the proposed limited home 5466
rule government published ~~in a newspaper of general circulation~~ 5467
~~in the township~~ once a week for two consecutive weeks ~~or as~~ 5468
~~provided in section 7.16 of the Revised Code, and~~ using at 5469
least one of the following methods: 5470

(a) In the print or digital edition of a newspaper of 5471
general circulation in the township; 5472

(b) On the official public notice web site established 5473
under section 125.182 of the Revised Code; 5474

(c) On the web site and social media account of the 5475
township. 5476

The board shall have the notice and description posted in 5477
five conspicuous places in the unincorporated area of the 5478
township. 5479

(2) If a board of elections operates and maintains a web 5480
site, notice of the election and a description of the proposed 5481
limited home rule government shall be posted on that web site 5482
for at least thirty days before the election on this question. 5483

(C) If a majority of the votes cast on the proposition of 5484
adopting a limited home rule government is in the affirmative, 5485
that government is adopted and becomes the government of the 5486
township on the first day of January immediately following the 5487
election. 5488

Sec. 504.03. (A) (1) If a limited home rule government is 5489
adopted pursuant to section 504.02 of the Revised Code, it shall 5490
remain in effect for at least three years except as otherwise 5491
provided in division (B) of this section. At the end of that 5492

period, if the board of township trustees determines that that 5493
government is not in the best interests of the township, it may 5494
adopt a resolution causing the board of elections to submit to 5495
the electors of the unincorporated area of the township the 5496
question of whether the township should continue the limited 5497
home rule government. The question shall be voted upon at the 5498
next general election occurring at least ninety days after the 5499
certification of the resolution to the board of elections. After 5500
certification of the resolution, the board of elections shall 5501
submit the question to the electors of the unincorporated area 5502
of the township, and the ballot language shall be substantially 5503
as follows: 5504

"Shall the township of _____ (name) continue the 5505
limited home rule government under which it is operating? 5506

_____ For continuation of the limited home rule government 5507

_____ Against continuation of the limited home rule government" 5508

(2) (a) At least forty-five days before the election on the 5509
question of continuing the limited home rule government, the 5510
board of township trustees shall have notice of the election 5511
published ~~in a newspaper of general circulation in the township~~ 5512
once a week for two consecutive weeks ~~or as provided in section~~ 5513
~~7.16 of the Revised Code, and~~ using at least one of the 5514
following methods: 5515

(i) In the print or digital edition of a newspaper of 5516
general circulation in the township; 5517

(ii) On the official public notice web site established 5518
under section 125.182 of the Revised Code; 5519

(iii) On the web site and social media account of the 5520
township 5521

The board shall have the notice posted in five conspicuous 5522
places in the unincorporated area of the township. 5523

(b) If a board of elections operates and maintains a web 5524
site, notice of the election shall be posted on that web site 5525
for at least thirty days before the election on the question of 5526
continuing the limited home rule government. 5527

(B) The electors of a township that has adopted a limited 5528
home rule government may propose at any time by initiative 5529
petition, in accordance with section 504.14 of the Revised Code, 5530
a resolution submitting to the electors in the unincorporated 5531
area of the township, in an election, the question set forth in 5532
division (A) (1) of this section. 5533

(C) If a majority of the votes cast under division (A) or 5534
(B) of this section on the proposition of continuing the limited 5535
home rule government is in the negative, that government is 5536
terminated effective on the first day of January immediately 5537
following the election, and a limited home rule government shall 5538
not be adopted in the unincorporated area of the township 5539
pursuant to section 504.02 of the Revised Code for at least 5540
three years after that date. 5541

(D) If a limited home rule government is terminated under 5542
this section, the board of township trustees immediately shall 5543
adopt a resolution repealing all resolutions adopted pursuant to 5544
this chapter that are not authorized by any other section of the 5545
Revised Code outside this chapter, effective on the first day of 5546
January immediately following the election described in division 5547
(A) or (B) of this section. However, no resolution adopted under 5548
this division shall affect or impair the obligations of the 5549
township under any security issued or contracts entered into by 5550
the township in connection with the financing of any water 5551

supply facility or sewer improvement under sections 504.18 to 5552
504.20 of the Revised Code or the authority of the township to 5553
collect or enforce any assessments or other revenues 5554
constituting security for or source of payments of debt service 5555
charges of those securities. 5556

(E) Upon the termination of a limited home rule government 5557
under this section, if the township had converted its board of 5558
township trustees to a five-member board before September 26, 5559
2003, the current board member who received the lowest number of 5560
votes of the current board members who were elected at the most 5561
recent election for township trustees, and the current board 5562
member who received the lowest number of votes of the current 5563
board members who were elected at the second most recent 5564
election for township trustees, shall cease to be township 5565
trustees on the date that the limited home rule government 5566
terminates. Their offices likewise shall cease to exist at that 5567
time, and the board shall continue as a three-member board as 5568
provided in section 505.01 of the Revised Code. 5569

Sec. 504.12. No resolution and no section or numbered or 5570
lettered division of a section shall be revised or amended 5571
unless the new resolution contains the entire resolution, 5572
section, or division as revised or amended, and the resolution, 5573
section, or division so amended shall be repealed. This 5574
requirement does not prevent the amendment of a resolution by 5575
the addition of a new section, or division, and in this case the 5576
full text of the former resolution need not be set forth, nor 5577
does this section prevent repeals by implication. Except in the 5578
case of a codification or recodification of resolutions, a 5579
separate vote shall be taken on each resolution proposed to be 5580
amended. Resolutions that have been introduced and have received 5581
their first reading or their first and second readings, but have 5582

not been voted on for passage, may be amended or revised by a 5583
majority vote of the members of the board of township trustees, 5584
and the amended or revised resolution need not receive 5585
additional readings. 5586

The board of township trustees of a limited home rule 5587
township may revise, codify, and publish in book form the 5588
resolutions of the township in the manner provided in section 5589
504.123 of the Revised Code. Resolutions adopted by the board 5590
shall be published in the manner provided by sections 504.121, 5591
504.122, 504.124, and 504.125, ~~and 504.126~~ of the Revised Code. 5592

The procedures provided in this section and sections 5593
504.121 to ~~504.126~~ 504.125 of the Revised Code apply only to 5594
resolutions adopted pursuant to a township's limited home rule 5595
powers as authorized by this chapter. 5596

Sec. 504.121. (A) A succinct summary of each resolution, 5597
of all notices to bidders for the construction of public 5598
improvements and notices of the sale of bonds, and of all 5599
statements, orders, proclamations, notices, and reports required 5600
by law or resolution to be published, shall be published ~~in~~ 5601
using at least one of the following methods: 5602

(1) In the print or digital edition of a newspaper of 5603
general circulation in the township; 5604

(2) On the official public notice web site established 5605
under section 125.182 of the Revised Code; 5606

(3) On the web site and social media account of the 5607
township. ~~Proof-~~ 5608

~~Proof of the publication and required circulation of any~~ 5609
~~newspaper used as a medium of publication as provided by this~~ 5610
~~section~~ shall be made by affidavit of the proprietor of the 5611

newspaper or operator of the official public notice web site, as 5612
applicable, and shall be filed with the fiscal officer of the 5613
township. If publication is made by posting on the township web 5614
site or social media account, the township fiscal officer shall 5615
cause proof of the publication to be created, and maintain the 5616
proof. 5617

(B) The publication shall contain notice that the complete 5618
text of each such resolution may be obtained or viewed at the 5619
office of the fiscal officer of the township and may be viewed 5620
at any other location designated by the board of township 5621
trustees. The township law director or the county prosecuting 5622
attorney, as applicable, shall review the summary of a 5623
resolution published under this section before forwarding it to 5624
the fiscal officer for publication, to ensure the summary is 5625
legally accurate and sufficient. 5626

(C) Upon publication of a summary of a resolution in 5627
accordance with this section, the fiscal officer of the township 5628
shall supply a copy of the complete text of each such resolution 5629
to any person, upon request, and may charge a reasonable fee, 5630
set by the board of township trustees, for each copy supplied. 5631
The fiscal officer of the township shall post a copy of the text 5632
at the fiscal officer's office and at every other location 5633
designated by the board of township trustees. 5634

Sec. 504.122. The publication required in section 504.121 5635
of the Revised Code shall be for the following times: 5636

(A) Summaries of resolutions, and proclamations of 5637
elections, once a week for two consecutive weeks ~~or as provided~~ 5638
~~in section 7.16 of the Revised Code;~~ 5639

(B) Notices, not less than two nor more than four 5640

consecutive weeks ~~or as provided in section 7.16 of the Revised~~ 5641
~~Code;~~ 5642

(C) All other matters shall be published once. 5643

Sec. 504.123. When resolutions are revised, codified, 5644
rearranged, published in book form, and certified as correct by 5645
the fiscal officer of the township and the township 5646
administrator, such publication shall be a sufficient 5647
publication, and the resolutions so published, under appropriate 5648
titles, chapters, and sections, shall be held the same in law as 5649
though they had been published in ~~a newspaper~~ accordance with 5650
section 731.21 of the Revised Code. A new resolution so 5651
published in book form, a summary of which has not been 5652
published as required by sections 504.121 and 504.122 of the 5653
Revised Code, and which contains entirely new matter, shall be 5654
published as required by such sections. If such revision or 5655
codification is made by a township and contains new matter, it 5656
shall be a sufficient publication of such codification, 5657
including the new matter, to publish, in the manner required by 5658
such sections, a notice of the enactment of such codifying 5659
resolution, containing the title of the resolution and a summary 5660
of the new matters covered by it. Such revision and codification 5661
may be made under appropriate titles, chapters, and sections and 5662
in one resolution containing one or more subjects. 5663

Except as provided by this section, a succinct summary of 5664
all resolutions, including emergency resolutions, shall be 5665
published in accordance with section 504.121 of the Revised 5666
Code. 5667

Sec. 504.124. Immediately after the expiration of the 5668
period of publication of summaries of resolutions required by 5669
section 504.122 of the Revised Code, the fiscal officer of the 5670

township shall enter on the record of resolutions, in a blank to 5671
be left for such purpose under the recorded resolution, a 5672
certificate stating in which ~~newspaper manner~~ and on what dates 5673
such publication was made, and shall sign the fiscal officer's 5674
name thereto officially. Such certificate shall be prima-facie 5675
evidence that legal publication of the summary of the resolution 5676
was made. 5677

Sec. ~~504.126~~ 504.125. It is a sufficient defense to any 5678
suit or prosecution under a resolution, to show that no 5679
publication or posting was made as required by sections 504.121 5680
to ~~504.125~~ 504.124 of the Revised Code. 5681

Sec. 504.21. (A) The board of township trustees of a 5682
township that has adopted a limited home rule government may, 5683
for the unincorporated territory in the township, adopt, amend, 5684
and rescind rules establishing technically feasible and 5685
economically reasonable standards to achieve a level of 5686
management and conservation practices that will abate wind or 5687
water erosion of the soil or abate the degradation of the waters 5688
of the state by soil sediment in conjunction with land grading, 5689
excavating, filling, or other soil disturbing activities on land 5690
used or being developed in the township for nonfarm commercial, 5691
industrial, residential, or other nonfarm purposes, and 5692
establish criteria for determination of the acceptability of 5693
those management and conservation practices. The rules shall be 5694
designed to implement the applicable areawide waste treatment 5695
management plan prepared under section 208 of the "Federal Water 5696
Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, 5697
as amended, and to implement phase II of the storm water program 5698
of the national pollutant discharge elimination system 5699
established in 40 C.F.R. Part 122. The rules to implement phase 5700
II of the storm water program of the national pollutant 5701

discharge elimination system shall not be inconsistent with, 5702
more stringent than, or broader in scope than the rules or 5703
regulations adopted by the environmental protection agency under 5704
40 C.F.R. Part 122. The rules adopted under this section shall 5705
not apply inside the limits of municipal corporations, to lands 5706
being used in a strip mine operation as defined in section 5707
1513.01 of the Revised Code, or to land being used in a surface 5708
mine operation as defined in section 1514.01 of the Revised 5709
Code. 5710

The rules adopted under this section may require persons 5711
to file plans governing erosion control, sediment control, and 5712
water management before clearing, grading, excavating, filling, 5713
or otherwise wholly or partially disturbing one or more 5714
contiguous acres of land owned by one person or operated as one 5715
development unit for the construction of nonfarm buildings, 5716
structures, utilities, recreational areas, or other similar 5717
nonfarm uses. If the rules require plans to be filed, the rules 5718
shall do all of the following: 5719

(1) Designate the board itself, its employees, or another 5720
agency or official to review and approve or disapprove the 5721
plans; 5722

(2) Establish procedures and criteria for the review and 5723
approval or disapproval of the plans; 5724

(3) Require the designated entity to issue a permit to a 5725
person for the clearing, grading, excavating, filling, or other 5726
project for which plans are approved and to deny a permit to a 5727
person whose plans have been disapproved; 5728

(4) Establish procedures for the issuance of the permits; 5729

(5) Establish procedures under which a person may appeal 5730

the denial of a permit. 5731

Areas of less than one contiguous acre shall not be exempt 5732
from compliance with other provisions of this section or rules 5733
adopted under this section. The rules adopted under this section 5734
may impose reasonable filing fees for plan review, permit 5735
processing, and field inspections. 5736

No permit or plan shall be required for a public highway, 5737
transportation, or drainage improvement or maintenance project 5738
undertaken by a government agency or political subdivision in 5739
accordance with a statement of its standard sediment control 5740
policies that is approved by the board or the chief of the 5741
division of soil and water resources in the department of 5742
natural resources. 5743

(B) Rules or amendments may be adopted under this section 5744
only after public hearings at not fewer than two regular 5745
sessions of the board of township trustees. The board shall 5746
~~cause to be published, in a newspaper of general circulation in~~ 5747
~~the township, publish~~ notice of the public hearings, including 5748
time, date, and place, once a week for two weeks immediately 5749
preceding the hearings, ~~or as provided in section 7.16 of the~~ 5750
~~Revised Code~~ using at least one of the following methods: 5751

(1) In the print or digital edition of a newspaper of 5752
general circulation in the township; 5753

(2) On the official public notice web site established 5754
under section 125.182 of the Revised Code; 5755

(3) On the web site and social media account of the 5756
township. ~~The~~ 5757

The proposed rules or amendments shall be made available 5758
by the board to the public at the board office or other location 5759

indicated in the notice. The rules or amendments shall take 5760
effect on the thirty-first day following the date of their 5761
adoption. 5762

(C) The board of township trustees may employ personnel to 5763
assist in the administration of this section and the rules 5764
adopted under it. The board also, if the action does not 5765
conflict with the rules, may delegate duties to review sediment 5766
control and water management plans to its employees, and may 5767
enter into agreements with one or more political subdivisions, 5768
other township officials, or other government agencies, in any 5769
combination, in order to obtain reviews and comments on plans 5770
governing erosion control, sediment control, and water 5771
management or to obtain other services for the administration of 5772
the rules adopted under this section. 5773

(D) The board of township trustees or any duly authorized 5774
representative of the board may, upon identification to the 5775
owner or person in charge, enter any land upon obtaining 5776
agreement with the owner, tenant, or manager of the land in 5777
order to determine whether there is compliance with the rules 5778
adopted under this section. If the board or its duly authorized 5779
representative is unable to obtain such an agreement, the board 5780
or representative may apply for, and a judge of the court of 5781
common pleas for the county where the land is located may issue, 5782
an appropriate inspection warrant as necessary to achieve the 5783
purposes of this section. 5784

(E) (1) If the board of township trustees or its duly 5785
authorized representative determines that a violation of the 5786
rules adopted under this section exists, the board or 5787
representative may issue an immediate stop work order if the 5788
violator failed to obtain any federal, state, or local permit 5789

necessary for sediment and erosion control, earth movement, 5790
clearing, or cut and fill activity. In addition, if the board or 5791
representative determines such a rule violation exists, 5792
regardless of whether or not the violator has obtained the 5793
proper permits, the board or representative may authorize the 5794
issuance of a notice of violation. If, after a period of not 5795
less than thirty days has elapsed following the issuance of the 5796
notice of violation, the violation continues, the board or its 5797
duly authorized representative shall issue a second notice of 5798
violation. Except as provided in division (E) (3) of this 5799
section, if, after a period of not less than fifteen days has 5800
elapsed following the issuance of the second notice of 5801
violation, the violation continues, the board or its duly 5802
authorized representative may issue a stop work order after 5803
first obtaining the written approval of the prosecuting attorney 5804
of the county in which the township is located if, in the 5805
opinion of the prosecuting attorney, the violation is egregious. 5806

Once a stop work order is issued, the board or its duly 5807
authorized representative shall request, in writing, the 5808
prosecuting attorney to seek an injunction or other appropriate 5809
relief in the court of common pleas to abate excessive erosion 5810
or sedimentation and secure compliance with the rules adopted 5811
under this section. If the prosecuting attorney seeks an 5812
injunction or other appropriate relief, then, in granting 5813
relief, the court of common pleas may order the construction of 5814
sediment control improvements or implementation of other control 5815
measures and may assess a civil fine of not less than one 5816
hundred or more than five hundred dollars. Each day of violation 5817
of a rule or stop work order issued under this section shall be 5818
considered a separate violation subject to a civil fine. 5819

(2) The person to whom a stop work order is issued under 5820

this section may appeal the order to the court of common pleas 5821
of the county in which it was issued, seeking any equitable or 5822
other appropriate relief from that order. 5823

(3) No stop work order shall be issued under this section 5824
against any public highway, transportation, or drainage 5825
improvement or maintenance project undertaken by a government 5826
agency or political subdivision in accordance with a statement 5827
of its standard sediment control policies that is approved by 5828
the board or the chief of the division of soil and water 5829
resources in the department of natural resources. 5830

(F) No person shall violate any rule adopted or order 5831
issued under this section. Notwithstanding division (E) of this 5832
section, if the board of township trustees determines that a 5833
violation of any rule adopted or administrative order issued 5834
under this section exists, the board may request, in writing, 5835
the prosecuting attorney of the county in which the township is 5836
located, to seek an injunction or other appropriate relief in 5837
the court of common pleas to abate excessive erosion or 5838
sedimentation and secure compliance with the rules or order. In 5839
granting relief, the court of common pleas may order the 5840
construction of sediment control improvements or implementation 5841
of other control measures and may assess a civil fine of not 5842
less than one hundred or more than five hundred dollars. Each 5843
day of violation of a rule adopted or administrative order 5844
issued under this section shall be considered a separate 5845
violation subject to a civil fine. 5846

Sec. 505.07. Notwithstanding any contrary provision in 5847
another section of the Revised Code, section 519.12 of the 5848
Revised Code, or any vote of the electors on a petition for 5849
zoning referendum, a township may settle any court action by a 5850

consent decree or court-approved settlement agreement which may 5851
include an agreement to rezone any property involved in the 5852
action as provided in the decree or court-approved settlement 5853
agreement without following the procedures in section 519.12 of 5854
the Revised Code and also may include township approval of a 5855
development plan for any property involved in the action as 5856
provided in the decree or court-approved settlement agreement, 5857
provided that the court makes specific findings of fact that 5858
notice has been properly made pursuant to this section and the 5859
consent decree or court-approved settlement agreement is fair 5860
and reasonable. 5861

If the subject of the consent decree or court-approved 5862
settlement agreement involves a zoning issue subject to 5863
referendum under section 519.12 of the Revised Code, the board 5864
of township trustees shall publish notice of their intent to 5865
meet and consider and take action on the decree or court- 5866
approved settlement agreement and the date and time of the 5867
meeting ~~in a newspaper of general circulation in the township~~ at 5868
least fifteen days before the meeting, using at least one of the 5869
following methods: 5870

(A) In the print or digital edition of a newspaper of 5871
general circulation in the township; 5872

(B) On the official public notice web site established 5873
under section 125.182 of the Revised Code; 5874

(C) On the web site and social media account of the 5875
township. ~~The~~ 5876

The board shall permit members of the public to express 5877
their objections to the consent decree or court-approved 5878
settlement agreement at the meeting. Copies of the proposed 5879

consent decree or court-approved settlement agreement shall be 5880
available to the public at the township fiscal officer's office 5881
during normal business hours. 5882

At least ten days prior to the submission of a proposed 5883
consent decree or settlement agreement to the court for its 5884
review and consideration, the plaintiff in the action involving 5885
the consent decree or settlement agreement shall publish a 5886
notice that shall include the caption of the case, the case 5887
number, and the court in which the consent decree or settlement 5888
agreement will be filed, the intention of the parties in the 5889
action to file a consent decree or settlement agreement, and, 5890
when applicable, a description of the real property involved and 5891
the proposed change in zoning or permitted use, in a newspaper 5892
of general circulation in the township. 5893

Sec. 505.10. (A) The board of township trustees may 5894
accept, on behalf of the township, the donation by bequest, 5895
devise, deed of gift, or otherwise, of any real or personal 5896
property for any township use. When the township has property, 5897
including motor vehicles, road machinery, equipment, and tools, 5898
that the board, by resolution, finds is not needed for public 5899
use, is obsolete, or is unfit for the use for which it was 5900
acquired, the board may sell and convey that property or 5901
otherwise dispose of it in accordance with this section. Except 5902
as otherwise provided in sections 505.08, 505.101, and 505.102 5903
of the Revised Code, the sale or other disposition of unneeded, 5904
obsolete, or unfit-for-use property shall be made in accordance 5905
with one of the following: 5906

(1) If the fair market value of property to be sold is, in 5907
the opinion of the board, in excess of two thousand five hundred 5908
dollars, the sale shall be by public auction or by sealed bid to 5909

the highest bidder. The board shall publish notice of the time, 5910
place, and manner of the sale once a week for two weeks ~~in using~~ 5911
at least one of the following methods: 5912

(a) In the print or digital edition of a newspaper 5913
published, or of general circulation, in the township, ~~and;~~ 5914

(b) On the official public notice web site established 5915
under section 125.182 of the Revised Code; 5916

(c) On the web site and social media account of the 5917
township. 5918

The board shall post a typewritten or printed notice of 5919
the time, place, and manner of the sale in the office of the 5920
board for at least ten days prior to the sale. The board may 5921
also cause notice to be inserted in trade papers or other 5922
publications designated by it or to be distributed by electronic 5923
means, including posting the notice on the board's internet web 5924
site. ~~If the board posts the notice on its web site, it may~~ 5925
~~eliminate the second notice otherwise required to be published~~ 5926
~~in a newspaper published or of general circulation in the~~ 5927
~~township, provided that the first notice published in such~~ 5928
~~newspaper meets all of the following requirements:~~ 5929

~~(a) It is published at least two weeks before the sale of~~ 5930
~~the property.~~ 5931

~~(b) It includes a statement that the notice is posted on~~ 5932
~~the board's internet web site.~~ 5933

~~(c) It includes the internet address of the board's~~ 5934
~~internet web site.~~ 5935

~~(d) It includes instructions describing how the notice may~~ 5936
~~be accessed on the board's internet web site.~~ 5937

If the board conducts the sale of the property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the published and posted notices. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) If the fair market value of property to be sold is, in the opinion of the board, two thousand five hundred dollars or less, the board may do either of the following:

(a) Sell the property by private sale, without advertisement or public notification;

(b) Donate the property to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

Before donating property, the nonprofit organization shall provide the board evidence that the organization is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(3) If the board finds, by resolution, that the township has motor vehicles, road machinery, equipment, or tools that are not needed or are unfit for public use, and the board wishes to sell the motor vehicles, road machinery, equipment, or tools to the person or firm from which it proposes to purchase other motor vehicles, road machinery, equipment, or tools, the board may offer to sell the motor vehicles, road machinery, equipment, or tools to that person or firm, and to have the selling price credited to the person or firm against the purchase price of

other motor vehicles, road machinery, equipment, or tools. 5967

(4) If the board advertises for bids for the sale of new 5968
motor vehicles, road machinery, equipment, or tools to the 5969
township, it may include in the same advertisement a notice of 5970
the willingness of the board to accept bids for the purchase of 5971
township-owned motor vehicles, road machinery, equipment, or 5972
tools that are obsolete or not needed for public use, and to 5973
have the amount of those bids subtracted from the selling price 5974
of the new motor vehicles, road machinery, equipment, or tools, 5975
as a means of determining the lowest responsible bidder. 5976

(5) When a township has title to real property, the board 5977
of township trustees, by resolution, may authorize the transfer 5978
and conveyance of that property to any other political 5979
subdivision of the state upon such terms as are agreed to 5980
between the board and the legislative authority of that 5981
political subdivision. 5982

(6) When a township has title to real property and the 5983
board of township trustees wishes to sell or otherwise transfer 5984
the property, the board, upon a unanimous vote of its members 5985
and by resolution, may authorize the transfer and conveyance of 5986
that real property to any person upon whatever terms are agreed 5987
to between the board and that person. 5988

(7) If the board of township trustees determines that 5989
township personal property is not needed for public use, or is 5990
obsolete or unfit for the use for which it was acquired, and 5991
that the property has no value, the board may discard or salvage 5992
that property. 5993

(B) When the board has offered property at public auction 5994
under this section and has not received an acceptable offer, the 5995

board, by resolution, may enter into a contract, without 5996
advertising or bidding, for the sale of that property. The 5997
resolution shall specify a minimum acceptable price and the 5998
minimum acceptable terms for the contract. The minimum 5999
acceptable price shall not be lower than the minimum price 6000
established for the public auction. 6001

(C) Members of the board shall consult with the Ohio 6002
ethics commission and comply with the provisions of Chapters 6003
102. and 2921. of the Revised Code, with respect to any sale or 6004
donation under division (A) (2) of this section to a nonprofit 6005
organization of which a township trustee, any member of the 6006
township trustee's family, or any business associate of the 6007
township trustee is a trustee, officer, board member, or 6008
employee. 6009

(D) Notwithstanding anything to the contrary in division 6010
(A) or (B) of this section and regardless of the property's 6011
value, the board may sell personal property, including motor 6012
vehicles, road machinery, equipment, tools, or supplies, that is 6013
not needed for public use, is obsolete, or is unfit for the use 6014
for which it was acquired, by internet auction. The board shall 6015
adopt, during each calendar year, a resolution expressing its 6016
intent to sell that property by internet auction. The resolution 6017
shall include a description of how the auctions will be 6018
conducted and shall specify the number of days for bidding on 6019
the property, which shall be no less than ten days, including 6020
Saturdays, Sundays, and legal holidays. The resolution shall 6021
indicate whether the township will conduct the auction or the 6022
board will contract with a representative to conduct the auction 6023
and shall establish the general terms and conditions of sale. If 6024
a representative is known when the resolution is adopted, the 6025
resolution shall provide contact information such as the 6026

representative's name, address, and telephone number. 6027

After adoption of the resolution, the board shall publish,~~—~~ 6028
~~in a newspaper of general circulation in the township,~~ notice of 6029
its intent to sell unneeded, obsolete, or unfit-for-use township 6030
personal property by internet auction, using at least one of the 6031
following methods: 6032

(1) In the print or digital edition of a newspaper of 6033
general circulation in the township; 6034

(2) On the official public notice web site established 6035
under section 125.182 of the Revised Code; 6036

(3) On the web site and social media account of the 6037
township. The— 6038

The notice shall include a summary of the information 6039
provided in the resolution and shall be published at least 6040
twice. A similar notice also shall be posted continually 6041
throughout the calendar year in a conspicuous place in the 6042
board's office. The board may also cause notice to be inserted 6043
in trade papers or other publications designated by it or to be 6044
distributed by electronic means, including posting the notice on 6045
the board's internet web site. ~~If the board posts the notice on—~~ 6046
~~its web site, it may eliminate the second notice otherwise—~~ 6047
~~required to be published in a newspaper of general circulation—~~ 6048
~~in the township, provided that the first notice published in—~~ 6049
~~such newspaper meets all of the following requirements:~~ 6050

~~(1) It is published at least two weeks before the internet—~~ 6051
~~auction begins.~~ 6052

~~(2) It includes a statement that the notice is posted on—~~ 6053
~~the board's internet web site.~~ 6054

~~(3) It includes the internet address of the board's internet web site.~~ 6055
6056

~~(4) It includes instructions describing how the notice may be accessed on the board's internet web site.~~ 6057
6058

When property is to be sold by internet auction, the board 6059
or its representative may establish a minimum price that will be 6060
accepted for specific items and may establish any other terms 6061
and conditions for the particular sale, including requirements 6062
for pick-up or delivery, method of payment, and sales tax. This 6063
type of information shall be provided on the internet at the 6064
time of the auction and may be provided before that time upon 6065
request, after the terms and conditions have been determined by 6066
the board or its representative. 6067

Sec. 505.17. (A) Except in a township or portion of a 6068
township that is within the limits of a municipal corporation, 6069
the board of township trustees may make regulations and orders 6070
as are necessary to control passenger car, motorcycle, and 6071
internal combustion engine noise, as permitted under section 6072
4513.221 of the Revised Code, and all vehicle parking in the 6073
township. This authorization includes, among other powers, the 6074
power to regulate parking on established roadways proximate to 6075
buildings on private property as necessary to provide access to 6076
the property by public safety vehicles and equipment, if the 6077
property is used for commercial purposes, the public is 6078
permitted to use the parking area, and accommodation for more 6079
than ten motor vehicles is provided, and the power to authorize 6080
the issuance of orders limiting or prohibiting parking on any 6081
township street or highway during a snow emergency declared 6082
pursuant to a snow-emergency authorization adopted under this 6083
division. All such regulations and orders shall be subject to 6084

the limitations, restrictions, and exceptions in sections 6085
4511.01 to 4511.76 and 4513.02 to 4513.37 of the Revised Code. 6086

A board of township trustees may adopt a general snow- 6087
emergency authorization, which becomes effective under division 6088
(B) (1) of this section, allowing the president of the board or 6089
some other person specified in the authorization to issue an 6090
order declaring a snow emergency and limiting or prohibiting 6091
parking on any township street or highway during the snow 6092
emergency. Any such order becomes effective under division (B) 6093
(2) of this section. Each general snow-emergency authorization 6094
adopted under this division shall specify the weather conditions 6095
under which a snow emergency may be declared in that township. 6096

(B) (1) All regulations and orders, including any snow- 6097
emergency authorization established by the board under this 6098
section, except for an order declaring a snow emergency as 6099
provided in division (B) (2) of this section, shall be posted by 6100
the township fiscal officer in five conspicuous public places in 6101
the township for thirty days before becoming effective, and 6102
shall be published ~~in a newspaper of general circulation in the~~ 6103
~~township~~ for three consecutive weeks ~~or as provided in section~~ 6104
~~7.16 of the Revised Code~~ using at least one of the following 6105
methods: 6106

(a) In the print or digital edition of a newspaper of 6107
general circulation in the township; 6108

(b) On the official public notice web site established 6109
under section 125.182 of the Revised Code; 6110

(c) On the web site and social media account of the 6111
township. In- 6112

In addition to these requirements, no general snow- 6113

emergency authorization shall become effective until permanent 6114
signs giving notice that parking is limited or prohibited during 6115
a snow emergency are properly posted, in accordance with any 6116
applicable standards adopted by the department of 6117
transportation, along streets or highways specified in the 6118
authorization. 6119

(2) Pursuant to the adoption of a snow-emergency 6120
authorization under this section, an order declaring a snow 6121
emergency becomes effective two hours after the president of the 6122
board or the other person specified in the general snow- 6123
emergency authorization makes an announcement of a snow 6124
emergency to the local news media. The president or other 6125
specified person shall request the local news media to announce 6126
that a snow emergency has been declared, the time the 6127
declaration will go into effect, and whether the snow emergency 6128
will remain in effect for a specified period of time or 6129
indefinitely until canceled by a subsequent announcement to the 6130
local news media by the president or other specified person. 6131

(C) Such regulations and orders may be enforced where 6132
traffic control devices conforming to section 4511.09 of the 6133
Revised Code are prominently displayed. Parking regulations 6134
authorized by this section do not apply to any state highway 6135
unless the parking regulations are approved by the director of 6136
transportation. 6137

(D) A board of township trustees or its designated agent 6138
may order into storage any vehicle parked in violation of a 6139
township parking regulation or order, if the violation is not 6140
one that is required to be handled pursuant to Chapter 4521. of 6141
the Revised Code. The owner or any lienholder of a vehicle 6142
ordered into storage may claim the vehicle upon presentation of 6143

proof of ownership, which may be evidenced by a certificate of 6144
title to the vehicle, and payment of all expenses, charges, and 6145
fines incurred as a result of the parking violation and removal 6146
and storage of the vehicle. 6147

(E) Whoever violates any regulation or order adopted 6148
pursuant to this section is guilty of a minor misdemeanor, 6149
unless the township has enacted a regulation pursuant to 6150
division (A) of section 4521.02 of the Revised Code, that 6151
specifies that the violation shall not be considered a criminal 6152
offense and shall be handled pursuant to Chapter 4521. of the 6153
Revised Code. Fines levied and collected under this section 6154
shall be paid into the township general revenue fund. 6155

Sec. 505.26. The board of township trustees may purchase, 6156
appropriate, construct, enlarge, improve, rebuild, repair, 6157
furnish, and equip a township hall, a township park, public 6158
library buildings, and bridges and viaducts over streets, 6159
streams, railroads, or other places where an overhead roadway or 6160
footway is necessary, and such board may acquire sites by lease 6161
or otherwise for any of such improvements, including lands and 6162
buildings for recreational purposes. 6163

The board of township trustees, not for purposes of 6164
recreation, but for the purposes of protecting and preserving 6165
the natural, scenic, open, or wooded condition of land, water, 6166
or wetlands against modification or encroachment resulting from 6167
occupation, development, or other use, may acquire, other than 6168
by appropriation, an ownership interest in land, water, or 6169
wetlands, and may restore and maintain land, water, or wetlands 6170
in which it has such an interest. 6171

If sufficient space for township offices is not available, 6172
the board of township trustees may purchase, lease, or 6173

construct, and furnish, equip, and maintain office space. When 6174
such offices are to be provided by construction, a site upon 6175
which to erect such offices may be acquired by purchase, lease 6176
for twenty-five years or longer, or otherwise. The cost of 6177
providing such office space shall be paid out of funds in the 6178
township treasury. If sufficient funds are not available the 6179
board shall proceed as provided in sections ~~511.01 to 511.03~~ and 6180
511.04 of the Revised Code. 6181

Sec. 505.264. (A) As used in this section, "energy 6182
conservation measure" means an installation or modification of 6183
an installation in, or remodeling of, an existing building, to 6184
reduce energy consumption. It includes the following: 6185

(1) Insulation of the building structure and of systems 6186
within the building; 6187

(2) Storm windows and doors, multiglazed windows and 6188
doors, heat-absorbing or heat-reflective glazed and coated 6189
window and door systems, additional glazing, reductions in glass 6190
area, and other window and door system modifications that reduce 6191
energy consumption; 6192

(3) Automatic energy control systems; 6193

(4) Heating, ventilating, or air conditioning system 6194
modifications or replacements; 6195

(5) Caulking and weatherstripping; 6196

(6) Replacement or modification of lighting fixtures to 6197
increase the energy efficiency of the system without increasing 6198
the overall illumination of a facility, unless an increase in 6199
illumination is necessary to conform to the applicable state or 6200
local building code for the proposed lighting system; 6201

(7) Energy recovery systems;	6202
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	6203 6204 6205
(9) Any other modification, installation, or remodeling approved by the board of township trustees as an energy conservation measure.	6206 6207 6208
(B) For the purpose of evaluating township buildings for energy conservation measures, a township may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for a report that analyzes the buildings' energy needs and presents recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that township. The report shall include estimates of all costs of the installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repairs, and estimates of the amounts by which energy consumption could be reduced.	6209 6210 6211 6212 6213 6214 6215 6216 6217 6218 6219 6220 6221 6222
(C) A township desiring to implement energy conservation measures may proceed under either of the following methods:	6223 6224
(1) Using a report or any part of a report prepared under division (B) of this section, advertise for bids and comply with the bidding procedures set forth in sections 307.86 to 307.92 of the Revised Code;	6225 6226 6227 6228
(2) Request proposals from at least three vendors for the implementation of energy conservation measures. Prior to <u>Before</u>	6229 6230

sending any installer of energy conservation measures a copy of 6231
any such request, the township shall advertise its intent to 6232
request proposals for the installation of energy conservation 6233
measures ~~in a newspaper of general circulation in the township~~ 6234
once a week for two consecutive weeks ~~or as provided in section~~ 6235
~~7.16 of the Revised Code~~ using at least one of the following 6236
methods: 6237

(a) In the print or digital edition of a newspaper of 6238
general circulation in the township; 6239

(b) On the official public notice web site established 6240
under section 125.182 of the Revised Code; 6241

(c) On the web site and social media account of the 6242
township. ~~The~~ 6243

The notice shall state that the township intends to 6244
request proposals for the installation of energy conservation 6245
measures; indicate the date, which shall be at least ten days 6246
after the second publication, on which the request for proposals 6247
will be mailed to installers of energy conservation measures; 6248
and state that any installer of energy conservation measures 6249
interested in receiving the request for proposal shall submit 6250
written notice to the township not later than noon of the day on 6251
which the request for proposal will be mailed. 6252

Upon receiving the proposals, the township shall analyze 6253
them and select the proposal or proposals most likely to result 6254
in the greatest energy savings considering the cost of the 6255
project and the township's ability to pay for the improvements 6256
with current revenues or by financing the improvements. The 6257
awarding of a contract to install energy conservation measures 6258
under division (C) (2) of this section shall be conditioned upon 6259

a finding by the township that the amount of money spent on 6260
energy savings measures is not likely to exceed the amount of 6261
money the township would save in energy and operating costs over 6262
ten years or a lesser period as determined by the township or, 6263
in the case of contracts for cogeneration systems, over five 6264
years or a lesser period as determined by the township. Nothing 6265
in this section prohibits a township from rejecting all 6266
proposals or from selecting more than one proposal. 6267

(D) A board of township trustees may enter into an 6268
installment payment contract for the purchase and installation 6269
of energy conservation measures. Any provisions of those 6270
installment payment contracts that deal with interest charges 6271
and financing terms shall not be subject to the competitive 6272
bidding procedures of section 307.86 of the Revised Code. Unless 6273
otherwise approved by a resolution of the board, an installment 6274
payment contract entered into by a board of township trustees 6275
under this section shall require the board to contract in 6276
accordance with the procedures set forth in section 307.86 of 6277
the Revised Code for the installation, modification, or 6278
remodeling of energy conservation measures pursuant to this 6279
section. 6280

(E) The board may issue securities of the township 6281
specifying the terms of the purchase and securing the deferred 6282
payments, payable at the times provided and bearing interest at 6283
a rate not exceeding the rate determined as provided in section 6284
9.95 of the Revised Code. The maximum maturity of the securities 6285
shall be as provided in division (B)(7)(g) of section 133.20 of 6286
the Revised Code. The securities may contain an option for 6287
prepayment and shall not be subject to Chapter 133. of the 6288
Revised Code. Revenues derived from local taxes or otherwise, 6289
for the purpose of conserving energy or for defraying the 6290

current operating expenses of the township, may be applied to 6291
the payment of interest and the retirement of the securities. 6292
The securities may be sold at private sale or given to the 6293
contractor under the installment payment contract authorized by 6294
division (D) of this section. 6295

(F) Debt incurred under this section shall not be included 6296
in the calculation of the net indebtedness of a township under 6297
section 133.09 of the Revised Code. 6298

Sec. 505.28. The board of township trustees may create a 6299
waste disposal district under sections 505.27 to 505.33 of the 6300
Revised Code, by a unanimous vote of the board and give notice 6301
thereof by ~~a publication in~~ using at least one of the following 6302
methods: 6303

(A) In the print or digital edition of a newspaper of 6304
general circulation in the township; 6305

(B) On the official public notice web site established 6306
under section 125.182 of the Revised Code; 6307

(C) On the web site and social media account of the 6308
township. If, 6309

If, within thirty days after such publication, a protest 6310
petition is filed with the board, signed by at least fifty per 6311
cent of the electors residing in the district, the act of the 6312
board in creating such district shall be void. If a petition is 6313
filed with the board asking for the creation of such a district 6314
in the township, accompanied by a map clearly showing the 6315
boundaries of such district, and signed by at least sixty-five 6316
per cent of the electors residing therein, with addresses of 6317
such signers, the board shall, within sixty days, create such a 6318
district. 6319

Each district shall be given a name, and the entire cost 6320
of any necessary equipment and labor shall be apportioned 6321
against each district by the respective boards. 6322

Sec. 505.37. (A) The board of township trustees may 6323
establish all necessary rules to guard against the occurrence of 6324
fires and to protect the property and lives of the citizens 6325
against damage and accidents, and may, ~~with the approval of the~~ 6326
~~specifications by the prosecuting attorney or, if the township~~ 6327
~~has adopted limited home rule government under Chapter 504. of~~ 6328
~~the Revised Code, with the approval of the specifications by the~~ 6329
~~township's law director,~~ purchase, lease, lease with an option 6330
to purchase, or otherwise provide any fire apparatus, mechanical 6331
resuscitators, underwater rescue and recovery equipment, or 6332
other fire equipment, appliances, materials, fire hydrants, and 6333
water supply for fire-fighting and fire and rescue purposes that 6334
seems advisable to the board. The board shall provide for the 6335
care and maintenance of such fire equipment, and, for these 6336
purposes, may purchase, lease, lease with an option to purchase, 6337
or construct and maintain necessary buildings, and it may 6338
establish and maintain lines of fire-alarm communications within 6339
the limits of the township. The board may employ one or more 6340
persons to maintain and operate such fire equipment, or it may 6341
enter into an agreement with a volunteer fire company for the 6342
use and operation of the equipment. The board may compensate the 6343
members of a volunteer fire company on any basis and in any 6344
amount that it considers equitable. 6345

When the estimated cost to purchase fire apparatus, 6346
mechanical resuscitators, underwater rescue and recovery 6347
equipment, or other fire equipment, appliances, materials, fire 6348
hydrants, buildings, or fire-alarm communications equipment or 6349
services exceeds the amount specified in section 9.17 of the 6350

Revised Code, the contract shall be let by competitive bidding. 6351
No purchase or other transaction subject to this section shall 6352
be divided into component parts in order to avoid the 6353
requirements of this section. When competitive bidding is 6354
required, the board shall advertise once a week for not less 6355
than two consecutive weeks in using at least one of the 6356
following methods: 6357

(1) In the print or digital edition of a newspaper of 6358
general circulation within the township; 6359

(2) On the official public notice web site established 6360
under section 125.182 of the Revised Code; 6361

(3) On the web site and social media account of the 6362
township. The 6363

The board may also cause notice to be inserted in trade 6364
papers or other publications designated by it or to be 6365
distributed by electronic means, including posting the notice on 6366
the board's internet web site. ~~If the board posts the notice on~~ 6367
~~its web site, it may eliminate the second notice otherwise~~ 6368
~~required to be published in a newspaper of general circulation~~ 6369
~~within the township, provided that the first notice published in~~ 6370
~~such newspaper meets all of the following requirements:~~ 6371

~~(1) It is published at least two weeks before the opening~~ 6372
~~of bids.~~ 6373

~~(2) It includes a statement that the notice is posted on~~ 6374
~~the board's internet web site.~~ 6375

~~(3) It includes the internet address of the board's~~ 6376
~~internet web site.~~ 6377

~~(4) It includes instructions describing how the notice may~~ 6378

~~be accessed on the board's internet web site.~~ 6379

The advertisement shall include the time, date, and place 6380
where the clerk of the township, or the clerk's designee, will 6381
read bids publicly. The time, date, and place of bid openings 6382
may be extended to a later date by the board of township 6383
trustees, provided that written or oral notice of the change 6384
shall be given to all persons who have received or requested 6385
specifications not later than ninety-six hours prior to the 6386
original time and date fixed for the opening. The board may 6387
reject all the bids or accept the lowest and best bid, provided 6388
that the successful bidder meets the requirements of section 6389
153.54 of the Revised Code when the contract is for the 6390
construction, demolition, alteration, repair, or reconstruction 6391
of an improvement. 6392

(B) The boards of township trustees of any two or more 6393
townships, or the legislative authorities of any two or more 6394
political subdivisions, or any combination of these, may, 6395
through joint action, unite in the joint purchase, lease, lease 6396
with an option to purchase, maintenance, use, and operation of 6397
fire equipment described in division (A) of this section, or for 6398
any other purpose designated in sections 505.37 to 505.42 of the 6399
Revised Code, and may prorate the expense of the joint action on 6400
any terms that are mutually agreed upon. 6401

(C) The board of township trustees of any township may, by 6402
resolution, whenever it is expedient and necessary to guard 6403
against the occurrence of fires or to protect the property and 6404
lives of the citizens against damages resulting from their 6405
occurrence, create a fire district of any portions of the 6406
township that it considers necessary. The board may purchase, 6407
lease, lease with an option to purchase, or otherwise provide 6408

any fire apparatus, mechanical resuscitators, underwater rescue 6409
and recovery equipment, or other fire equipment, appliances, 6410
materials, fire hydrants, and water supply for fire-fighting and 6411
fire and rescue purposes, or may contract for the fire 6412
protection for the fire district as provided in section 9.60 of 6413
the Revised Code. The fire district so created shall be given a 6414
separate name by which it shall be known. 6415

Additional unincorporated territory of the township may be 6416
added to a fire district upon the board's adoption of a 6417
resolution authorizing the addition. A municipal corporation, or 6418
a portion of a municipal corporation, that is within or 6419
adjoining the township may be added to a fire district upon the 6420
board's adoption of a resolution authorizing the addition and 6421
the municipal legislative authority's adoption of a resolution 6422
or ordinance requesting the addition of the municipal 6423
corporation or a portion of the municipal corporation to the 6424
fire district. 6425

If the township fire district imposes a tax, additional 6426
unincorporated territory of the township or a municipal 6427
corporation or a portion of a municipal corporation that is 6428
within or adjoining the township shall become part of the fire 6429
district only after all of the following have occurred: 6430

(1) Adoption by the board of township trustees of a 6431
resolution approving the expansion of the territorial limits of 6432
the district and, if the resolution proposes to add a municipal 6433
corporation or a portion of a municipal corporation, adoption by 6434
the municipal legislative authority of a resolution or ordinance 6435
requesting the addition of the municipal corporation or a 6436
portion of the municipal corporation to the district; 6437

(2) Adoption by the board of township trustees of a 6438

resolution recommending the extension of the tax to the 6439
additional territory; 6440

(3) The board requests and obtains from the county auditor 6441
the information required for a tax levy under section 5705.03 of 6442
the Revised Code, in the manner prescribed in that section, 6443
except that the levy's annual collections shall be estimated 6444
assuming that the additional territory has been added to the 6445
fire district. 6446

(4) Approval of the tax by the electors of the territory 6447
proposed for addition to the district. 6448

Each resolution of the board adopted under division (C) (2) 6449
of this section shall state the name of the fire district, a 6450
description of the territory to be added, the rate, expressed in 6451
mills for each one dollar of taxable value, the estimated 6452
effective rate, expressed in dollars for each one hundred 6453
thousand dollars of the county auditor's appraised value, and 6454
termination date of the tax, which shall be the rate, estimated 6455
effective rate, and termination date of the tax currently in 6456
effect in the fire district. 6457

The board of trustees shall certify each resolution 6458
adopted under division (C) (2) of this section and the county 6459
auditor's certification under division (C) (3) of this section to 6460
the board of elections in accordance with section 5705.19 of the 6461
Revised Code. The election required under division (C) (4) of 6462
this section shall be held, canvassed, and certified in the 6463
manner provided for the submission of tax levies under section 6464
5705.25 of the Revised Code, except that the question appearing 6465
on the ballot shall read: 6466

"Shall the territory within _____ 6467

(description of the proposed territory to be added) be added to 6468
_____ (name) fire district, and a property 6469
tax, that the county auditor estimates will collect \$_____ 6470
annually, at a rate not exceeding _____ mills for each \$1 of 6471
taxable value, which amounts to \$_____ (here insert 6472
estimated effective rate) for each \$100,000 of the county 6473
auditor's appraised value, be in effect for _____ (here 6474
insert the number of years the tax is to be in effect or "a 6475
continuing period of time," as applicable)?" 6476

If the question is approved by at least a majority of the 6477
electors voting on it, the joinder shall be effective as of the 6478
first day of July of the year following approval, and on that 6479
date, the township fire district tax shall be extended to the 6480
taxable property within the territory that has been added. If 6481
the territory that has been added is a municipal corporation or 6482
portion thereof and if it had adopted a tax levy for fire 6483
purposes, the levy is terminated on the effective date of the 6484
joinder in the area of the municipal corporation added to the 6485
district. 6486

Any municipal corporation may withdraw from a township 6487
fire district created under division (C) of this section by the 6488
adoption by the municipal legislative authority of a resolution 6489
or ordinance ordering withdrawal. On the first day of July of 6490
the year following the adoption of the resolution or ordinance 6491
of withdrawal, the withdrawing municipal corporation or the 6492
portion thereof ceases to be a part of the district, and the 6493
power of the fire district to levy a tax upon taxable property 6494
in the withdrawing municipal corporation or the portion thereof 6495
terminates, except that the fire district shall continue to levy 6496
and collect taxes for the payment of indebtedness within the 6497
territory of the fire district as it was composed at the time 6498

the indebtedness was incurred. 6499

Upon the withdrawal of any municipal corporation from a 6500
township fire district created under division (C) of this 6501
section, the county auditor shall ascertain, apportion, and 6502
order a division of the funds on hand, moneys and taxes in the 6503
process of collection except for taxes levied for the payment of 6504
indebtedness, credits, and real and personal property, either in 6505
money or in kind, on the basis of the valuation of the 6506
respective tax duplicates of the withdrawing municipal 6507
corporation and the remaining territory of the fire district. 6508

A board of township trustees may remove unincorporated 6509
territory of the township from the fire district upon the 6510
adoption of a resolution authorizing the removal. On the first 6511
day of July of the year following the adoption of the 6512
resolution, the unincorporated township territory described in 6513
the resolution ceases to be a part of the district, and the 6514
power of the fire district to levy a tax upon taxable property 6515
in that territory terminates, except that the fire district 6516
shall continue to levy and collect taxes for the payment of 6517
indebtedness within the territory of the fire district as it was 6518
composed at the time the indebtedness was incurred. 6519

As used in this section, "the county auditor's appraised 6520
value" and "estimated effective rate" have the same meanings as 6521
in section 5705.01 of the Revised Code. 6522

(D) The board of township trustees of any township, the 6523
board of fire district trustees of a fire district created under 6524
section 505.371 of the Revised Code, or the legislative 6525
authority of any municipal corporation may purchase, lease, or 6526
lease with an option to purchase the necessary fire equipment 6527
described in division (A) of this section, buildings, and sites 6528

for the township, fire district, or municipal corporation and 6529
issue securities for that purpose with maximum maturities as 6530
provided in section 133.20 of the Revised Code. The board of 6531
township trustees, board of fire district trustees, or 6532
legislative authority may also construct any buildings necessary 6533
to house fire equipment and issue securities for that purpose 6534
with maximum maturities as provided in section 133.20 of the 6535
Revised Code. 6536

The board of township trustees, board of fire district 6537
trustees, or legislative authority may issue the securities of 6538
the township, fire district, or municipal corporation, signed by 6539
the board or designated officer of the municipal corporation and 6540
attested by the signature of the township fiscal officer, fire 6541
district clerk, or municipal clerk, covering any deferred 6542
payments and payable at the times provided, which securities 6543
shall bear interest not to exceed the rate determined as 6544
provided in section 9.95 of the Revised Code, and shall not be 6545
subject to Chapter 133. of the Revised Code. The legislation 6546
authorizing the issuance of the securities shall provide for 6547
levying and collecting annually by taxation, amounts sufficient 6548
to pay the interest on and principal of the securities. The 6549
securities shall be offered for sale on the open market or given 6550
to the vendor or contractor if no sale is made. 6551

Section 505.40 of the Revised Code does not apply to any 6552
securities issued, or any lease with an option to purchase 6553
entered into, in accordance with this division. 6554

(E) A board of township trustees of any township or a 6555
board of fire district trustees of a fire district created under 6556
section 505.371 of the Revised Code may purchase a policy or 6557
policies of liability insurance for the officers, employees, and 6558

appointees of the fire department, fire district, or joint fire 6559
district governed by the board that includes personal injury 6560
liability coverage as to the civil liability of those officers, 6561
employees, and appointees for false arrest, detention, or 6562
imprisonment, malicious prosecution, libel, slander, defamation 6563
or other violation of the right of privacy, wrongful entry or 6564
eviction, or other invasion of the right of private occupancy, 6565
arising out of the performance of their duties. 6566

When a board of township trustees cannot, by deed of gift 6567
or by purchase and upon terms it considers reasonable, procure 6568
land for a township fire station that is needed in order to 6569
respond in reasonable time to a fire or medical emergency, the 6570
board may appropriate land for that purpose under sections 6571
163.01 to 163.22 of the Revised Code. If it is necessary to 6572
acquire additional adjacent land for enlarging or improving the 6573
fire station, the board may purchase, appropriate, or accept a 6574
deed of gift for the land for these purposes. 6575

(F) As used in this division, "emergency medical service 6576
organization" has the same meaning as in section 4766.01 of the 6577
Revised Code. 6578

A board of township trustees, by adoption of an 6579
appropriate resolution, may choose to have the state board of 6580
emergency medical, fire, and transportation services license any 6581
emergency medical service organization it operates. If the board 6582
adopts such a resolution, Chapter 4766. of the Revised Code, 6583
except for sections 4766.06 and 4766.99 of the Revised Code, 6584
applies to the organization. All rules adopted under the 6585
applicable sections of that chapter also apply to the 6586
organization. A board of township trustees, by adoption of an 6587
appropriate resolution, may remove its emergency medical service 6588

organization from the jurisdiction of the state board of 6589
emergency medical, fire, and transportation services. 6590

Sec. 505.373. The board of township trustees may, by 6591
resolution, adopt by incorporation by reference a standard code 6592
pertaining to fire, fire hazards, and fire prevention prepared 6593
and promulgated by the state or any department, board, or other 6594
agency of the state, or any such code prepared and promulgated 6595
by a public or private organization that publishes a model or 6596
standard code. 6597

After the adoption of the code by the board, a notice 6598
clearly identifying the code, stating the purpose of the code, 6599
and stating that a complete copy of the code is on file with the 6600
township fiscal officer for inspection by the public and also on 6601
file in the law library of the county in which the township is 6602
located and that the fiscal officer has copies available for 6603
distribution to the public at cost, shall be posted by the 6604
fiscal officer in five conspicuous places in the township for 6605
thirty days before becoming effective. The notice required by 6606
this section shall also be published ~~in a newspaper of general~~ 6607
~~circulation in the township~~ once a week for three consecutive 6608
weeks ~~or as provided in section 7.16 of the Revised Code~~ using at 6609
least one of the following methods: 6610

(A) In the print or digital edition of a newspaper of 6611
general circulation within the township; 6612

(B) On the official public notice web site established 6613
under section 125.182 of the Revised Code; 6614

(C) On the web site and social media account of the 6615
township. ~~If~~ 6616

If the adopting township amends or deletes any provision 6617

of the code, the notice shall contain a brief summary of the 6618
deletion or amendment. 6619

If the agency that originally promulgated or published the 6620
code thereafter amends the code, any township that has adopted 6621
the code pursuant to this section may adopt the amendment or 6622
change by incorporation by reference in the same manner as 6623
provided for adoption of the original code. 6624

Sec. 505.55. In the event that need for a township police 6625
district ceases to exist, the township trustees by a two-thirds 6626
vote of the board shall adopt a resolution specifying the date 6627
that the township police district shall cease to exist and 6628
provide for the disposal of all property belonging to the 6629
district by public sale. Such sale must be by public auction and 6630
upon notice thereof being published once a week for three weeks 6631
~~in using at least one of the following methods:~~ 6632

(A) In the print or digital edition of a newspaper of 6633
general circulation in such township ~~or as provided in section-~~ 6634
~~7.16 of the Revised Code;~~ 6635

(B) On the official public notice web site established 6636
under section 125.182 of the Revised Code; 6637

(C) On the web site and social media account of the 6638
township. The- 6639

The last of such publications shall be made at least five 6640
days before the date of the sale. Any moneys remaining after the 6641
dissolution of the district or received from the public sale of 6642
property shall be paid into the treasury of the township and may 6643
be expended for any public purpose when duly authorized by the 6644
township board of trustees. 6645

Sec. 505.73. (A) The board of township trustees may, by 6646

resolution, adopt by incorporation by reference, administer, and 6647
enforce within the unincorporated area of the township an 6648
existing structures code pertaining to the repair and continued 6649
maintenance of structures and the premises of those structures. 6650
For that purpose, the board shall adopt any model or standard 6651
code prepared and promulgated by this state, any department, 6652
board, or agency of this state, or any public or private 6653
organization that publishes a recognized model or standard code 6654
on the subject. The board shall ensure that the code adopted 6655
governs subject matter not addressed by the state residential 6656
building code and that it is fully compatible with the state 6657
residential and nonresidential building codes the board of 6658
building standards adopts pursuant to section 3781.10 of the 6659
Revised Code. 6660

(B) The board shall assign the duties of administering and 6661
enforcing the existing structures code to a township officer or 6662
employee who is trained and qualified for those duties and shall 6663
establish by resolution the minimum qualifications necessary to 6664
perform those duties. 6665

(C) (1) After the board adopts an existing structures code, 6666
the township fiscal officer shall post a notice that clearly 6667
identifies the code, states the code's purpose, and states that 6668
a complete copy of the code is on file for inspection by the 6669
public with the fiscal officer and in the county law library and 6670
that the fiscal officer has copies available for distribution to 6671
the public at cost. 6672

(2) The township fiscal officer shall post the notice in 6673
five conspicuous places in the township for thirty days before 6674
the code becomes effective and shall publish the notice ~~in a~~ 6675
~~newspaper of general circulation in the township~~ for three 6676

consecutive weeks ~~or as provided in section 7.16 of the Revised~~ 6677
~~Code~~ using at least one of the following methods: 6678

(a) In the print or digital edition of a newspaper of 6679
general circulation within the township; 6680

(b) On the official public notice web site established 6681
under section 125.182 of the Revised Code; 6682

(c) On the web site and social media account of the 6683
township. If 6684

If the adopting township amends or deletes any provision 6685
of the code, the notice shall contain a brief summary of the 6686
deletion or amendment. 6687

(D) If the agency that originally promulgated or published 6688
the existing structures code amends the code, the board may 6689
adopt the amendment or change by incorporation by reference in 6690
the manner provided for the adoption of the original code. 6691

Sec. 505.75. (A) (1) A board of township trustees may adopt 6692
local residential building regulations governing residential 6693
buildings as defined in section 3781.06 of the Revised Code. No 6694
regulation shall differ from the state residential building code 6695
unless the regulation addresses subject matter not addressed by 6696
the state residential building code or is adopted pursuant to 6697
section 3781.01 of the Revised Code. 6698

(2) The board may adopt regulations that are necessary for 6699
participation in the national flood insurance program and that 6700
do not conflict with the residential and nonresidential building 6701
codes, governing the prohibition, location, erection, 6702
construction, or floodproofing of new buildings or structures, 6703
or substantial improvements to existing buildings or structures, 6704
in unincorporated territory within flood hazard areas identified 6705

under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 6706
42 U.S.C.A. 4002, as amended, including, but not limited to, 6707
residential, commercial, or industrial buildings or structures. 6708

(B) (1) Regulations or amendments to regulations may be 6709
adopted under this section only after a public ~~hearings~~ hearing 6710
at not fewer than two regular or special sessions of the board 6711
of township trustees and upon an affirmative vote of all members 6712
of the board. The board shall cause notice of a public hearing 6713
to be published ~~in a newspaper of general circulation in the~~ 6714
~~township~~ once a week for two weeks immediately preceding a 6715
hearing, ~~except that if the board posts the hearing notice on~~ 6716
~~the board's internet site, the board need publish only one~~ 6717
~~notice of the hearing in a newspaper of general circulation if~~ 6718
~~that newspaper notice includes that internet site and a~~ 6719
~~statement that the notice is also posted on the internet site~~ 6720
using at least one of the following methods: 6721

(a) In the print or digital edition of a newspaper of 6722
general circulation within the township; 6723

(b) On the official public notice web site established 6724
under section 125.182 of the Revised Code; 6725

(c) On the web site and social media account of the 6726
township. Any 6727

Any notice the board publishes or posts shall include the 6728
time, date, and place of the public hearing. 6729

(2) The proposed regulations shall be made available to 6730
the public at the board office. 6731

(C) (1) The board of township trustees may create a 6732
building department and employ personnel it determines necessary 6733
to administer and enforce any local residential building 6734

regulations or existing structures code the board adopts 6735
pursuant to this section. The building department may enforce 6736
state residential and nonresidential building codes the board of 6737
building standards establishes pursuant to Chapter 3781. of the 6738
Revised Code if the department is certified pursuant to section 6739
3781.10 of the Revised Code to enforce those codes. Upon 6740
certification of the building department under section 3781.10 6741
of the Revised Code, the board of township trustees may direct 6742
the building department to exercise enforcement authority and to 6743
accept and approve plans pursuant to sections 3781.03 and 6744
3791.04 of the Revised Code for the classes of buildings for 6745
which the building department and personnel are certified. 6746

(2) To administer and enforce any local residential 6747
building regulations, or existing structures code and the state 6748
residential and nonresidential building codes, the board of 6749
township trustees may create, establish, fill, and fix the 6750
compensation of the position of township building inspector to 6751
serve as the chief administrative officer of the building 6752
department. In lieu of creating the position of township 6753
building inspector, the board may assign the duties of the 6754
inspector to an existing township officer who is certified 6755
pursuant to division (E) of section 3781.10 of the Revised Code. 6756

(D) (1) The board of township trustees may enter into a 6757
contract with any other township, any municipal corporation, or 6758
a board of county commissioners for the other township, 6759
municipal corporation, or board of county commissioners to 6760
administer and enforce local residential building regulations or 6761
existing structures code in the township or to enforce the state 6762
residential and nonresidential building codes in the township if 6763
the building department of the other township, municipal 6764
corporation, or county is certified to enforce those codes. 6765

(2) Any ~~any~~ other township, any municipal corporation, or 6766
a board of county commissioners may contract with a board of 6767
township trustees to administer and enforce local building 6768
regulations or an existing structures code in the other 6769
township, the municipal corporation, or the county and, if 6770
certified, to enforce the state residential and nonresidential 6771
building codes in the other township, the municipal corporation, 6772
or the unincorporated areas of the county. 6773

Sec. 505.76. Local residential building regulations a 6774
board of township trustees adopts under section 505.75 of the 6775
Revised Code and an existing structures code the board adopts 6776
pursuant to section 505.73 of the Revised Code shall be made 6777
available to the public at the office of the board, and the 6778
section headings and numbers and a notice of the availability of 6779
the regulations shall be published ~~in at least one newspaper of~~ 6780
~~general townshipwide circulation~~ within ten days after their 6781
adoption or amendment using at least one of the following 6782
methods: 6783

(A) In the print or digital edition of a newspaper of 6784
general circulation within the township; 6785

(B) On the official public notice web site established 6786
under section 125.182 of the Revised Code; 6787

(C) On the web site and social media account of the 6788
township. 6789

Sec. 505.82. (A) If a board of township trustees by a 6790
unanimous vote or, in the event of the unavoidable absence of 6791
one trustee, by an affirmative vote of two trustees adopts a 6792
resolution declaring that an emergency exists that threatens 6793
life or property within the unincorporated territory of the 6794

township or that such an emergency is imminent, including an 6795
emergency due to a natural disaster, civil unrest, cyber attack, 6796
or the derailment of a train, the board may exercise the powers 6797
described in divisions (A) (1) and (2) and (B) of this section 6798
during the emergency for a period of time not exceeding six 6799
months following the adoption of the resolution. The resolution 6800
shall state the specific time period for which the emergency 6801
powers are in effect. 6802

(1) If an owner of an undedicated road or stream bank in 6803
the unincorporated territory of the township has not provided 6804
for the removal of snow, ice, debris, or other obstructions from 6805
the road or bank, the board may provide for that removal. Prior 6806
to providing for the removal, the board shall give, or make a 6807
good faith attempt to give, oral notice to the owner or owners 6808
of the road or bank of the board's intent to clear the road or 6809
bank and to impose a service charge for doing so. The board 6810
shall establish just and equitable service charges for the 6811
removal to be paid, except as provided in division (B) of this 6812
section, by the owners of the road or bank. 6813

The board shall keep a record of the costs incurred by the 6814
township in removing snow, ice, debris, or other obstructions 6815
from the road or bank. The service charges shall be based on 6816
these costs and shall be in an amount sufficient to recover 6817
these costs. If there is more than one owner of the road or 6818
bank, the board, except as provided in division (B) of this 6819
section, shall allocate the service charges among the owners on 6820
an equitable basis. The board shall notify, in writing, each 6821
owner of the road or bank of the amount of the service charges 6822
and shall certify the charges to the county auditor. The service 6823
charges shall constitute a lien upon the property. The auditor 6824
shall place the service charges on a special duplicate to be 6825

collected as other taxes and returned to the township general fund. 6826
6827

(2) The board may contract for the immediate acquisition, replacement, or repair of equipment needed for the emergency situation, without following the competitive bidding requirements of section 5549.21 or any other section of the Revised Code. 6828
6829
6830
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6832

(B) In lieu of collecting service charges from owners for the removal of snow or ice from an undedicated road by the board of township trustees as provided in division (A) (1) of this section, the board may enter into a contract with a developer whereby the developer agrees to pay the service charges for the snow and ice removal instead of the owners. 6833
6834
6835
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6838

(C) The removal of snow, ice, debris, or other obstructions from an undedicated road by a board of township trustees acting pursuant to a resolution adopted under division (A) of this section does not constitute approval or acceptance of the undedicated road. 6839
6840
6841
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6843

(D) As used in this section, "undedicated road" means a road that has not been approved and accepted by the board of county commissioners and is not a part of the state, county, or township road systems as provided in section 5535.01 of the Revised Code. 6844
6845
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(E) Nothing in this section shall be construed to waive the requirement under section 1547.82 of the Revised Code that approval of plans be obtained from the director of natural resources or the director's representative prior to modifying or causing the modification of the channel of any watercourse in a wild, scenic, or recreational river area outside the limits of a 6849
6850
6851
6852
6853
6854

municipal corporation. 6855

Sec. 505.86. (A) As used in this section: 6856

"Party in interest" means an owner of record of the real 6857
property on which the building or structure is located, and 6858
includes a holder of a legal or equitable lien of record on the 6859
real property or the building or other structure. 6860

"Total cost" means any costs incurred due to the use of 6861
employees, materials, or equipment of the township, any costs 6862
arising out of contracts for labor, materials, or equipment, and 6863
costs of service of notice or publication required under this 6864
section. 6865

(B) A board of township trustees, by resolution, may 6866
provide for the removal, repair, or securance of buildings or 6867
other structures in the township that have been declared 6868
insecure, unsafe, or structurally defective by any fire 6869
department under contract with the township or by the county 6870
building department or other authority responsible under Chapter 6871
3781. of the Revised Code for the enforcement of building 6872
regulations or the performance of building inspections in the 6873
township, or buildings or other structures that have been 6874
declared to be in a condition dangerous to life or health, or 6875
unfit for human habitation by the board of health of the general 6876
health district of which the township is a part. 6877

At least thirty days before the removal, repair, or 6878
securance of any insecure, unsafe, or structurally defective 6879
building or other structure, the board of township trustees 6880
shall give notice by certified mail, return receipt requested, 6881
to each party in interest of its intention with respect to the 6882
removal, repair, or securance of an insecure, unsafe, or 6883

structurally defective or unfit building or other structure. 6884

If the address of a party in interest is unknown and 6885
cannot reasonably be obtained, it is sufficient to publish the 6886
notice once ~~in~~ using at least one of the following methods: 6887

(1) In the print or digital edition of a newspaper of 6888
general circulation in the township; 6889

(2) On the official public notice web site established 6890
under section 125.182 of the Revised Code; 6891

(3) On the web site and social media account of the 6892
township. 6893

(C) (1) If the board of trustees, in a resolution adopted 6894
under this section, pursues action to remove any insecure, 6895
unsafe, or structurally defective building or other structure, 6896
the notice shall include a statement informing the parties in 6897
interest that each party in interest is entitled to a hearing if 6898
the party in interest requests a hearing in writing within 6899
twenty days after the notice was mailed. The written request for 6900
a hearing shall be made to the township fiscal officer. 6901

(2) If a party in interest timely requests a hearing, the 6902
board shall set the date, time, and place for the hearing and 6903
notify the party in interest by certified mail, return receipt 6904
requested. The date set for the hearing shall be within fifteen 6905
days, but not earlier than seven days, after the party in 6906
interest has requested a hearing, unless otherwise agreed to by 6907
both the board and the party in interest. The hearing shall be 6908
recorded by stenographic or electronic means. 6909

(3) The board shall make an order deciding the matter not 6910
later than thirty days after a hearing, or not later than thirty 6911
days after mailing notice to the parties in interest if no party 6912

in interest requested a hearing. The order may dismiss the 6913
matter or direct the removal, repair, or securance of the 6914
building or other structure. At any time, a party in interest 6915
may consent to an order. 6916

(4) A party in interest who requested and participated in 6917
a hearing, and who is adversely affected by the order of the 6918
board, may appeal the order under section 2506.01 of the Revised 6919
Code. 6920

(D) At any time, a party in interest may enter into an 6921
agreement with the board of township trustees to perform the 6922
removal, repair, or securance of the insecure, unsafe, or 6923
structurally defective or unfit building or other structure. 6924

(E) If an emergency exists, as determined by the board, 6925
notice may be given other than by certified mail and less than 6926
thirty days before the removal, repair, or securance. 6927

(F) The total cost of removing, repairing, or securing 6928
buildings or other structures that have been declared insecure, 6929
unsafe, structurally defective, or unfit for human habitation, 6930
or of making emergency corrections of hazardous conditions, when 6931
approved by the board, shall be paid out of the township general 6932
fund from moneys not otherwise appropriated, except that, if the 6933
costs incurred exceed five hundred dollars, the board may borrow 6934
moneys from a financial institution to pay for the costs in 6935
whole or in part. 6936

The total cost may be collected by either of the following 6937
methods: 6938

(1) The board may have the fiscal officer of the township 6939
certify the total costs, together with a proper description of 6940
the lands to the county auditor who shall place the costs upon 6941

the tax duplicate. The costs are a lien upon the lands from and 6942
after the date of entry. The costs shall be returned to the 6943
township and placed in the township's general fund. 6944

(2) The board may commence a civil action to recover the 6945
total costs from the owner of record of the real property on 6946
which the building or structure is located. 6947

(G) Any board of township trustees may, whenever a policy 6948
or policies of insurance are in force providing coverage against 6949
the peril of fire on a building or structure and the loss agreed 6950
to between the named insured or insureds and the company or 6951
companies is more than five thousand dollars and equals or 6952
exceeds sixty per cent of the aggregate limits of liability on 6953
all fire policies covering the building or structure on the 6954
property, accept security payments and follow the procedures of 6955
divisions (C) and (D) of section 3929.86 of the Revised Code. 6956

Sec. 505.87. (A) A board of township trustees may provide 6957
for the abatement, control, or removal of vegetation, garbage, 6958
refuse, and other debris from land in the township, if the board 6959
determines that the owner's maintenance of that vegetation, 6960
garbage, refuse, or other debris constitutes a nuisance. 6961

(B) At least seven days before providing for the 6962
abatement, control, or removal of any vegetation, garbage, 6963
refuse, or other debris, the board of township trustees shall 6964
notify the owner of the land and any holders of liens of record 6965
upon the land that: 6966

(1) The owner is ordered to abate, control, or remove the 6967
vegetation, garbage, refuse, or other debris, the owner's 6968
maintenance of which has been determined by the board to be a 6969
nuisance; 6970

(2) If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any costs incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once ~~in~~ using at least one of the following methods:

(a) In the print or digital edition of a newspaper of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

(C) If a board of township trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the township

constitutes a nuisance, at least four days before providing for 7000
the abatement, control, or removal of any vegetation, garbage, 7001
refuse, or other debris, the board shall give notice of the 7002
subsequent nuisance determination to the owner of the land and 7003
to any holders of liens of record upon the land as follows: 7004

(1) The board shall send written notice by first class 7005
mail to the owner of the land and to any lienholders of record. 7006
Failure of delivery of the notice shall not invalidate any 7007
action to abate, control, or remove the nuisance. Alternatively, 7008
the board may give notice to the owner by causing any of its 7009
agents or employees to post the notice on the principal 7010
structure on the land and to photograph that posted notice with 7011
a camera capable of recording the date of the photograph on it. 7012

(2) If the owner's address is unknown and cannot 7013
reasonably be obtained, it is sufficient to post the notice on 7014
the board of township trustee's internet web site for four 7015
consecutive days, or to post the notice in a conspicuous 7016
location in the board's office for four consecutive days if the 7017
board does not maintain an internet web site. 7018

(D) The owner of the land or holders of liens of record 7019
upon the land may enter into an agreement with the board of 7020
township trustees providing for either party to the agreement to 7021
perform the abatement, control, or removal before the time the 7022
board is required to provide for the abatement, control, or 7023
removal under division (E) of this section. 7024

(E) If, within seven days after notice is given under 7025
division (B) of this section, or within four days after notice 7026
is given under division (C) of this section, the owner of the 7027
land fails to abate, control, or remove the vegetation, garbage, 7028
refuse, or other debris, or no agreement for its abatement, 7029

control, or removal is entered into under division (D) of this 7030
section, the board of township trustees shall provide for the 7031
abatement, control, or removal and may employ the necessary 7032
labor, materials, and equipment to perform the task. All costs 7033
incurred, when approved by the board, shall be paid out of the 7034
township general fund from moneys not otherwise appropriated, 7035
except that if the costs incurred exceed five hundred dollars, 7036
the board may borrow moneys from a financial institution to pay 7037
for the costs in whole or in part. 7038

(F) The board of township trustees shall make a written 7039
report to the county auditor of the board's action under this 7040
section. The board shall include in the report a proper 7041
description of the premises and a statement of all costs 7042
incurred in providing for the abatement, control, or removal of 7043
any vegetation, garbage, refuse, or other debris as provided in 7044
division (E) of this section, including the board's charges for 7045
its services, the costs incurred in providing notice, any fees 7046
or interest paid to borrow moneys, and the amount paid for 7047
labor, materials, and equipment. The county auditor shall place 7048
the costs upon the tax duplicate. The costs are a lien upon the 7049
land from and after the date of the entry. The costs shall be 7050
returned to the township and placed in the township's general 7051
fund. 7052

Sec. 505.871. (A) A board of township trustees may 7053
provide, by resolution, for the removal of any vehicle in the 7054
unincorporated territory of the township that the board 7055
determines is a junk motor vehicle, as defined in section 7056
505.173 of the Revised Code. 7057

(B) If a junk motor vehicle is located on public property, 7058
the board of township trustees may provide in the resolution for 7059

the immediate removal of the vehicle. 7060

(C) (1) If a junk motor vehicle is located on private 7061
property, the board of township trustees may provide in the 7062
resolution for the removal of the vehicle not sooner than 7063
fourteen days after the board serves written notice of its 7064
intention to remove or cause the removal of the vehicle on the 7065
owner of the land and any holders of liens of record on the 7066
land. 7067

(2) The notice provided under this division shall 7068
generally describe the vehicle to be removed and indicate all of 7069
the following: 7070

(a) The board has determined that the vehicle is a junk 7071
motor vehicle. 7072

(b) If the owner of the land fails to remove the vehicle 7073
within fourteen days after service of the notice, the board may 7074
remove or cause the removal of the vehicle. 7075

(c) Any costs the board incurs in removing or causing the 7076
removal of the vehicle may be entered upon the tax duplicate and 7077
become a lien upon the land from the date of entry. 7078

(3) The board shall serve the notice under this division 7079
by sending it by certified mail, return receipt requested, to 7080
the owner of the land, if the owner resides in the 7081
unincorporated territory of the township or if the owner resides 7082
outside the unincorporated territory of the township and the 7083
owner's address is known or ascertainable through an exercise of 7084
reasonable diligence. The board also shall send notice in such 7085
manner to any holders of liens of record on the land. If a 7086
notice sent by certified mail is refused or unclaimed, or if an 7087
owner's address is unknown and cannot reasonably be ascertained 7088

by an exercise of reasonable diligence, the board shall publish 7089
the notice once ~~in a newspaper of general circulation in the~~ 7090
~~township~~ before the removal of the vehicle, ~~and, if using at~~ 7091
least one of the following methods: 7092

(a) In the print or digital edition of a newspaper of 7093
general circulation within the township; 7094

(b) On the official public notice web site established 7095
under section 125.182 of the Revised Code; 7096

(c) On the web site and social media account of the 7097
township. 7098

If the land contains any structures, the board also shall 7099
post the notice on the principal structure on the land. 7100

A notice sent by certified mail shall be deemed to be 7101
served for purposes of this section on the date it was received 7102
as indicated by the date on a signed return receipt. A notice 7103
given by publication shall be deemed to be served for purposes 7104
of this section on the date of the newspaper publication, date 7105
of the notice first being published on the official public 7106
notice web site, or date of the notice first being posted on the 7107
township's web site and social media account. 7108

(D) The board of township trustees may cause the removal 7109
or may employ the labor, materials, and equipment necessary to 7110
remove a junk motor vehicle under this section. All costs 7111
incurred in removing or causing the removal of a junk motor 7112
vehicle, when approved by the board, shall be paid out of the 7113
township general fund from moneys not otherwise appropriated, 7114
except that if the costs exceed five hundred dollars, the board 7115
may borrow moneys from a financial institution to pay the costs 7116
in whole or in part. 7117

(E) The board of township trustees may utilize any lawful 7118
means to collect the costs incurred in removing or causing the 7119
removal of a junk motor vehicle under this section, including 7120
any fees or interest paid to borrow moneys under division (D) of 7121
this section. The board may direct the township fiscal officer 7122
to certify the costs and a description of the land to the county 7123
auditor. The county auditor shall place the costs upon the tax 7124
duplicate. The costs are a lien upon the land from and after the 7125
date of entry. The costs shall be returned to the township and 7126
placed in the township's general fund. 7127

(F) (1) As used in this division: 7128

(a) "Motor vehicle salvage dealer" has the same meaning as 7129
in section 4738.01 of the Revised Code. 7130

(b) "Scrap metal processing facility" has the same meaning 7131
as in section 4737.05 of the Revised Code. 7132

(2) Notwithstanding section 4513.63 of the Revised Code, 7133
if a junk motor vehicle is removed and disposed of in accordance 7134
with this section, the clerk of courts of the county shall issue 7135
a salvage certificate of title for that junk motor vehicle to a 7136
motor vehicle salvage dealer licensed pursuant to Chapter 4738. 7137
of the Revised Code or a scrap metal processing facility 7138
licensed pursuant to sections 4737.05 to 4737.12 of the Revised 7139
Code if all of the following conditions are satisfied: 7140

(a) The board of township trustees has entered into a 7141
contract with the motor vehicle salvage dealer or scrap metal 7142
processing facility for the disposal or removal of the junk 7143
motor vehicle in accordance with section 505.85 of the Revised 7144
Code. 7145

(b) The fiscal officer for the board of township trustees 7146

executes in triplicate an affidavit prescribed by the registrar 7147
of motor vehicles describing the junk motor vehicle and the 7148
manner of removal or disposal and certifying that all 7149
requirements of this section and the notice and records search 7150
requirements of section 4505.101 of the Revised Code have been 7151
satisfied. 7152

(c) The board of township trustees retains the original 7153
affidavit for the board's records and furnishes the remaining 7154
two copies of the affidavit to the motor vehicle salvage dealer 7155
or scrap metal processing facility. 7156

(d) The motor vehicle salvage dealer or scrap metal 7157
processing facility presents one copy of the affidavit to the 7158
clerk. 7159

(3) The clerk shall issue the salvage certificate of 7160
title, free and clear of all liens and encumbrances, not later 7161
than thirty days after the motor vehicle salvage dealer or scrap 7162
metal processing facility presents the affidavit pursuant to 7163
division (F) (2) of this section. 7164

(G) Notwithstanding section 4513.65 of the Revised Code, 7165
but subject to division (H) (2) of this section, any collector's 7166
vehicle that meets the definition of a junk motor vehicle is 7167
subject to removal under this section. 7168

(H) (1) Nothing in this section affects the authority of a 7169
board of township trustees to adopt and enforce resolutions 7170
under section 505.173 of the Revised Code to regulate the 7171
storage of junk motor vehicles on private or public property in 7172
the unincorporated territory of the township. 7173

(2) A resolution adopted under this section is subject to 7174
the same restrictions specified in division (A) of section 7175

505.173 of the Revised Code for resolutions adopted under that section. 7176
7177

Sec. 507.05. The township fiscal officer shall, in 7178
addition to the books for the record of the proceedings of the 7179
board of township trustees, be provided by the township with a 7180
book for the record of township roads, ~~a book for the record of~~ 7181
~~marks and brands,~~ and a book for the record of official oaths 7182
and bonds of township officers. 7183

Sec. 511.03. ~~After an affirmative vote in an election held~~ 7184
~~under sections 511.01 and 511.02 of the Revised Code, the~~ If, in 7185
a township, a town hall is to be built, improved, enlarged, or 7186
removed at a cost greater than the amount specified in section 7187
9.17 of the Revised Code, the board of township trustees may 7188
make all contracts necessary for the purchase of a site, and the 7189
erection, improvement, or enlargement of such building. The 7190
board shall levy the necessary tax, which, in any year, shall 7191
not exceed four mills on the dollar valuation. Such tax shall 7192
not be levied for more than seven years. In anticipation of the 7193
collection of taxes, the board may borrow money and issue bonds 7194
for the whole or any part of such work, which bonds shall not 7195
bear interest to exceed the rate provided in section 9.95 of the 7196
Revised Code payable annually. 7197

The board shall have control of any town hall belonging to 7198
the township, and it may rent or lease all or part of any hall, 7199
lodge, or recreational facility belonging to the township, to 7200
any person or organization under terms the board considers 7201
proper, for which all rent shall be paid in advance or fully 7202
secured. In establishing the terms of any rental agreement or 7203
lease pursuant to this section, the board of township trustees 7204
may give preference to persons who are residents of or 7205

organizations that are headquartered in the township or that are 7206
charitable or fraternal in nature. All persons or organizations 7207
shall be treated on a like or similar basis, and no 7208
differentiation shall be made on the basis of race, color, 7209
religion, national origin, sex, or political affiliation. The 7210
rents received for such facilities may be used for their repair 7211
or improvement, and any balance shall be used for general 7212
township purposes. 7213

Sec. 511.04. The board of township trustees, whenever it 7214
has ~~been authorized by an affirmative vote,~~contracted to 7215
purchase a site and erect thereon a town hall, and suitable 7216
lands cannot be procured by contract for such purpose on 7217
reasonable terms, may appropriate land therefor, not to exceed 7218
one acre, by proceedings in accordance with sections 163.01 to 7219
163.22 of the Revised Code. 7220

Sec. 511.12. The board of township trustees may prepare 7221
plans and specifications and make contracts for the construction 7222
and erection of a memorial building, monument, statue, or 7223
memorial, for the purposes specified and within the amount 7224
authorized by section 511.08 of the Revised Code. If the total 7225
estimated cost of the construction and erection exceeds the 7226
amount specified in section 9.17 of the Revised Code, the 7227
contract shall be let by competitive bidding. If the estimated 7228
cost is the amount specified in section 9.17 of the Revised Code 7229
or less, competitive bidding may be required at the board's 7230
discretion. In making contracts under this section, the board 7231
shall be governed as follows: 7232

(A) Contracts for construction when competitive bidding is 7233
required shall be based upon detailed plans, specifications, 7234
forms of bids, and estimates of cost, adopted by the board. 7235

(B) Contracts shall be made in writing upon concurrence of 7236
a majority of the members of the board, and shall be signed by 7237
at least two of the members and by the contractor. If 7238
competitive bidding is required, no contract shall be made or 7239
signed until an advertisement has been ~~placed in a newspaper,~~ 7240
~~published or of general circulation in the township,~~ at least 7241
twice using at least one of the following methods: 7242

(1) In the print or digital edition of a newspaper of 7243
general circulation within the township; 7244

(2) On the official public notice web site established 7245
under section 125.182 of the Revised Code; 7246

(3) On the web site and social media account of the 7247
township. ~~The~~ 7248

The board may also cause notice to be inserted in trade 7249
papers or other publications designated by it or to be 7250
distributed by electronic means, ~~including posting the notice on~~ 7251
~~the board's internet web site. If the board posts the notice on~~ 7252
~~its web site, it may eliminate the second notice otherwise~~ 7253
~~required to be published in a newspaper published or of general~~ 7254
~~circulation in the township, provided that the first notice~~ 7255
~~published in such newspaper meets all of the following~~ 7256
~~requirements:~~ 7257

~~(1) It is published at least two weeks before the opening~~ 7258
~~of bids.~~ 7259

~~(2) It includes a statement that the notice is posted on~~ 7260
~~the board's internet web site.~~ 7261

~~(3) It includes the internet address of the board's~~ 7262
~~internet web site.~~ 7263

~~(4) It includes instructions describing how the notice may be accessed on the board's internet web site.~~ 7264
7265

(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code. 7266
7267
7268

(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, the alterations or modifications shall be made only by order of the board, and that order shall be of no effect until the price to be paid for the work or materials under the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board. 7269
7270
7271
7272
7273
7274
7275
7276

(E) No contract or alteration or modification of it shall be valid unless made in the manner provided in this section. 7277
7278

(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. 7279
7280
7281

Sec. 511.21. Upon the filing of the report of the board of park commissioners as provided by section 511.20 of the Revised Code, the board of township trustees shall direct the township fiscal officer to give thirty days' notice, by posting in five public places in the township and by publication in using at least one or more newspapers of the following methods: 7282
7283
7284
7285
7286
7287

(A) In the print or digital edition of a newspaper of general circulation in the township,~~;~~ 7288
7289

(B) On the official public notice web site established under section 125.182 of the Revised Code; 7290
7291

(C) On the web site and social media account of the 7292
township. 7293

The notice shall state that an election will be held at 7294
the next general election to determine whether one or more 7295
public parks are to be established within the township, and the 7296
estimated cost of the land recommended for that purpose. 7297

Sec. 511.51. (A) A board of township trustees by 7298
resolution may establish a township preservation commission. The 7299
commission shall consist of seven members appointed by the board 7300
of township trustees. Initially, two members shall serve a term 7301
of one year, two members shall serve a term of two years, and 7302
three members shall serve a term of three years. All subsequent 7303
terms shall be for a period of three years. The board of 7304
township trustees shall appoint members to fill vacancies caused 7305
by death, resignation, or removal for the unexpired term. 7306
Members shall serve without compensation. 7307

(B) Not later than thirty days after the appointment of 7308
all initial members by the board of township trustees, the 7309
commission shall meet and select a chairperson and vice- 7310
chairperson. The commission shall adopt rules of procedure, 7311
which shall be approved by resolution of the board of township 7312
trustees. Four members shall be required for official action and 7313
constitute a quorum. The commission shall take official action 7314
only by a vote of a majority of the members voting on the 7315
question on the table, during a public meeting open to the 7316
public. A record of proceedings shall be maintained and 7317
available for inspection. 7318

(C) Not later than six months after the appointment of all 7319
initial members by the board of township trustees, the 7320
commission shall adopt procedures and guidelines by which the 7321

commission shall perform the duties enumerated under section 7322
511.52 of the Revised Code, which shall be approved by the board 7323
of township trustees. 7324

Sec. 511.52. A township preservation commission has the 7325
following duties: 7326

(A) Promote the importance of historic preservation 7327
throughout the unincorporated territory of the township; 7328

(B) Maintain a register of historic properties located 7329
within the unincorporated territory of the township. Upon 7330
recommendation of the commission, the board of township trustees 7331
by resolution may designate appropriate properties as registered 7332
properties; 7333

(C) Protect the unique historical and architectural 7334
character of registered properties and promote the conservation 7335
of the registered properties by considering applications, and 7336
issuing certificates, for exterior alterations at registered 7337
properties. 7338

Sec. 511.53. Within the unincorporated territory of a 7339
township that has established a township preservation commission 7340
under section 511.51 of the Revised Code, no person may alter 7341
the exterior of a registered property without first obtaining 7342
from the commission a certificate under division (C) of section 7343
511.52 of the Revised Code. 7344

Sec. 515.01. The board of township trustees may provide 7345
artificial lights for any road, highway, public place, or 7346
building under its supervision or control, or for any territory 7347
within the township and outside the boundaries of any municipal 7348
corporation, when the board determines that the public safety or 7349
welfare requires that the road, highway, public place, building, 7350

or territory shall be lighted. The lighting may be procured 7351
either by the township installing a lighting system or by 7352
contracting with any person or corporation to furnish lights. 7353

If lights are furnished under contract, the contract may 7354
provide that the equipment employed may be owned by the township 7355
or by the person or corporation supplying the lights. 7356

If the board determines to procure lighting by contract 7357
and the total estimated cost of the contract exceeds the amount 7358
specified in section 9.17 of the Revised Code, the board shall 7359
prepare plans and specifications for the lighting equipment and 7360
shall, for two weeks, advertise for bids for furnishing the 7361
lighting equipment, either by posting the advertisement in three 7362
conspicuous places in the township or by publication of the 7363
advertisement once a week, for two consecutive weeks, ~~in using~~ 7364
at least one of the following methods: 7365

(A) In the print or digital edition of a newspaper of 7366
general circulation in the township; 7367

(B) On the official public notice web site established 7368
under section 125.182 of the Revised Code; 7369

(C) On the web site and social media account of the 7370
township. Any 7371

Any such contract for lighting shall be made with the 7372
lowest and best bidder. 7373

The board may also cause notice to be inserted in trade 7374
papers or other publications designated by it or to be 7375
distributed by electronic means, ~~including posting the notice on~~ 7376
~~the board's internet web site. If the board posts the notice on~~ 7377
~~its web site, it may eliminate the second notice otherwise~~ 7378
~~required to be published in a newspaper of general circulation~~ 7379

~~in the township, provided that the first notice published in
such newspaper meets all of the following requirements:~~ 7380
7381

~~(A) It is published at least two weeks before the opening
of bids.~~ 7382
7383

~~(B) It includes a statement that the notice is posted on
the board's internet web site.~~ 7384
7385

~~(C) It includes the internet address of the board's
internet web site.~~ 7386
7387

~~(D) It includes instructions describing how the notice may
be accessed on the board's internet web site.~~ 7388
7389

No lighting contract awarded by the board shall be made to 7390
cover a period of more than twenty years. The cost of installing 7391
and operating any lighting system or any light furnished under 7392
contract shall be paid from the general fund of the township 7393
treasury. 7394

No procurement subject to this section shall be divided 7395
into component parts, separate projects, or separate items of 7396
work in order to avoid the requirements of this section. 7397

Sec. 515.04. The township fiscal officer shall fix a day, 7398
not more than thirty days from the date of notice to the board 7399
of township trustees, for the hearing of the petition authorized 7400
by section 515.02 or 515.16 of the Revised Code. The township 7401
fiscal officer or the fiscal officer's designee shall prepare 7402
and deliver to any of the petitioners a notice in writing 7403
directed to the lot and land owners and to the corporations, 7404
either public or private, affected by the improvement. The 7405
notice shall set forth the substance, pendency, and prayer of 7406
the petition and the time and place of the hearing on it. 7407

A copy of the notice shall be served upon each lot or land owner or left at the lot or land owner's usual place of residence, and upon an officer or agent of each corporation having its place of business in the district or area, at least fifteen days before the date set for the hearing. On or before the day of the hearing, the person serving the notice shall make return on it, under oath, of the time and manner of service and shall file the return with the township fiscal officer.

The township fiscal officer or the fiscal officer's designee shall give the notice to each nonresident lot or land owner, by publication once, ~~in a newspaper of general circulation in the county in which the district or area is situated,~~ at least two weeks before the day set for hearing, using at least one of the following methods:

(A) In the print or digital edition of a newspaper of general circulation in the county in which the district or area is situated;

(B) On the official public notice web site established under section 125.182 of the Revised Code;

(C) On the web site and social media account of the township. The

The notice shall be verified by affidavit of the printer or other person knowing the fact and shall be filed with the township fiscal officer or the fiscal officer's designee on or before the day of hearing. No further notice of the petition or the proceedings under it shall thereafter be required.

Sec. 517.07. ~~Upon~~ (A) Upon application, the board of township trustees shall sell at a reasonable price the number of lots as public wants demand for burial purposes. Purchasers of

lots or other interment rights, upon complying with the terms of 7437
sale, may receive deeds for the lots or rights which the board 7438
shall execute. The township fiscal officer shall record each 7439
deed in a book the township keeps for that purpose or with the 7440
county recorder under section 317.08 of the Revised Code. The 7441
expense of recording shall be paid by the person receiving the 7442
deed. Upon the application of a head of a family living in the 7443
township, the board shall, without charge, make and deliver to 7444
the applicant a deed for a suitable lot or right for the 7445
interment of the applicant's family, if, in the opinion of the 7446
board and by reason of the circumstances of the family, the 7447
payment would be oppressive. 7448

(B) The terms of sale and any deed for lots executed after 7449
July 24, 1986, for an entombment, including a mausoleum, 7450
columbarium, or other interment right executed on or after 7451
September 29, 2015, may include the following requirements: 7452

~~(A)~~ (1) The grantee shall provide to the board of township 7453
trustees, in writing, a list of the names and addresses of the 7454
persons to whom the grantee's property would pass by intestate 7455
succession. 7456

~~(B)~~ (2) The grantee shall notify the board in writing of 7457
any subsequent changes in the name or address of any persons to 7458
whom property would descend. 7459

~~(C)~~ (3) Any person who receives a township cemetery lot or 7460
right by gift, inheritance, or any other means other than the 7461
original conveyance shall, within one year after receiving the 7462
interest, give written notice of the person's name and address 7463
to the board having control of the cemetery, and shall notify 7464
the board of any subsequent changes in the person's name or 7465
address. 7466

(C) The terms of sale and any deed for any lots or rights
executed in compliance with the notification requirements set
forth in ~~divisions (A),~~ division (B), ~~and (C)~~ of this section
shall state that the board of township trustees shall have right
of reentry to the cemetery lot or right if the notification
requirements are not met. At least ninety days before
establishing reentry, the board shall publish a notice on the
board's internet web site, if applicable, and shall send a
notice by certified mail to the last known owner at the owner's
last known address to inform the owner that the owner's interest
in the lot or right will cease unless the notification
requirements are met. If the owner's address is unknown and
cannot reasonably be obtained, it is sufficient to publish the
notice once ~~in~~ using at least one of the following methods:

(1) In the print or digital edition of a newspaper of
general circulation in the county;

(2) On the official public notice web site established
under section 125.182 of the Revised Code;

(3) On the web site and social media account of the
township. ~~In~~

In order to establish reentry, the board shall pass a
resolution stating that the conditions of the sale or of the
deed have not been fulfilled, and that the board reclaims its
interest in the lot or right.

(D) The board may limit the terms of sale or the deed for
a cemetery lot or right by specifying that the owner, a member
of the owner's family, or an owner's descendant must use the
lot, tomb, including a mausoleum, or columbarium, or at least a
portion of the lot, tomb, including a mausoleum, or columbarium,

within a specified time period. The board may specify this time 7496
period to be at least twenty but not more than fifty years, with 7497
right of renewal provided at no cost. At least ninety days 7498
before the termination date for use of the cemetery lot, tomb, 7499
including a mausoleum, or columbarium, the board shall publish a 7500
notice on the board's internet web site, if applicable, and 7501
shall send a notice to the owner to inform the owner that the 7502
owner's interest in the lot or right will cease on the 7503
termination date unless the owner contracts for renewal by that 7504
date. The board shall send the notice by certified mail to the 7505
owner if the owner is a resident of the township or is a 7506
nonresident whose address is known. If the owner's address is 7507
unknown and cannot reasonably be obtained, it is sufficient to 7508
publish the notice once in using at least one of the following 7509
methods: 7510

(1) In the print or digital edition of a newspaper of 7511
general circulation in the county; 7512

(2) On the official public notice web site established 7513
under section 125.182 of the Revised Code; 7514

(3) On the web site and social media account of the 7515
township. 7516

The terms of sale and any deed for lots or rights conveyed 7517
with a termination date shall state that the board shall have 7518
right of reentry to the lot or right at the end of the specified 7519
time period if the lot, tomb, including a mausoleum, or 7520
columbarium, is not used within this time period or renewed for 7521
an extended period. In order to establish reentry, the board 7522
shall pass a resolution stating that the conditions of the sale 7523
or of the deed have not been fulfilled, and that the board 7524
reclaims its interest in the lot or right. The board shall 7525

compensate owners of unused lots or rights who do not renew the 7526
terms of sale or the deed by offering to pay the owner eighty 7527
per cent of the purchase price or to provide another available 7528
lot or right, as applicable, at no additional cost. The board 7529
may repurchase any cemetery lot or right from its owner at any 7530
time at a price that is mutually agreed upon by the board and 7531
the owner. 7532

Sec. 517.073. (A) The board of township trustees may 7533
reenter a lot for which the terms of sale or deed was executed 7534
before July 24, 1986, or an entombment, including a mausoleum, 7535
columbarium, or other interment right for which the terms of 7536
sale or deed was executed before September 29, 2015, if the 7537
board determines the lot or right is unused and adopts a 7538
resolution creating a procedure for right of reentry in 7539
accordance with this section. The resolution shall state that 7540
the board of township trustees has the right of reentry to the 7541
cemetery lot or right purchased before July 24, 1986, or before 7542
September 29, 2015. At least one hundred eighty days before 7543
reentering a lot or right, the board shall publish a notice on 7544
the board's internet web site, if applicable, and shall send a 7545
notice by certified mail to the last known owner at the owner's 7546
last known address to inform the owner that the owner's interest 7547
in the lot or right will cease unless the owner or owner's heir 7548
responds by that date. If the owner's address is unknown and 7549
cannot be obtained reasonably, it is sufficient to publish the 7550
notice once ~~in~~ using at least one of the following methods: 7551

(1) In the print or digital edition of a newspaper of 7552
general circulation in the county; 7553

(2) On the official public notice web site established 7554
under section 125.182 of the Revised Code; 7555

(3) On the web site and social media account of the 7556
township. 7557

(B) If the owner responds by the specified date, the 7558
township shall offer the owner all of the following: 7559

(1) To continue the owner's interest in the lot or right; 7560

(2) To compensate the owner by paying the owner eighty per 7561
cent of the owner's original purchase price; or 7562

(3) To compensate the owner by providing the owner an 7563
available lot or right, as applicable. 7564

To establish reentry, the board shall pass a resolution 7565
stating that the owner has not responded by the specified date 7566
or has opted to receive other compensation, and that the board 7567
reclaims its interest in the lot or right. The board may 7568
repurchase a cemetery lot or right from its owner at any time at 7569
a price that is mutually agreed upon by the board and the owner. 7570

~~(B)~~ (C) At least one hundred eighty days before a 7571
termination date for use of a cemetery lot for which the terms 7572
of sale or deed was executed before July 24, 1986, and contained 7573
a termination date, or an entombment, including a mausoleum or 7574
columbarium, for which the terms of sale or deed was executed 7575
before September 29, 2015, and contained a termination date, the 7576
board shall publish a notice on the board's internet web site, 7577
if applicable, and shall send a notice to the owner of an unused 7578
lot or right to inform the owner that the owner's interest in 7579
the lot or right will cease on the termination date unless the 7580
owner or owner's heir responds by that date. The board shall 7581
send the notice by certified mail to the owner if the owner is a 7582
resident of the township or is a nonresident whose address is 7583
known. If the owner's address is unknown and cannot reasonably 7584

be obtained, it is sufficient to publish the notice once ~~in~~ 7585
using at least one of the following methods: 7586

(1) In the print or digital edition of a newspaper of 7587
general circulation in the county; 7588

(2) On the official public notice web site established 7589
under section 125.182 of the Revised Code; 7590

(3) On the web site and social media account of the 7591
township. 7592

(D) If the owner responds by the termination date, the 7593
township shall offer the owner all of the following: 7594

(1) To contract for renewal; 7595

(2) To compensate the owner by paying the owner eighty per 7596
cent of the owner's original purchase price; or 7597

(3) To compensate the owner by providing the owner an 7598
available lot or right, as applicable. 7599

In order to establish reentry, the board shall pass a 7600
resolution stating that because of the lack of response to 7601
notice that provided a termination date or because the owner 7602
opted to receive other compensation, the board reclaims its 7603
interest in the lot or right. The board may repurchase a 7604
cemetery lot or right for which there is a termination date from 7605
its owner at any time at a price that is mutually agreed upon by 7606
the board and the owner. 7607

Sec. 517.12. The board of township trustees may make rules 7608
specifying the times when cemeteries under its control shall be 7609
closed to the public. The board shall cause the rules to be 7610
published once a week for two consecutive weeks ~~in~~ using at 7611
least one of the following methods: 7612

(A) In the print or digital edition of a newspaper of 7613
general circulation within the township ~~or as provided in~~ 7614
~~section 7.16 of the Revised Code, and ;~~ 7615

(B) On the official public notice web site established 7616
under section 125.182 of the Revised Code; 7617

(C) On the web site and social media account of the 7618
township. 7619

The board also may post appropriate notice in the township 7620
as considered necessary. 7621

The purposes of such rules shall be to assure a reasonable 7622
time of access to the cemeteries in view of the differences in 7623
attendance anticipated from past experience as to each, to 7624
exclude attendance at times when no proper purposes could 7625
normally be expected, to permit exceptions to the normal hours 7626
of access on reasonable request with adequate reason provided, 7627
and to facilitate the task of protecting the premises from 7628
vandalism, desecration, and other improper usage. 7629

Whoever violates these rules is guilty of a minor 7630
misdemeanor. 7631

Sec. 517.22. The board of township trustees or the 7632
trustees or directors of a cemetery association, ~~after notice~~ 7633
~~has first been given in a newspaper of general circulation in~~ 7634
~~the county,~~ may dispose of, at public sale, and convey any 7635
cemetery under their control that they have determined to 7636
discontinue as burial grounds, ~~but possession after notice has~~ 7637
first been given using at least one of the following methods: 7638

(A) In the print or digital edition of a newspaper of 7639
general circulation in the county; 7640

(B) On the official public notice web site established 7641
under section 125.182 of the Revised Code; 7642

(C) On the web site and social media account of the 7643
township. 7644

Possession of the cemetery shall not be given to a grantee 7645
until after the remains buried in that cemetery, together with 7646
stones and monuments, have been removed as provided by section 7647
517.21 of the Revised Code. 7648

Sec. 519.06. Before certifying its recommendations of a 7649
zoning plan to the board of township trustees, the township 7650
zoning commission shall hold at least one public hearing, notice 7651
of which shall be given by one publication ~~in one or more~~ 7652
~~newspapers of general circulation in the township~~ at least 7653
thirty days before the date of such hearing, using at least one 7654
of the following methods: 7655

(A) In the print or digital edition of one or more 7656
newspapers of general circulation in the township; 7657

(B) On the official public notice web site established 7658
under section 125.182 of the Revised Code; 7659

(C) On the web site and social media account of the 7660
township. ~~The~~ 7661

The notice shall state the place and time at which the 7662
text and maps of the proposed zoning resolution may be examined. 7663

Sec. 519.08. After receiving the certification of a zoning 7664
plan from the township zoning commission, and before adoption of 7665
any zoning resolution, the board of township trustees shall hold 7666
a public hearing on the resolution, at least thirty days' notice 7667
of the time and place of which shall be given by one publication 7668

in-using at least one of the following methods: 7669

(A) In the print or digital edition of a newspaper of 7670
general circulation in the township; 7671

(B) On the official public notice web site established 7672
under section 125.182 of the Revised Code; 7673

(C) On the web site and social media account of the 7674
township. 7675

Sec. 519.09. No change in or departure from the text or 7676
maps, as certified by the township zoning commission, shall be 7677
made by the board of township trustees unless it is first 7678
resubmitted to the commission for approval, disapproval, or 7679
suggestions. Upon receipt of the recommendations of the township 7680
rural zoning commission regarding the proposed changes, the 7681
board of township trustees shall hold a second public hearing, 7682
at least ten days notice of the time and place of which shall be 7683
given by one publication in-using at least one of the following 7684
methods: 7685

(A) In the print or digital edition of one or more 7686
newspapers of general circulation in the township affected; 7687

(B) On the official public notice web site established 7688
under section 125.182 of the Revised Code; 7689

(C) On the web site and social media account of the 7690
township. If- 7691

If such changes are disapproved by the zoning commission, 7692
the provision so disapproved must receive the favorable vote of 7693
the entire membership of the board of township trustees in order 7694
to be adopted. 7695

Sec. 519.12. (A) (1) Amendments to the zoning resolution 7696

may be initiated by motion of the township zoning commission, by 7697
the passage of a resolution by the board of township trustees, 7698
or by the filing of an application by one or more of the owners 7699
or lessees of property within the area proposed to be changed or 7700
affected by the proposed amendment with the township zoning 7701
commission. The board of township trustees may require that the 7702
owner or lessee of property filing an application to amend the 7703
zoning resolution pay a fee to defray the cost of advertising, 7704
mailing, filing with the county recorder, and other expenses. If 7705
the board of township trustees requires such a fee, it shall be 7706
required generally, for each application. The board of township 7707
trustees, upon the passage of such a resolution, shall certify 7708
it to the township zoning commission. 7709

(2) Upon the adoption of a motion by the township zoning 7710
commission, the certification of a resolution by the board of 7711
township trustees to the commission, or the filing of an 7712
application by property owners or lessees as described in 7713
division (A) (1) of this section with the commission, the 7714
commission shall set a date for a public hearing, which date 7715
shall not be less than twenty nor more than forty days from the 7716
date of the certification of such a resolution, the date of 7717
adoption of such a motion, or the date of the filing of such an 7718
application. Notice of the hearing shall be given by the 7719
commission by one publication ~~in one or more newspapers of~~ 7720
~~general circulation in the township~~ at least ten days before the 7721
date of the hearing using at least one of the following methods: 7722

(a) In the print or digital edition of one or more 7723
newspapers of general circulation in the township; 7724

(b) On the official public notice web site established 7725
under section 125.182 of the Revised Code; 7726

(c) On the web site and social media account of the 7727
township. 7728

(B) If the proposed amendment intends to rezone or 7729
redistrict ten or fewer parcels of land, as listed on the county 7730
auditor's current tax list, written notice of the hearing shall 7731
be mailed by the township zoning commission, by first class 7732
mail, at least ten days before the date of the public hearing to 7733
all owners of property within and contiguous to and directly 7734
across the street from the area proposed to be rezoned or 7735
redistricted to the addresses of those owners appearing on the 7736
county auditor's current tax list. The failure of delivery of 7737
that notice shall not invalidate any such amendment. 7738

(C) If the proposed amendment intends to rezone or 7739
redistrict ten or fewer parcels of land as listed on the county 7740
auditor's current tax list, the published and mailed notices 7741
shall set forth the time, date, and place of the public hearing 7742
and include all of the following: 7743

(1) The name of the township zoning commission that will 7744
be conducting the hearing; 7745

(2) A statement indicating that the motion, resolution, or 7746
application is an amendment to the zoning resolution; 7747

(3) A list of the addresses of all properties to be 7748
rezoned or redistricted by the proposed amendment and of the 7749
names of owners of those properties, as they appear on the 7750
county auditor's current tax list; 7751

(4) The present zoning classification of property named in 7752
the proposed amendment and the proposed zoning classification of 7753
that property; 7754

(5) The time and place where the motion, resolution, or 7755

application proposing to amend the zoning resolution will be 7756
available for examination for a period of at least ten days 7757
prior to the hearing; 7758

(6) The name of the person responsible for giving notice 7759
of the hearing by publication, by mail, or by both publication 7760
and mail; 7761

(7) A statement that, after the conclusion of the hearing, 7762
the matter will be submitted to the board of township trustees 7763
for its action; 7764

(8) Any other information requested by the commission. 7765

(D) If the proposed amendment alters the text of the 7766
zoning resolution, or rezones or redistricts more than ten 7767
parcels of land as listed on the county auditor's current tax 7768
list, the published notice shall set forth the time, date, and 7769
place of the public hearing and include all of the following: 7770

(1) The name of the township zoning commission that will 7771
be conducting the hearing on the proposed amendment; 7772

(2) A statement indicating that the motion, application, 7773
or resolution is an amendment to the zoning resolution; 7774

(3) The time and place where the text and maps of the 7775
proposed amendment will be available for examination for a 7776
period of at least ten days prior to the hearing; 7777

(4) The name of the person responsible for giving notice 7778
of the hearing by publication; 7779

(5) A statement that, after the conclusion of the hearing, 7780
the matter will be submitted to the board of township trustees 7781
for its action; 7782

(6) Any other information requested by the commission. 7783

(E) (1) (a) Except as provided in division (E) (1) (b) of this 7784
section, within five days after the adoption of the motion 7785
described in division (A) of this section, the certification of 7786
the resolution described in division (A) of this section, or the 7787
filing of the application described in division (A) of this 7788
section, the township zoning commission shall transmit a copy of 7789
it together with text and map pertaining to it to the county or 7790
regional planning commission, if there is such a commission, for 7791
approval, disapproval, or suggestions. 7792

The county or regional planning commission shall recommend 7793
the approval or denial of the proposed amendment or the approval 7794
of some modification of it and shall submit its recommendation 7795
to the township zoning commission. The recommendation shall be 7796
considered at the public hearing held by the township zoning 7797
commission on the proposed amendment. 7798

(b) The township zoning commission of a township that has 7799
adopted a limited home rule government under Chapter 504. of the 7800
Revised Code is not subject to division (E) (1) (a) of this 7801
section but may choose to comply with division (E) (1) (a) of this 7802
section. 7803

(2) The township zoning commission, within thirty days 7804
after the hearing, shall recommend the approval or denial of the 7805
proposed amendment, or the approval of some modification of it, 7806
and submit that recommendation together with the motion, 7807
application, or resolution involved, the text and map pertaining 7808
to the proposed amendment, and the recommendation of the county 7809
or regional planning commission on it to the board of township 7810
trustees. 7811

(3) The board of township trustees, upon receipt of that 7812
recommendation, shall set a time for a public hearing on the 7813
proposed amendment, which date shall not be more than thirty 7814
days from the date of the receipt of that recommendation. Notice 7815
of the hearing shall be given by the board by one publication ~~in~~ 7816
~~one or more newspapers of general circulation in the township,~~ 7817
at least ten days before the date of the hearing using at least 7818
one of the following methods: 7819

(a) In the print or digital edition of one or more 7820
newspapers of general circulation in the township; 7821

(b) On the official public notice web site established 7822
under section 125.182 of the Revised Code; 7823

(c) On the web site and social media account of the 7824
township. 7825

(F) If the proposed amendment intends to rezone or 7826
redistrict ten or fewer parcels of land as listed on the county 7827
auditor's current tax list, the published notice shall set forth 7828
the time, date, and place of the public hearing and include all 7829
of the following: 7830

(1) The name of the board of township trustees that will 7831
be conducting the hearing; 7832

(2) A statement indicating that the motion, application, 7833
or resolution is an amendment to the zoning resolution; 7834

(3) A list of the addresses of all properties to be 7835
rezoned or redistricted by the proposed amendment and of the 7836
names of owners of those properties, as they appear on the 7837
county auditor's current tax list; 7838

(4) The present zoning classification of property named in 7839

the proposed amendment and the proposed zoning classification of 7840
that property; 7841

(5) The time and place where the motion, application, or 7842
resolution proposing to amend the zoning resolution will be 7843
available for examination for a period of at least ten days 7844
prior to the hearing; 7845

(6) The name of the person responsible for giving notice 7846
of the hearing by publication, by mail, or by both publication 7847
and mail; 7848

(7) Any other information requested by the board. 7849

(G) If the proposed amendment alters the text of the 7850
zoning resolution, or rezones or redistricts more than ten 7851
parcels of land as listed on the county auditor's current tax 7852
list, the published notice shall set forth the time, date, and 7853
place of the public hearing and include all of the following: 7854

(1) The name of the board of township trustees that will 7855
be conducting the hearing on the proposed amendment; 7856

(2) A statement indicating that the motion, application, 7857
or resolution is an amendment to the zoning resolution; 7858

(3) The time and place where the text and maps of the 7859
proposed amendment will be available for examination for a 7860
period of at least ten days prior to the hearing; 7861

(4) The name of the person responsible for giving notice 7862
of the hearing by publication; 7863

(5) Any other information requested by the board. 7864

(H) Within twenty days after its public hearing, the board 7865
of township trustees shall either adopt or deny the 7866

recommendations of the township zoning commission or adopt some 7867
modification of them. If the board denies or modifies the 7868
commission's recommendations, a majority vote of the board shall 7869
be required. 7870

The proposed amendment, if adopted by the board, shall 7871
become effective in thirty days after the date of its adoption, 7872
unless, within thirty days after the adoption, there is 7873
presented to the board of township trustees a petition, signed 7874
by a number of registered electors residing in the 7875
unincorporated area of the township or part of that 7876
unincorporated area included in the zoning plan equal to not 7877
less than fifteen per cent of the total vote cast for all 7878
candidates for governor in that area at the most recent general 7879
election at which a governor was elected, requesting the board 7880
of township trustees to submit the amendment to the electors of 7881
that area for approval or rejection at a special election to be 7882
held on the day of the next primary or general election that 7883
occurs at least ninety days after the petition is filed. Each 7884
part of this petition shall contain the number and the full and 7885
correct title, if any, of the zoning amendment resolution, 7886
motion, or application, furnishing the name by which the 7887
amendment is known and a brief summary of its contents. In 7888
addition to meeting the requirements of this section, each 7889
petition shall be governed by the rules specified in section 7890
3501.38 of the Revised Code. 7891

The form of a petition calling for a zoning referendum and 7892
the statement of the circulator shall be substantially as 7893
follows: 7894

"PETITION FOR ZONING REFERENDUM 7895

(if the proposal is identified by a particular name or 7896

number, or both, these should be inserted here) 7897

_____ 7898

A proposal to amend the zoning map of the unincorporated 7899
area of _____ Township, _____ County, Ohio, 7900
adopted _____ (date) _____ (followed by brief summary of the 7901
proposal). 7902

To the Board of Township Trustees of _____ 7903
Township, _____ County, Ohio: 7904

We, the undersigned, being electors residing in the 7905
unincorporated area of _____ Township, 7906
included within the _____ Township Zoning Plan, equal to 7907
not less than fifteen per cent of the total vote cast for all 7908
candidates for governor in the area at the preceding general 7909
election at which a governor was elected, request the Board of 7910
Township Trustees to submit this amendment of the zoning 7911
resolution to the electors of _____ Township 7912
residing within the unincorporated area of the township included 7913
in the _____ Township Zoning Resolution, for 7914
approval or rejection at a special election to be held on the 7915
day of the primary or general election to be held on 7916
_____ (date) _____, pursuant to section 519.12 of the Revised 7917
Code. 7918

Street Address	Date of	7919
Signature or R.F.D.	Township Precinct County	Signing

_____ 7921

_____ 7922

_____ 7923

STATEMENT OF CIRCULATOR 7924

I, _____ (name of circulator) _____, declare 7925
under penalty of election falsification that I am an elector of 7926
the state of Ohio and reside at the address appearing below my 7927
signature; that I am the circulator of the foregoing part 7928
petition containing _____ (number) _____ signatures; that I 7929
have witnessed the affixing of every signature; that all signers 7930
were to the best of my knowledge and belief qualified to sign; 7931
and that every signature is to the best of my knowledge and 7932
belief the signature of the person whose signature it purports 7933
to be or of an attorney in fact acting pursuant to section 7934
3501.382 of the Revised Code. 7935

_____ 7936

(Signature of circulator) 7937

_____ 7938

(Address of circulator's permanent 7939

residence in this state) 7940

_____ 7941

(City, village, or township, 7942

and zip code) 7943

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 7944

FELONY OF THE FIFTH DEGREE." 7945

The petition shall be filed with the board of township 7946

trustees and shall be accompanied by an appropriate map of the 7947

area affected by the zoning proposal. Within two weeks after 7948

receiving a petition filed under this section, the board of 7949

township trustees shall certify the petition to the board of 7950

elections. A petition filed under this section shall be 7951

certified to the board of elections not less than ninety days 7952
prior to the election at which the question is to be voted upon. 7953

The board of elections shall determine the sufficiency and 7954
validity of each petition certified to it by a board of township 7955
trustees under this section. If the board of elections 7956
determines that a petition is sufficient and valid, the question 7957
shall be voted upon at a special election to be held on the day 7958
of the next primary or general election that occurs at least 7959
ninety days after the date the petition is filed with the board 7960
of township trustees, regardless of whether any election will be 7961
held to nominate or elect candidates on that day. 7962

No amendment for which such a referendum vote has been 7963
requested shall be put into effect unless a majority of the vote 7964
cast on the issue is in favor of the amendment. Upon 7965
certification by the board of elections that the amendment has 7966
been approved by the voters, it shall take immediate effect. 7967

Within five working days after an amendment's effective 7968
date, the board of township trustees shall file the text and 7969
maps of the amendment in the office of the county recorder and 7970
with the county or regional planning commission, if one exists. 7971

The failure to file any amendment, or any text and maps, 7972
or duplicates of any of these documents, with the office of the 7973
county recorder or the county or regional planning commission as 7974
required by this section does not invalidate the amendment and 7975
is not grounds for an appeal of any decision of the board of 7976
zoning appeals. 7977

Sec. 519.15. The township board of zoning appeals shall 7978
organize and adopt rules in accordance with the zoning 7979
resolution. Meetings of the board of zoning appeals shall be 7980

held at the call of the chairperson, and at such other times as 7981
the board determines. The chairperson, or in the chairperson's 7982
absence the acting chairperson, may administer oaths, and the 7983
board of zoning appeals may compel the attendance of witnesses. 7984
All meetings of the board of zoning appeals shall be open to the 7985
public. The board of zoning appeals shall keep minutes of its 7986
proceedings showing the vote of each regular or alternate member 7987
upon each question, or, if absent or failing to vote, indicating 7988
such fact, and shall keep records of its examinations and other 7989
official actions, all of which shall be immediately filed in the 7990
office of the board of township trustees and be a public record. 7991

Appeals to the board of zoning appeals may be taken by any 7992
person aggrieved or by any officer of the township affected by 7993
any decision of the administrative officer. Such appeal shall be 7994
taken within twenty days after the decision by filing, with the 7995
officer from whom the appeal is taken and with the board of 7996
zoning appeals, a notice of appeal specifying the grounds. The 7997
officer from whom the appeal is taken shall transmit to the 7998
board of zoning appeals all the papers constituting the record 7999
upon which the action appealed from was taken. 8000

The board of zoning appeals shall fix a reasonable time 8001
for the public hearing of the appeal, give at least ten days' 8002
notice in writing to the parties in interest, give publish 8003
notice of such public hearing ~~by one publication in one or more~~ 8004
~~newspapers of general circulation in the county~~ at least ten 8005
days before the date of such hearing, and using at least one of 8006
the following methods: 8007

(A) In the print or digital edition of one or more 8008
newspapers of general circulation in the county; 8009

(B) On the official public notice web site established 8010

under section 125.182 of the Revised Code; 8011

(C) On the web site and social media account of the 8012
township. 8013

The board shall decide the appeal within a reasonable time 8014
after it is submitted. Upon the hearing, any person may appear 8015
in person or by attorney. 8016

The board of township trustees may require a person making 8017
an appeal to pay a fee to defray the cost of advertising, 8018
mailing, and other expenses. 8019

Sec. 519.99. Whoever violates sections 519.01 to 519.25 of 8020
the Revised Code shall be ~~fined~~ assessed a civil fine of not 8021
more than five hundred dollars for each offense. The fine shall 8022
be collected by filing a civil action in the court of common 8023
pleas in the county where the property at issue is located. The 8024
complaint may combine a cause of action for collection of civil 8025
fines under this section with a cause of action for injunction, 8026
abatement, mandamus, or other appropriate relief under section 8027
519.24 of the Revised Code. Each day the violation continues 8028
from the date of a judgment granting relief under this section 8029
shall constitute a separate offense. 8030

Sec. 521.03. On receiving a petition filed under section 8031
521.02 of the Revised Code, or at the request of the board of 8032
township trustees, the township fiscal officer shall fix a time, 8033
not more than thirty days after the date of giving notice of the 8034
filing to the board or the date of receiving the request from 8035
the board, and place for a hearing on the issue of repair or 8036
maintenance of the tiles. The township fiscal officer shall 8037
prepare a notice in writing directed to the lot and land owners 8038
and to the corporations, either public or private, affected by 8039

the improvement. The notice shall set forth the substance of the 8040
petition or board request, and the time and place of the hearing 8041
on it. 8042

If the hearing is to be held in response to a petition, 8043
the township fiscal officer shall deliver a copy of the notice 8044
to any of the petitioners, who shall see that the notice is 8045
served on each lot or land owner or left at the lot or land 8046
owner's usual place of residence, and served on an officer or 8047
agent of each corporation affected by the improvement, at least 8048
fifteen days before the date set for the hearing. If the hearing 8049
is to be held at the request of the board, the board shall see 8050
that the notice is so served. On or before the day of the 8051
hearing, the person serving the notice shall certify, under 8052
oath, the time and manner of service, and shall file this 8053
certification with the township fiscal officer. 8054

The township fiscal officer shall give notice of the 8055
hearing to each nonresident lot or land owner, by publication 8056
once, ~~in a newspaper of general circulation in the county in~~ 8057
~~which the township is situated,~~ at least two weeks before the 8058
day set for the hearing, using at least one of the following 8059
methods: 8060

(A) In the print or digital edition of a newspaper of 8061
general circulation in the county in which the township is 8062
situated; 8063

(B) On the official public notice web site established 8064
under section 125.182 of the Revised Code; 8065

(C) On the web site and social media account of the 8066
township. This 8067

This notice shall be verified by affidavit of the printer 8068

or other person knowing the fact, and shall be filed with the 8069
township fiscal officer on or before the day of the hearing. No 8070
further notice of the petition or the proceedings under it shall 8071
thereafter be required. 8072

Sec. 701.07. (A) The legislative authority of one or more 8073
municipal corporations, by ordinance or resolution, and the 8074
board of township trustees of one or more townships, by 8075
resolution, may enter into a cooperative economic development 8076
agreement under this section. The board of county commissioners 8077
of one or more counties may become a party to a cooperative 8078
economic development agreement upon the written consent of the 8079
legislative authority of each municipal corporation and the 8080
board of township trustees of each township that is a party to 8081
the agreement. 8082

Before entering into a cooperative economic development 8083
agreement pursuant to this section, the parties to the agreement 8084
shall jointly hold a public hearing concerning the agreement. 8085
The parties shall provide to residents of the territory affected 8086
by the agreement at least thirty days' public notice of the time 8087
and place of the public hearing in one or more newspapers of 8088
general circulation in that territory. During the thirty-day 8089
period prior to the public hearing, each party to the agreement, 8090
except the state or any state agency or any person or private 8091
entity that becomes a party to the agreement under division (C) 8092
(10) or (F) of this section, shall make available for public 8093
inspection a copy of the proposed agreement. 8094

(B) A cooperative economic development agreement may be 8095
amended at any time in the same manner as it was initially 8096
authorized. A cooperative economic development agreement shall 8097
designate the territory the agreement covers. 8098

(C) A cooperative economic development agreement may	8099
provide for any of the following:	8100
(1) The provision of joint services and permanent	8101
improvements within incorporated or unincorporated areas;	8102
(2) The provision of services and improvements by a	8103
municipal corporation in unincorporated areas [†] . <u>As used in</u>	8104
<u>division (C)(2) of this section, "improvements" includes, but is</u>	8105
<u>not limited to, sewers, roadways, public utilities, and the</u>	8106
<u>acquisition of land.</u>	8107
(3) The provision of services and improvements by a county	8108
or township within the territory of a municipal corporation;	8109
(4) The payment of service fees to a municipal corporation	8110
by a township or county;	8111
(5) The payment of service fees to a township or a county	8112
by a municipal corporation;	8113
(6) The issuance of notes and bonds and other debt	8114
obligations by a municipal corporation, county, or township for	8115
public purposes authorized by or under a cooperative economic	8116
development agreement and provision for the allocation of the	8117
payment of the principal of, interest on, and other charges and	8118
costs of issuing and servicing the repayment of the debt;	8119
(7) The issuance of industrial development notes, bonds,	8120
and debt obligations by a municipal corporation to finance	8121
projects in territory located outside the municipal corporation	8122
but located within the territory covered by a cooperative	8123
economic development agreement and provision for the allocation	8124
of the payment of the principal of, interest on, and other	8125
charges and costs of issuing and servicing the repayment of the	8126
debt. To implement division (C)(10) of this section, a municipal	8127

corporation may undertake projects under Chapter 165., 761., or 8128
902. of the Revised Code even though the project is in territory 8129
located outside the municipal corporation. 8130

(8) The territory to be annexed to a municipal corporation 8131
when agreed to by the municipal corporation to which annexation 8132
is proposed and the township in which the territory to be 8133
annexed is located; 8134

(9) Any periods of time during which no annexations will 8135
occur and any areas that will not be annexed during the period 8136
when agreed to by the municipal corporation and township 8137
affected by the annexation moratorium; 8138

(10) Agreements by a municipal corporation and a township, 8139
or by a municipal corporation and a county, with landowners or 8140
developers of land that is to be annexed, or with both such 8141
landowners and land developers, concerning the provision of 8142
public services, facilities, and permanent improvements. Any 8143
person or other private entity described in division (C) (10) of 8144
this section that enters into an agreement with a municipal 8145
corporation and a township, or with a municipal corporation and 8146
a county, pursuant to this division shall be considered to be a 8147
party to the agreement. 8148

(11) The application of tax abatement statutes within the 8149
territory covered by the cooperative economic development 8150
agreement; 8151

(12) Changing township boundaries under Chapter 503. of 8152
the Revised Code to exclude newly annexed territory from the 8153
original township and providing services to that territory; 8154

(13) The earmarking by a municipal corporation for its 8155
general revenue fund of a portion of the utility charges it 8156

collects in territory located outside the municipal corporation 8157
but located within the territory covered by a cooperative 8158
economic development agreement, but only if the cooperative 8159
economic development agreement does not cover any matters 8160
relating to annexation; 8161

(14) Payments in lieu of taxes, if any, to be paid to a 8162
township by a municipal corporation. These payments may be in 8163
addition to or in lieu of other payments required by law to be 8164
made to the township by that municipal corporation; 8165

(15) Any other matter pertaining to the annexation or 8166
development of territory, whether the territory is owned by a 8167
governmental entity or a person or private entity; 8168

(16) Agreements by one or more cities as defined under 8169
section 703.01 of the Revised Code, and one or more townships 8170
located in a county having a population of at least one hundred 8171
sixty thousand but not more than one hundred eighty thousand as 8172
determined by the most recent federal decennial census published 8173
by the United States census bureau before the execution of the 8174
cooperative economic development agreement and having a county 8175
planning commission operating pursuant to section 713.22 of the 8176
Revised Code as of the last day of the year to which such census 8177
applies, all of which shall be contiguous, subjecting all or 8178
part of the territory that is subject to the cooperative 8179
economic development agreement that qualifies as a megaproject 8180
supporting site to the substance of ordinances, resolutions, or 8181
other regulations of one or more of the political subdivisions 8182
party to the agreement related to the permitting, engineering, 8183
and construction of public and private improvements and other 8184
regulatory and proprietary matters determined to be for a public 8185
purpose under building codes, subdivision and other regulations 8186

as contemplated in Chapter 711. of the Revised Code, and 8187
regulations concerning construction and maintenance of new roads 8188
and streets, but excluding regulations related to zoning, public 8189
water infrastructure and services, public sanitary sewer 8190
infrastructure and services, bridges, existing roads and 8191
streets, stormwater management, floodplain management, or soil 8192
erosion control. Such regulations shall apply within the 8193
designated territory and shall prevail over regulations that 8194
would otherwise be applicable, as specified in the agreements, 8195
including regulations of a political subdivision that is not 8196
party to the cooperative economic development agreement. A 8197
county wherein a political subdivision that is party to the 8198
cooperative economic development agreement is located, or a 8199
county contiguous to a political subdivision that is party to 8200
the cooperative economic development agreement, may become a 8201
party to any of the agreements under this division upon the 8202
written consent of the legislative authority of each city and 8203
the board of township trustees of each township that is a party 8204
to the cooperative economic development agreement. An agreement 8205
under this division is effective upon written approval of the 8206
legislative authority of each city, the board of township 8207
trustees of each township, and, as applicable, the board of 8208
county commissioners of each county that is party to the 8209
agreement. The political subdivision whose regulations the 8210
designated territory is subject to shall be responsible for 8211
administering and processing the regulations within the 8212
designated territory and may be compensated for such services as 8213
specified in the agreement. All public improvements that are 8214
constructed pursuant to such regulations shall be required to be 8215
owned and maintained by one or more of the parties to the 8216
cooperative economic development agreement as specified in any 8217
agreement permitted under this division and shall not be 8218

required, without its consent, to be owned or maintained by any 8219
political subdivision whose regulations have been superseded, 8220
and that political subdivision shall not, without its consent, 8221
have any obligations or liabilities relating thereto. 8222

Before executing a cooperative economic development 8223
agreement that includes any agreements under this division, a 8224
township that is party to the proposed cooperative economic 8225
development agreement shall deliver, by certified mail, written 8226
notice to the clerk of the board of commissioners of the county 8227
in which affected property is located and to the proposed other 8228
party or parties to the cooperative economic development 8229
agreement indicating its intent to include, within the proposed 8230
cooperative economic development agreement, agreements that are 8231
permissible under this division. The notice shall identify which 8232
ordinances, resolutions, or other regulations are to be 8233
addressed in the permissible agreements and the territory to 8234
which the agreements will apply. The township and the county 8235
have ninety days from the clerk's receipt of the notice to 8236
negotiate their own agreement concerning procedures to achieve 8237
the efficient administration of those county regulations over 8238
which the regulations of another political subdivision would 8239
prevail under the agreements permitted under this division 8240
including, without limitation, definitive timing requirements 8241
for completing related administrative actions. The township and 8242
county may, by mutual agreement, extend the ninety-day period 8243
for up to an additional thirty days. 8244

The notice may include an election by the township to 8245
require the county to process and review all applications 8246
related to the permitting, engineering, and construction of 8247
public and private improvements that must be filed, processed, 8248
and approved by the county, its engineer, agencies, or 8249

departments in accordance with the same timing requirements as 8250
would apply to the processing and approval of similar 8251
applications if they were instead permitted to be filed under 8252
similar regulations adopted by the city that is a party to the 8253
cooperative economic development agreement. This election shall 8254
be binding upon the county regardless of whether the township 8255
and the county enter into an agreement as provided in this 8256
division, unless otherwise provided in such an agreement. If the 8257
election is made and is not otherwise altered in an agreement 8258
between the township and the county, and an application requires 8259
review by any committee, commission, or board of the county, 8260
then the application shall be placed on the agenda of the first 8261
regular meeting of such committee, commission, or board that 8262
occurs on or after the date that is fifteen days after the date 8263
the application was filed, and if no decision on the application 8264
is made at the initial meeting of the relevant committee, 8265
commission, or board, the application shall be considered at 8266
subsequent meetings of the relevant committee, commission, or 8267
board not less frequently than once every thirty days thereafter 8268
until the relevant committee, commission, or board issues a 8269
decision on the application. The timing requirements of this 8270
division apply to the exclusion of those that are provided 8271
elsewhere in the Revised Code or in county regulations. 8272

If an agreement between the township and county is not 8273
duly executed by both the township and the county before the 8274
expiration of the ninety-day period, as may be extended, then 8275
the parties to the cooperative economic development agreement 8276
may approve and execute any agreements permitted under this 8277
division. If an agreement between the township and county is 8278
duly executed by both the township and the county within that 8279
period, then during all times while the agreement between the 8280

township and county remains effective the agreements 8281
contemplated in this division shall not be included in a 8282
cooperative economic development agreement. Should an agreement 8283
between the township and county later terminate or expire, then 8284
the agreements contemplated in this division may be included in 8285
a cooperative economic agreement without the requirement to 8286
again follow the procedures contained in this division. 8287

~~As used in division (C) (2) of this section, "improvement"~~ 8288
~~includes, but is not limited to, sewers, roadways, public~~ 8289
~~utilities, and the acquisition of land.~~ 8290

As used in division (C) (16) of this section, "megaproject 8291
supporting site" means real property that satisfies all of the 8292
following: 8293

(a) It is subject to a cooperative economic development 8294
agreement that becomes effective not later than June 30, 2025. 8295
Amendments to or modifications of a cooperative economic 8296
development agreement effective by that date, including 8297
amendments to include or modifications of agreements permitted 8298
under division (C) (16) of this section, are permitted, even if 8299
made after that date, without affecting compliance with this 8300
division. 8301

(b) It is no greater than six hundred acres in size. 8302

(c) It is zoned by the applicable governmental authority 8303
to allow for the development, operation, and construction of one 8304
thousand or more residential dwelling units in addition to 8305
nonresidential uses. 8306

(d) Any portion of the real property's perimeter boundary 8307
is located within five miles of real property on which a 8308
megaproject, as defined in section 122.17 of the Revised Code, 8309

is located, is under construction, or is planned to be 8310
constructed, as such megaproject real property is identified in 8311
a fully executed agreement with the tax credit authority as 8312
contemplated in division (D) of section 122.17 of the Revised 8313
Code. 8314

(D) Cooperative economic development agreements shall not 8315
be in derogation of the powers granted to municipal corporations 8316
by Article XVIII, Ohio Constitution, or any other provisions of 8317
the Ohio Constitution or of a municipal charter, nor shall 8318
municipal corporations and townships, or municipal corporations 8319
and counties, agree to share proceeds of any tax levy, although 8320
such proceeds may be used to make payments authorized in a 8321
cooperative economic development agreement. 8322

(E) If any party to a cooperative economic development 8323
agreement believes any other party has failed to perform its 8324
part of any provision of the agreement, including the failure to 8325
make any payment of moneys due under the agreement, the 8326
complaining party shall give notice to the other party clearly 8327
stating what breach the complaining party believes has occurred. 8328
The party receiving the notice has ninety days from the receipt 8329
of that notice to cure the breach. If the breach has not been 8330
cured within that ninety-day period, the complaining party may 8331
sue for the recovery of the money due under the agreement, sue 8332
for specific enforcement of the agreement, or terminate the 8333
agreement by giving notice of termination to all other parties. 8334

(F) In order to assist economic development or to provide 8335
appropriate state functions and services to any part of the 8336
state, the state or any state agency may become a party to a 8337
cooperative economic development agreement upon the approval of 8338
the governor and the written consent of the legislative 8339

authority or governing board of each government entity that is a 8340
party to the agreement and upon the approval of each person or 8341
private entity described in division (C) (10) of this section 8342
that is party to the agreement. 8343

(G) A cooperative economic development agreement entered 8344
into under this section is in addition to any other agreements 8345
authorized by law between municipal corporations and counties or 8346
between municipal corporations and townships. 8347

(H) The powers and authorizations provided for under this 8348
section and under any cooperative economic development agreement 8349
entered into pursuant to this section shall be liberally 8350
construed to allow parties to enter into cooperative economic 8351
development agreements and to carry out such an agreement by 8352
providing government improvements and facilities and services 8353
including road and bridge improvements and regulations, by 8354
promoting and supporting economic development, by creating and 8355
preserving employment opportunities, and by allowing for the 8356
sharing by counties and townships in the benefits of economic 8357
development even if the economic development does not occur in 8358
an unincorporated area. 8359

(I) Nothing in this section expands or diminishes the 8360
exception of public utilities from certain regulations. 8361

Sec. 727.011. For the purpose of controlling the blight 8362
and disease of shade trees within public rights-of-way, and for 8363
planting, maintaining, trimming, and removing shade trees in and 8364
along the streets of a municipality, the legislative authority 8365
of such municipal corporation may establish one or more 8366
districts in the municipality designating the boundaries 8367
thereof, and may each year thereafter, by ordinance, designate 8368
the district in which such control, planting, care, and 8369

maintenance shall be effected, ~~setting~~. The ordinance shall set 8370
forth an estimate of the cost and providing for the levy of a 8371
special assessment upon all the real property in the district, 8372
in the amount and in the manner provided in section 727.01 of 8373
the Revised Code, for planting, maintaining, trimming, and 8374
removing shade trees. However, the ordinance may provide for an 8375
exemption from special assessments that applies to entities that 8376
are determined by the internal revenue service to be tax-exempt 8377
pursuant to section 501(c)(3) of the Internal Revenue Code. The 8378
ordinance shall be adopted as other ordinances and a succinct 8379
summary of the ordinance shall be published in the manner 8380
provided in section 731.21 of the Revised Code. Bonds and 8381
anticipatory notes may be issued in anticipation of the 8382
collection of such special assessments, under section 133.17 of 8383
the Revised Code. 8384

Sec. 755.13. (A) The authority to supervise and maintain 8385
parks, playgrounds, playfields, gymnasiums, public baths, 8386
swimming pools, or indoor recreation centers, may be vested in 8387
any existing body or board, or in a recreation board, as the 8388
legislative authority of the municipal corporation, the board of 8389
township trustees, or the board of county commissioners 8390
determines. The local authorities of any such municipal 8391
corporation, township, or county may equip, develop, operate, 8392
and maintain such facilities as authorized by sections 755.12 to 8393
755.18 of the Revised Code. Such local authorities may, for the 8394
purpose of carrying out such sections, employ play leaders, 8395
recreation directors, supervisors, superintendents, or any other 8396
officers or employees, and may procure and pay all or any part 8397
of the cost of a policy or policies insuring such officers or 8398
employees against liability on account of damage or injury to 8399
persons or property arising from the performance of their 8400

official duties. 8401

(B) The board of township trustees may expend funds from 8402
the township general fund, or revenue derived from property 8403
taxes levied for parks and recreational purposes, for the public 8404
purpose of presenting community events that are open to the 8405
public at such parks, playgrounds, playfields, gymnasiums, 8406
public baths, swimming pools, or indoor recreation centers. 8407

(C) The board of county commissioners may adopt rules for 8408
the preservation of good order within parks, playfields, and 8409
reservations of land under its jurisdiction and on adjacent 8410
highways, rivers, riverbanks, and lakes, and the preservation of 8411
property and natural life therein. Such rules shall be published 8412
in a newspaper of general circulation within the county once a 8413
week for two consecutive weeks, or as provided in section 7.16 8414
of the Revised Code, before taking effect. In counties in which 8415
no newspaper is generally circulated, notice shall be 8416
accomplished by posting copies in not less than five of the most 8417
public places in the district, as determined by the board of 8418
county commissioners, for a period of not less than fifteen days 8419
before the rules take effect. The rules shall be enforced by a 8420
"law enforcement officer" as defined in section 2901.01 of the 8421
Revised Code. No person shall violate a rule adopted under this 8422
division. Whoever violates a rule adopted under this division 8423
shall be fined not more than one hundred dollars. If the 8424
offender has previously been convicted of a violation of the 8425
rule, the offender shall be fined not more than five hundred 8426
dollars. All fines collected for any violation of any rule 8427
adopted under this division shall be paid into the general fund 8428
of the county treasury. 8429

(D) (1) Except as provided in division (D) (2) of this 8430

section, the controlling authority of each sports and recreation 8431
location shall do all of the following: 8432

(a) Require the placement of an automated external 8433
defibrillator in each sports and recreation location, under the 8434
authority's control, at any time that the location is hosting an 8435
organized youth sport activity; 8436

(b) Require that a sufficient number of the staff persons 8437
of each sports and recreation location successfully complete an 8438
appropriate training course in the use of an automated external 8439
defibrillator as described in section 3701.85 of the Revised 8440
Code; 8441

(c) Adopt an emergency action plan for the use of 8442
automated external defibrillators and may use the model plan 8443
developed by the department of health under section 3701.851 of 8444
the Revised Code. 8445

(2) Division (D)(1) of this section does not apply to a 8446
~~township or village~~ if the population of the ~~township or village~~ 8447
is less than five thousand, and does not apply to a township if 8448
the population of the unincorporated area of the township is 8449
less than five thousand. 8450

(E) As used in this section: 8451

(1) "Automated external defibrillator" has the same 8452
meaning as in section 2305.235 of the Revised Code. 8453

(2) "Sports and recreation location" means indoor 8454
recreation centers and facilities, gymnasiums, swimming pools, 8455
and playing fields that are designated, operated, and maintained 8456
for those uses as authorized by sections 755.12 to 755.18 of the 8457
Revised Code. 8458

Sec. 971.12. (A) If either owner fails to build or 8459
maintain in good repair the portion of a partition fence 8460
assigned to the owner under section 971.09 of the Revised Code, 8461
the board of township trustees, upon the application of the 8462
aggrieved owner, shall award the contract to the lowest 8463
responsible bidder agreeing to furnish the labor and material, 8464
and build or maintain the fence according to the specifications 8465
proposed by the board, after advertising for bids once a week 8466
for two consecutive weeks in using at least one of the following 8467
methods: 8468

(1) In the print or digital edition of a newspaper of 8469
general circulation in the county in which the township is 8470
situated; 8471

(2) On the official public notice web site established 8472
under section 125.182 of the Revised Code; 8473

(3) On the web site and social media account of the 8474
township. 8475

(B) The board may also cause notice to be inserted in 8476
trade papers or other publications designated by it or to be 8477
distributed by electronic means, ~~including posting the notice on~~ 8478
~~the board's internet web site. If the board posts the notice on~~ 8479
~~its web site, it may eliminate the second notice otherwise~~ 8480
~~required to be published in a newspaper of general circulation~~ 8481
~~in the county, provided that the first notice published in such~~ 8482
~~newspaper meets all of the following requirements:~~ 8483

~~(1) It is published at least two weeks before the opening~~ 8484
~~of bids.~~ 8485

~~(2) It includes a statement that the notice is posted on~~ 8486
~~the board's internet web site.~~ 8487

~~(3) It includes the internet address of the board's internet web site.~~ 8488
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~~(4) It includes instructions describing how the notice may be accessed on the board's internet web site.~~ 8490
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~~(B)~~ (C) If no bids are received from responsible bidders as provided in this section, the trustees shall procure labor and materials at prevailing rates and cause the fence to be constructed or maintained. 8492
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~~(C)~~ (D) No person shall obstruct or interfere with anyone lawfully engaged in construction or maintenance of a partition fence or in the performance of any other act described in this section. 8496
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Sec. 971.99. (A) Except as otherwise provided in division (B), (C), or (D) of this section, whoever violates division (B) of section 971.08 or division ~~(C)~~ (D) of section 971.12 of the Revised Code is guilty of a misdemeanor of the third degree. 8500
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(B) Whoever violates division (B) of section 971.08 or division ~~(C)~~ (D) of section 971.12 of the Revised Code is guilty of a misdemeanor of the second degree if, in committing the offense, the violator made a threat of physical harm to the person that was building or maintaining a partition fence. 8504
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(C) Whoever violates division (B) of section 971.08 or division ~~(C)~~ (D) of section 971.12 of the Revised Code is guilty of a misdemeanor of the first degree if, in committing the offense, the violator caused physical harm to the person that was building or maintaining a partition fence. 8509
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(D) Whoever violates division (B) of section 971.08 or division ~~(C)~~ (D) of section 971.12 of the Revised Code is guilty of a felony of the fifth degree if, in committing the offense, 8514
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the violator caused serious physical harm or death to the person 8517
that was building or maintaining a partition fence. 8518

(E) Prosecution for a violation of division (B) of section 8519
971.08 or division ~~(C)~~ (D) of section 971.12 of the Revised Code 8520
does not preclude prosecution for a violation of any other 8521
section of the Revised Code. One or more acts, a series of acts, 8522
or a course of behavior that can be prosecuted under this 8523
section or any other section of the Revised Code may be 8524
prosecuted under this section, the other section, or both 8525
sections. 8526

Sec. 1706.712. (A) After each constituent entity has 8527
approved the agreement of merger, a certificate of merger shall 8528
be signed on behalf of both of the following: 8529

(1) Each constituent limited liability company, as 8530
provided in division (A) of section 1706.17 of the Revised Code; 8531

(2) Each other constituent entity, as provided in its 8532
governing statute. 8533

(B) A certificate of merger under this section shall 8534
include all of the following: 8535

(1) The name and form of each constituent entity, the 8536
jurisdiction of its governing statute, and its registration 8537
number, if any, as it appears on the records of the secretary of 8538
state; 8539

(2) The name and form of the surviving entity, the 8540
jurisdiction of its governing statute, and, if the surviving 8541
entity is created pursuant to the merger, a statement to that 8542
effect; 8543

(3) The date the merger is effective under the governing 8544

statute of the surviving entity; 8545

(4) The name and mailing address of the person or entity 8546
that is to provide, in response to any written request made by a 8547
shareholder, partner, or other equity holder of a constituent 8548
entity, a copy of the agreement of merger. 8549

~~(4)~~(5) If the surviving entity is to be created pursuant 8550
to the merger: 8551

(a) If it will be a limited liability company, the limited 8552
liability company's articles of organization; 8553

(b) If it will be an entity other than a limited liability 8554
company, any organizational document that creates the entity 8555
that is required to be in a public record. 8556

~~(5)~~(6) If the surviving entity exists before the merger, 8557
any amendments provided for in the agreement of merger for the 8558
organizational document that created the entity that are in a 8559
public record; 8560

~~(6)~~(7) A statement as to each constituent entity that the 8561
merger was approved as required by the entity's governing 8562
statute; 8563

~~(7)~~(8) If the surviving entity is a foreign entity not 8564
authorized to transact business in this state, the street 8565
address of its statutory agent; 8566

~~(8)~~(9) Any additional information required by the 8567
governing statute of any constituent entity. 8568

(C) Each constituent limited liability company shall 8569
deliver the certificate of merger for filing in the office of 8570
the secretary of state. 8571

(D) A merger becomes effective under sections 1706.71 to 8572
1706.74 of the Revised Code as follows: 8573

(1) If the surviving entity is a limited liability 8574
company, upon the later of the following: 8575

(a) Compliance with division (C) of this section; 8576

(b) As specified in the certificate of merger. 8577

(2) If the surviving entity is not a limited liability 8578
company, as provided by the governing statute of the surviving 8579
entity. 8580

Sec. 1901.31. The clerk and deputy clerks of a municipal 8581
court shall be selected, be compensated, give bond, and have 8582
powers and duties as follows: 8583

(A) There shall be a clerk of the court who is appointed 8584
or elected as follows: 8585

(1) (a) Except in the Akron, Barberton, Toledo, Columbiana 8586
county, Hamilton county, Miami county, Montgomery county, 8587
Portage county, and Wayne county municipal courts and through 8588
December 31, 2008, the Cuyahoga Falls municipal court, if the 8589
population of the territory equals or exceeds one hundred 8590
thousand at the regular municipal election immediately preceding 8591
the expiration of the term of the present clerk, the clerk shall 8592
be nominated and elected by the qualified electors of the 8593
territory in the manner that is provided for the nomination and 8594
election of judges in section 1901.07 of the Revised Code. 8595

The clerk so elected shall hold office for a term of six 8596
years, which term shall commence on the first day of January 8597
following the clerk's election and continue until the clerk's 8598
successor is elected and qualified. 8599

(b) In the Hamilton county municipal court, the clerk of courts of Hamilton county shall be the clerk of the municipal court and may appoint an assistant clerk who shall receive the compensation, payable out of the treasury of Hamilton county in semimonthly installments, that the board of county commissioners prescribes. The clerk of courts of Hamilton county, acting as the clerk of the Hamilton county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Hamilton county, as provided in sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts and may appoint a chief deputy clerk for each branch that is established pursuant to section 1901.311 of the Revised Code and assistant clerks as the judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and

the rates set forth in sections 325.08 and 325.18 of the Revised Code. 8631
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(d) In the Montgomery county and Miami county municipal courts, the clerks of courts of Montgomery county and Miami county shall be the clerks, respectively, of the Montgomery county and Miami county municipal courts. The clerks of courts of Montgomery county and Miami county, acting as the clerks of the Montgomery county and Miami county municipal courts and assuming the duties of these offices, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerks of courts of Montgomery county and Miami county, as provided in sections 325.08 and 325.18 of the Revised Code. 8633
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(e) Except as otherwise provided in division (A) (1) (e) of this section, in the Akron municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Akron for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Akron municipal court shall be signed by at least fifty qualified electors of the territory of the court. 8649
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The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Akron municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's

successor is elected and qualified. 8692

(f) Except as otherwise provided in division (A)(1)(f) of 8693
this section, in the Barberton municipal court, candidates for 8694
election to the office of clerk of the court shall be nominated 8695
by primary election. The primary election shall be held on the 8696
day specified in the charter of the city of Barberton for the 8697
nomination of municipal officers. Notwithstanding any contrary 8698
provision of section 3513.05 or 3513.257 of the Revised Code, 8699
the declarations of candidacy and petitions of partisan 8700
candidates and the nominating petitions of independent 8701
candidates for the office of clerk of the Barberton municipal 8702
court shall be signed by at least fifty qualified electors of 8703
the territory of the court. 8704

The candidates shall file a declaration of candidacy and 8705
petition, or a nominating petition, whichever is applicable, not 8706
later than four p.m. of the ninetieth day before the day of the 8707
primary election, in the form prescribed by section 3513.07 or 8708
3513.261 of the Revised Code. The declaration of candidacy and 8709
petition, or the nominating petition, shall conform to the 8710
applicable requirements of section 3513.05 or 3513.257 of the 8711
Revised Code. 8712

If no valid declaration of candidacy and petition is filed 8713
by any person for nomination as a candidate of a particular 8714
political party for election to the office of clerk of the 8715
Barberton municipal court, a primary election shall not be held 8716
for the purpose of nominating a candidate of that party for 8717
election to that office. If only one person files a valid 8718
declaration of candidacy and petition for nomination as a 8719
candidate of a particular political party for election to that 8720
office, a primary election shall not be held for the purpose of 8721

nominating a candidate of that party for election to that 8722
office, and the candidate shall be issued a certificate of 8723
nomination in the manner set forth in section 3513.02 of the 8724
Revised Code. 8725

Declarations of candidacy and petitions, nominating 8726
petitions, and certificates of nomination for the office of 8727
clerk of the Barberton municipal court shall contain a 8728
designation of the term for which the candidate seeks election. 8729
At the following regular municipal election, all candidates for 8730
the office shall be submitted to the qualified electors of the 8731
territory of the court in the manner that is provided in section 8732
1901.07 of the Revised Code for the election of the judges of 8733
the court. The clerk so elected shall hold office for a term of 8734
six years, which term shall commence on the first day of January 8735
following the clerk's election and continue until the clerk's 8736
successor is elected and qualified. 8737

(g) (i) Through December 31, 2008, except as otherwise 8738
provided in division (A) (1) (g) (i) of this section, in the 8739
Cuyahoga Falls municipal court, candidates for election to the 8740
office of clerk of the court shall be nominated by primary 8741
election. The primary election shall be held on the day 8742
specified in the charter of the city of Cuyahoga Falls for the 8743
nomination of municipal officers. Notwithstanding any contrary 8744
provision of section 3513.05 or 3513.257 of the Revised Code, 8745
the declarations of candidacy and petitions of partisan 8746
candidates and the nominating petitions of independent 8747
candidates for the office of clerk of the Cuyahoga Falls 8748
municipal court shall be signed by at least fifty qualified 8749
electors of the territory of the court. 8750

The candidates shall file a declaration of candidacy and 8751

petition, or a nominating petition, whichever is applicable, not 8752
later than four p.m. of the ninetieth day before the day of the 8753
primary election, in the form prescribed by section 3513.07 or 8754
3513.261 of the Revised Code. The declaration of candidacy and 8755
petition, or the nominating petition, shall conform to the 8756
applicable requirements of section 3513.05 or 3513.257 of the 8757
Revised Code. 8758

If no valid declaration of candidacy and petition is filed 8759
by any person for nomination as a candidate of a particular 8760
political party for election to the office of clerk of the 8761
Cuyahoga Falls municipal court, a primary election shall not be 8762
held for the purpose of nominating a candidate of that party for 8763
election to that office. If only one person files a valid 8764
declaration of candidacy and petition for nomination as a 8765
candidate of a particular political party for election to that 8766
office, a primary election shall not be held for the purpose of 8767
nominating a candidate of that party for election to that 8768
office, and the candidate shall be issued a certificate of 8769
nomination in the manner set forth in section 3513.02 of the 8770
Revised Code. 8771

Declarations of candidacy and petitions, nominating 8772
petitions, and certificates of nomination for the office of 8773
clerk of the Cuyahoga Falls municipal court shall contain a 8774
designation of the term for which the candidate seeks election. 8775
At the following regular municipal election, all candidates for 8776
the office shall be submitted to the qualified electors of the 8777
territory of the court in the manner that is provided in section 8778
1901.07 of the Revised Code for the election of the judges of 8779
the court. The clerk so elected shall hold office for a term of 8780
six years, which term shall commence on the first day of January 8781
following the clerk's election and continue until the clerk's 8782

successor is elected and qualified. 8783

(ii) Division (A) (1) (g) (i) of this section shall have no 8784
effect after December 31, 2008. 8785

(h) Except as otherwise provided in division (A) (1) (h) of 8786
this section, in the Toledo municipal court, candidates for 8787
election to the office of clerk of the court shall be nominated 8788
by primary election. The primary election shall be held on the 8789
day specified in the charter of the city of Toledo for the 8790
nomination of municipal officers. Notwithstanding any contrary 8791
provision of section 3513.05 or 3513.257 of the Revised Code, 8792
the declarations of candidacy and petitions of partisan 8793
candidates and the nominating petitions of independent 8794
candidates for the office of clerk of the Toledo municipal court 8795
shall be signed by at least fifty qualified electors of the 8796
territory of the court. 8797

The candidates shall file a declaration of candidacy and 8798
petition, or a nominating petition, whichever is applicable, not 8799
later than four p.m. of the ninetieth day before the day of the 8800
primary election, in the form prescribed by section 3513.07 or 8801
3513.261 of the Revised Code. The declaration of candidacy and 8802
petition, or the nominating petition, shall conform to the 8803
applicable requirements of section 3513.05 or 3513.257 of the 8804
Revised Code. 8805

If no valid declaration of candidacy and petition is filed 8806
by any person for nomination as a candidate of a particular 8807
political party for election to the office of clerk of the 8808
Toledo municipal court, a primary election shall not be held for 8809
the purpose of nominating a candidate of that party for election 8810
to that office. If only one person files a valid declaration of 8811
candidacy and petition for nomination as a candidate of a 8812

particular political party for election to that office, a 8813
primary election shall not be held for the purpose of nominating 8814
a candidate of that party for election to that office, and the 8815
candidate shall be issued a certificate of nomination in the 8816
manner set forth in section 3513.02 of the Revised Code. 8817

Declarations of candidacy and petitions, nominating 8818
petitions, and certificates of nomination for the office of 8819
clerk of the Toledo municipal court shall contain a designation 8820
of the term for which the candidate seeks election. At the 8821
following regular municipal election, all candidates for the 8822
office shall be submitted to the qualified electors of the 8823
territory of the court in the manner that is provided in section 8824
1901.07 of the Revised Code for the election of the judges of 8825
the court. The clerk so elected shall hold office for a term of 8826
six years, which term shall commence on the first day of January 8827
following the clerk's election and continue until the clerk's 8828
successor is elected and qualified. 8829

(i) In the Columbiana county municipal court, the clerk of 8830
courts of Columbiana county shall be the clerk of the municipal 8831
court, may appoint a chief deputy clerk for each branch office 8832
that is established pursuant to section 1901.311 of the Revised 8833
Code, and may appoint any assistant clerks that the judges of 8834
the court determine are necessary. All of the chief deputy 8835
clerks and assistant clerks shall receive the compensation that 8836
the legislative authority prescribes. The clerk of courts of 8837
Columbiana county, acting as the clerk of the Columbiana county 8838
municipal court and assuming the duties of that office, shall 8839
receive in either biweekly installments or semimonthly 8840
installments, as determined by the payroll administrator, 8841
compensation payable from the county treasury at one-fourth the 8842
rate that is prescribed for the clerks of courts of common pleas 8843

as determined in accordance with the population of the county 8844
and the rates set forth in sections 325.08 and 325.18 of the 8845
Revised Code. 8846

(2) (a) Except for the Alliance, Auglaize county, Brown 8847
county, Holmes county, Perry county, Putnam county, Lima, 8848
Lorain, Massillon, and Youngstown municipal courts, in a 8849
municipal court for which the population of the territory is 8850
less than one hundred thousand, the clerk shall be appointed by 8851
the court, and the clerk shall hold office until the clerk's 8852
successor is appointed and qualified. 8853

(b) In the Alliance, Lima, Lorain, Massillon, and 8854
Youngstown municipal courts, the clerk shall be elected for a 8855
term of office as described in division (A) (1) (a) of this 8856
section. 8857

(c) In the Auglaize county, Brown county, Holmes county, 8858
Perry county, and Putnam county municipal courts, the clerks of 8859
courts of Auglaize county, Brown county, Holmes county, Perry 8860
county, and Putnam county shall be the clerks, respectively, of 8861
the Auglaize county, Brown county, Holmes county, Perry county, 8862
and Putnam county municipal courts and may appoint a chief 8863
deputy clerk for each branch office that is established pursuant 8864
to section 1901.311 of the Revised Code, and assistant clerks as 8865
the judge of the court determines are necessary, all of whom 8866
shall receive the compensation that the legislative authority 8867
prescribes. The clerks of courts of Auglaize county, Brown 8868
county, Holmes county, Perry county, and Putnam county, acting 8869
as the clerks of the Auglaize county, Brown county, Holmes 8870
county, Perry county, and Putnam county municipal courts and 8871
assuming the duties of these offices, shall receive compensation 8872
payable from the county treasury in semimonthly installments at 8873

one-fourth the rate that is prescribed for the clerks of courts 8874
of common pleas as determined in accordance with the population 8875
of the county and the rates set forth in sections 325.08 and 8876
325.18 of the Revised Code. 8877

(3) During the temporary absence of the clerk due to 8878
illness, vacation, or other proper cause, the court may appoint 8879
a temporary clerk, who shall be paid the same compensation, have 8880
the same authority, and perform the same duties as the clerk. 8881

(B) Except in the Hamilton county, Montgomery county, 8882
Miami county, Portage county, and Wayne county municipal courts, 8883
if a vacancy occurs in the office of the clerk of the Alliance, 8884
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 8885
in the office of the clerk of a municipal court for which the 8886
population of the territory equals or exceeds one hundred 8887
thousand because the clerk ceases to hold the office before the 8888
end of the clerk's term or because a clerk-elect fails to take 8889
office, the vacancy shall be filled, until a successor is 8890
elected and qualified, by a person chosen by the residents of 8891
the territory of the court who are members of the county central 8892
committee of the political party by which the last occupant of 8893
that office or the clerk-elect was nominated. Not less than five 8894
nor more than fifteen days after a vacancy occurs, those members 8895
of that county central committee shall meet to make an 8896
appointment to fill the vacancy. At least four days before the 8897
date of the meeting, the chairperson or a secretary of the 8898
county central committee shall notify each such member of that 8899
county central committee by first class mail of the date, time, 8900
and place of the meeting and its purpose. A majority of all such 8901
members of that county central committee constitutes a quorum, 8902
and a majority of the quorum is required to make the 8903
appointment. If the office so vacated was occupied or was to be 8904

occupied by a person not nominated at a primary election, or if 8905
the appointment was not made by the committee members in 8906
accordance with this division, the court shall make an 8907
appointment to fill the vacancy. A successor shall be elected to 8908
fill the office for the unexpired term at the first municipal 8909
election that is held more than one hundred thirty-five days 8910
after the vacancy occurred. 8911

(C) (1) In a municipal court, other than the Auglaize 8912
county, the Brown county, the Holmes county, the Perry county, 8913
the Putnam county, and the Lorain municipal courts, for which 8914
the population of the territory is less than one hundred 8915
thousand, the clerk of the municipal court shall receive the 8916
annual compensation that the presiding judge of the court 8917
prescribes, if the revenue of the court for the preceding 8918
calendar year, as certified by the auditor or chief fiscal 8919
officer of the municipal corporation in which the court is 8920
located or, in the case of a county-operated municipal court, 8921
the county auditor, is equal to or greater than the 8922
expenditures, including any debt charges, for the operation of 8923
the court payable under this chapter from the city treasury or, 8924
in the case of a county-operated municipal court, the county 8925
treasury for that calendar year, as also certified by the 8926
auditor or chief fiscal officer. If the revenue of a municipal 8927
court, other than the Auglaize county, the Brown county, the 8928
Columbiana county, the Perry county, the Putnam county, and the 8929
Lorain municipal courts, for which the population of the 8930
territory is less than one hundred thousand for the preceding 8931
calendar year as so certified is not equal to or greater than 8932
those expenditures for the operation of the court for that 8933
calendar year as so certified, the clerk of a municipal court 8934
shall receive the annual compensation that the legislative 8935

authority prescribes. As used in this division, "revenue" means 8936
the total of all costs and fees that are collected and paid to 8937
the city treasury or, in a county-operated municipal court, the 8938
county treasury by the clerk of the municipal court under 8939
division (F) of this section and all interest received and paid 8940
to the city treasury or, in a county-operated municipal court, 8941
the county treasury in relation to the costs and fees under 8942
division (G) of this section. 8943

(2) In a municipal court, other than the Columbiana 8944
county, Hamilton county, Montgomery county, Miami county, 8945
Portage county, and Wayne county municipal courts, for which the 8946
population of the territory is one hundred thousand or more, and 8947
in the Lorain municipal court, the clerk of the municipal court 8948
shall receive annual compensation in a sum equal to eighty-five 8949
per cent of the salary of a judge of the court. 8950

(3) The compensation of a clerk described in division (C) 8951
(1) or (2) of this section and of the clerk of the Columbiana 8952
county municipal court is payable in either semimonthly 8953
installments or biweekly installments, as determined by the 8954
payroll administrator, from the same sources and in the same 8955
manner as provided in section 1901.11 of the Revised Code, 8956
except that the compensation of the clerk of the Carroll county 8957
municipal court is payable in biweekly installments. 8958

(D) Before entering upon the duties of the clerk's office, 8959
the clerk of a municipal court shall give bond of not less than 8960
six thousand dollars to be determined by the judges of the 8961
court, conditioned upon the faithful performance of the clerk's 8962
duties. 8963

~~(E)~~ (E) (1) The clerk of a municipal court may do all of the 8964
following: administer oaths, take affidavits, and issue 8965

executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; ~~perform all other duties that the judges of the court may prescribe;~~ and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

(2) The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be

prepaid by the party demanding the record, upon order of the court. 8997
8998

(3) In furtherance of the performance of the duties 8999
enjoined upon the clerk by statute, common law, and the Rules of 9000
Superintendence for the Courts of Ohio, an elected clerk of a 9001
municipal court is responsible for determining the best means 9002
and methods for storing, maintaining, and retrieving all papers 9003
delivered to the clerk, whether delivered in writing or in 9004
electronic form, in compliance with Rule 26 of the Rules of 9005
Superintendence for the Courts of Ohio. Once determined, the 9006
elected clerk of the municipal court is responsible for 9007
implementing the means and methods for storage, maintenance, and 9008
retrieval. 9009

(4) In the performance of official duties, an appointed 9010
clerk of a municipal court is under the direction of the court. 9011

(F) The clerk of a municipal court shall receive, collect, 9012
and issue receipts for all costs, fees, fines, bail, and other 9013
moneys payable to the office or to any officer of the court. The 9014
clerk shall on or before the twentieth day of the month 9015
following the month in which they are collected disburse to the 9016
proper persons or officers, and take receipts for, all costs, 9017
fees, fines, bail, and other moneys that the clerk collects. 9018
Subject to sections 307.515 and 4511.193 of the Revised Code and 9019
to any other section of the Revised Code that requires a 9020
specific manner of disbursement of any moneys received by a 9021
municipal court and except for the Hamilton county, Lawrence 9022
county, and Ottawa county municipal courts, the clerk shall pay 9023
all fines received for violation of municipal ordinances into 9024
the treasury of the municipal corporation the ordinance of which 9025
was violated and shall pay all fines received for violation of 9026

township resolutions adopted pursuant to section 503.52 or 9027
503.53 or Chapter 504. of the Revised Code into the treasury of 9028
the township the resolution of which was violated. Subject to 9029
sections 1901.024 and 4511.193 of the Revised Code, in the 9030
Hamilton county, Lawrence county, and Ottawa county municipal 9031
courts, the clerk shall pay fifty per cent of the fines received 9032
for violation of municipal ordinances and fifty per cent of the 9033
fines received for violation of township resolutions adopted 9034
pursuant to section 503.52 or 503.53 or Chapter 504. of the 9035
Revised Code into the treasury of the county. Subject to 9036
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 9037
to any other section of the Revised Code that requires a 9038
specific manner of disbursement of any moneys received by a 9039
municipal court, the clerk shall pay all fines collected for the 9040
violation of state laws into the county treasury. Except in a 9041
county-operated municipal court, the clerk shall pay all costs 9042
and fees the disbursement of which is not otherwise provided for 9043
in the Revised Code into the city treasury. The clerk of a 9044
county-operated municipal court shall pay the costs and fees the 9045
disbursement of which is not otherwise provided for in the 9046
Revised Code into the county treasury. Moneys deposited as 9047
security for costs shall be retained pending the litigation. The 9048
clerk shall keep a separate account of all receipts and 9049
disbursements in civil and criminal cases, which shall be a 9050
permanent public record of the office. On the expiration of the 9051
term of the clerk, the clerk shall deliver the records to the 9052
clerk's successor. ~~The clerk shall have other powers and duties~~ 9053
~~as are prescribed by rule or order of the court.~~ 9054

(G) All moneys paid into a municipal court shall be noted 9055
on the record of the case in which they are paid and shall be 9056
deposited in a state or national bank, as defined in section 9057

1101.01 of the Revised Code, that is selected by the clerk. Any 9058
interest received upon the deposits shall be paid into the city 9059
treasury, except that, in a county-operated municipal court, the 9060
interest shall be paid into the treasury of the county in which 9061
the court is located. 9062

On the first Monday in January of each year, the clerk 9063
shall make a list of the titles of all cases in the court that 9064
were finally determined more than one year past in which there 9065
remains unclaimed in the possession of the clerk any funds, or 9066
any part of a deposit for security of costs not consumed by the 9067
costs in the case. The clerk shall give notice of the moneys to 9068
the parties who are entitled to the moneys or to their attorneys 9069
of record. All the moneys remaining unclaimed that are for 9070
restitution payments for crime victims shall be sent to the 9071
reparations fund created under section 2743.191 of the Revised 9072
Code, with a list from the clerk or other officer responsible 9073
for the collection and distribution of restitution payments 9074
specifying the amounts and individual identifying information of 9075
the funds. All other moneys remaining unclaimed on the first day 9076
of April of each year shall be paid by the clerk to the city 9077
treasurer, except that, in a county-operated municipal court, 9078
the moneys shall be paid to the treasurer of the county in which 9079
the court is located. The treasurer shall pay any part of the 9080
moneys at any time to the person who has the right to the moneys 9081
upon proper certification of the clerk. 9082

(H) Deputy clerks of a municipal court other than the 9083
Carroll county municipal court may be appointed by the clerk and 9084
shall receive the compensation, payable in either biweekly 9085
installments or semimonthly installments, as determined by the 9086
payroll administrator, out of the city treasury, that the clerk 9087
may prescribe, except that the compensation of any deputy clerk 9088

of a county-operated municipal court shall be paid out of the 9089
treasury of the county in which the court is located. The judge 9090
of the Carroll county municipal court may appoint deputy clerks 9091
for the court, and the deputy clerks shall receive the 9092
compensation, payable in biweekly installments out of the county 9093
treasury, that the judge may prescribe. Each deputy clerk shall 9094
take an oath of office before entering upon the duties of the 9095
deputy clerk's office and, when so qualified, may perform the 9096
duties appertaining to the office of the clerk. The clerk may 9097
require any of the deputy clerks to give bond of not less than 9098
three thousand dollars, conditioned for the faithful performance 9099
of the deputy clerk's duties. 9100

(I) For the purposes of this section, whenever the 9101
population of the territory of a municipal court falls below one 9102
hundred thousand but not below ninety thousand, and the 9103
population of the territory prior to the most recent regular 9104
federal census exceeded one hundred thousand, the legislative 9105
authority of the municipal corporation may declare, by 9106
resolution, that the territory shall be considered to have a 9107
population of at least one hundred thousand. 9108

(J) The clerk or a deputy clerk shall be in attendance at 9109
all sessions of the municipal court, although not necessarily in 9110
the courtroom, and may administer oaths to witnesses and jurors 9111
and receive verdicts. 9112

Sec. 2151.46. As used in sections 2151.46 to 2151.4610 of 9113
the Revised Code: 9114

(A) "Community organization" means an organization that 9115
provides services, including recreation, mental health care, and 9116
academic support, for a child placed in foster care. 9117

(B) "Emergency department" includes a hospital emergency department and freestanding emergency department. 9118
9119

(C) "Freestanding emergency department" has the same meaning as in section 3727.49 of the Revised Code. 9120
9121

(D) "First responder" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, firefighter, or volunteer firefighter. 9122
9123

(E) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper. 9124
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(F) "Residential facility" has the same meaning as in section 5103.05 of the Revised Code, except that it applies only to a residential facility that is operated by a public children services agency, private child placing agency, private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children. 9128
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(G) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 9134
9135

Sec. 2151.461. (A) If a child is under the care and supervision of a residential facility and presents to an emergency department or is admitted to a hospital for an injury or mental health crisis, the emergency department or hospital shall do both of the following: 9136
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(1) Communicate with the public children services agency or private child placing agency with custody of the child about the visit. Except for care that a child has consented to under section 2108.31, 2151.85, 2907.29, 3701.242, 3709.241, 3719.012, 5120.172, or 5122.04 of the Revised Code, the emergency department or hospital shall discuss the child's medical 9141
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treatment with and request authorization of care from the 9147
agency. 9148

(2) Notify the agency of the discharge of the child from 9149
the emergency department or hospital. 9150

(B) A public children services agency or private child 9151
placing agency with custody of a child who is under the care and 9152
supervision of a residential facility and presents to an 9153
emergency department or is admitted to a hospital for an injury 9154
or mental health crisis shall respond to the emergency 9155
department or hospital's communication regarding medical care 9156
for the child not later than four hours after initial contact. 9157

Sec. 2151.462. Notwithstanding Chapter 3798. of the 9158
Revised Code and to the extent permitted by federal law, if a 9159
child is under the care and supervision of a residential 9160
facility and presents to an emergency department or is admitted 9161
to a hospital for an injury or mental health crisis, the 9162
emergency department or hospital shall report the visit to the 9163
Ohio resilience through integrated systems and excellence 9164
(OhioRISE) program, if the child is participating in the 9165
program, and the department of children and youth. 9166

Sec. 2151.463. If a child is under the care and 9167
supervision of a residential facility and has an investigative 9168
interaction with a law enforcement officer, regardless of 9169
whether a police report is generated pertaining to the child, 9170
the law enforcement officer shall notify the operator of the 9171
residential facility and the public children services agency or 9172
private child placing agency with custody of the child of the 9173
interaction. 9174

Sec. 2151.464. If a child is under the care and 9175

supervision of a residential facility and has an interaction 9176
with a law enforcement officer that results in a police report 9177
being generated pertaining to the child, the residential 9178
facility shall report the interaction to the department of 9179
children and youth and provide the department a copy of the 9180
police report. 9181

Sec. 2151.465. Not later than ninety days after the 9182
effective date of this section, the director of children and 9183
youth shall adopt rules in accordance with Chapter 119. of the 9184
Revised Code that establish all of the following: 9185

(A) A standardized procedure under which an emergency 9186
department, hospital, or law enforcement officer provides 9187
notification under sections 2151.461 and 2151.463 of the Revised 9188
Code; 9189

(B) Time frames for an emergency department or hospital or 9190
a residential facility to provide reports to the department 9191
under sections 2151.462 and 2151.464 of the Revised Code; 9192

(C) Standards for the department to track reports provided 9193
to the department under sections 2151.462 and 2151.464 of the 9194
Revised Code. 9195

Sec. 2151.466. Prior to a child's placement in a 9196
residential facility or not later than ninety-six hours after a 9197
child's placement in a residential facility as a result of an 9198
emergency placement in accordance with section 2151.31 of the 9199
Revised Code or a change in the child's case plan in accordance 9200
with section 2151.412 of the Revised Code, a public children 9201
services agency or private child placing agency with custody of 9202
a child shall inform the operator of the facility of any charges 9203
for which the child was adjudicated a delinquent child, 9204

including any former adjudication and any adjudication that 9205
resulted in the agency's current custody of the child. 9206

Sec. 2151.467. (A) A public children services agency or 9207
private child placing agency with custody of a child who is 9208
under the care and supervision of a residential facility shall 9209
conduct a monthly in-person visit to the residential facility to 9210
determine the well-being of the child. The agency shall maintain 9211
documentation of each visit and report concerns about the child 9212
to the department of children and youth in accordance with rules 9213
adopted under division (B) of this section. 9214

(B) Not later than ninety days after the effective date of 9215
this section, the director of children and youth shall adopt 9216
rules in accordance with Chapter 119. of the Revised Code to 9217
establish both of the following: 9218

(1) Criteria for determining whether an agency shall 9219
report a concern to the department; 9220

(2) Criteria for determining whether an agency shall 9221
conduct a mandatory review of the placement of the child 9222
pursuant to section 2151.468 of the Revised Code. 9223

Sec. 2151.468. (A) A public children services agency or 9224
private child placing agency with custody of a child who is 9225
under the care and supervision of a residential facility shall 9226
review the placement of the child if any of the following occur: 9227

(1) The child presents to an emergency department or is 9228
admitted to a hospital for an injury or mental health crisis. 9229

(2) A police report is generated with regard to the child. 9230

(3) During a monthly visit, the agency has determined that 9231
a review is necessary pursuant to rules adopted under section 9232

2151.467 of the Revised Code. 9233

(B) A review of the placement of a child under division 9234
(A) of this section shall include a determination of whether the 9235
residential facility is an appropriate setting and is providing 9236
a satisfactory level of care for the child. 9237

(C) The public children services agency or private child 9238
placing agency shall notify the operator of the residential 9239
facility of the results of a review under division (A) of this 9240
section and any action that the agency plans to take with regard 9241
to the child as a result of the review. 9242

(D) Not later than ninety days after the effective date of 9243
this section, the department of children and youth shall adopt 9244
rules in accordance with Chapter 119. of the Revised Code to 9245
establish guidelines for reviewing the placement of a child 9246
under this section, including review criteria, circumstances 9247
that would require a change in the placement of the child, and a 9248
timeline for conducting review and taking appropriate action. 9249

Sec. 2151.469. Each public children services agency and 9250
private child placing agency shall establish a twenty-four-hour 9251
emergency on-call procedure to respond to contact from emergency 9252
departments, hospitals, law enforcement officers, and first 9253
responders regarding emergencies involving a child in the 9254
agency's custody. 9255

Sec. 2151.4610. (A) The operator of a residential facility 9256
shall notify a public children services agency or private child 9257
placing agency with custody of a child of any service that a 9258
community organization provides or seeks to provide to a child 9259
under the care and supervision of the residential facility. All 9260
services that a community organization provides to a child under 9261

this section shall receive prior approval from the public 9262
children services agency or private child placing agency with 9263
custody of the child. 9264

(B) A public children services agency or private child 9265
placing agency with custody of a child shall document in the 9266
child's case plan any service that a community organization 9267
provides to a child under the care and supervision of a 9268
residential facility. 9269

Sec. 2303.12. (A) As used in this section: 9270

(1) "Case file" means the compendium of original documents 9271
filed in a civil action or proceeding in the court of common 9272
pleas, including the pleadings, motions, orders, and judgments 9273
of the court on a case by case basis. 9274

(2) "General docket" means the appearance docket, trial 9275
docket, journal, execution docket, and case files in relation to 9276
those dockets and journal. 9277

~~(B)~~ (B) (1) The clerk of the court of common pleas shall 9278
keep records as indicated by the Rules of Superintendence for 9279
the Courts of Ohio and subject to division (B) (2) of this 9280
section. They shall be called the appearance docket, trial 9281
docket and printed duplicates of the trial docket for the use of 9282
the court and the officers thereof, journal, and execution 9283
docket. The clerk shall also keep a record in book form or the 9284
clerk may prepare a record by using any photostatic, 9285
photographic, miniature photographic, film, microfilm, or 9286
microphotographic process, electrostatic process, perforated 9287
tape, magnetic tape, or other electromagnetic means, electronic 9288
data processing, machine readable media, graphic or video 9289
display, or any combination thereof, which correctly and 9290

accurately copies or reproduces every case file and other 9291
original document, paper, or instrument in writing. The clerk 9292
shall keep an index to the trial docket and to the printed 9293
duplicates of the trial docket and of the journal direct, and to 9294
the appearance docket, record, and execution docket, direct and 9295
reverse. All clerks keeping records and information by the 9296
methods described in this section shall keep and make readily 9297
available to the public the machine and equipment necessary to 9298
reproduce the records and information in a readable form. 9299

(2) (a) In furtherance of the performance of the duties 9300
enjoined upon the clerk by statute, common law, and the Rules of 9301
Superintendence for the Courts of Ohio, an elected clerk of the 9302
court of common pleas is responsible for determining the best 9303
means and methods for storing, maintaining, and retrieving all 9304
papers delivered to the clerk, whether delivered in writing or 9305
in electronic form, in compliance with Rule 26 of the Rules of 9306
Superintendence for the Courts of Ohio. Once determined, the 9307
elected clerk of the court of common pleas is responsible for 9308
implementing the means and methods for storage, maintenance, and 9309
retrieval. 9310

(b) In a court in which the clerk of the court of common 9311
pleas is appointed in a charter county, the clerk shall perform 9312
the duties pursuant to the county charter. 9313

(C) The clerk of the court of common pleas shall keep 9314
confidential information that is subject to a real property 9315
confidentiality notice under section 111.431 of the Revised 9316
Code, in accordance with that section. 9317

(D) (1) Subject to division (D) (2) of this section, not 9318
later than eighteen months after ~~the effective date of this~~ 9319
~~amendment~~ April 6, 2023, the clerk of court shall make available 9320

online on the clerk of court's web site the general docket of 9321
the court for remote access and printing by the public of the 9322
information in that docket, including all individual documents 9323
in each case file, pertaining to civil cases filed on or after 9324
~~the effective date of this amendment~~ April 6, 2023. 9325

(2) The clerk of court is not required to make available 9326
online under division (D) (1) of this section either of the 9327
following: 9328

(a) The general docket of the division of domestic 9329
relations, the juvenile court, or the probate court; 9330

(b) If the court does not have a division of domestic 9331
relations, the general docket in civil cases pertaining to 9332
domestic relations. 9333

(E) Nothing in division (D) of this section shall be 9334
construed as making available online any of the following: 9335

(1) Internal documents such as notes, emails, drafts, 9336
recommendations, advice, or research of judicial officers and 9337
court staff; 9338

(2) Any document or any information in a case file the 9339
public access to which the court has ordered restricted under 9340
the Rules of Superintendence for the Courts of Ohio. 9341

Sec. 2303.26. The clerk of the court of common pleas shall 9342
exercise the powers conferred and perform the duties enjoined 9343
upon the clerk by statute and by the common law; ~~and in the~~ 9344
~~performance of official duties the clerk shall be under the~~ 9345
~~direction of the court.~~ The clerk shall not restrict, prohibit, 9346
or otherwise modify the rights of parties to seek service on 9347
party defendants allowed by the Rules of Civil Procedure, either 9348
singularly or concurrently. 9349

Sec. 2329.01. (A) Lands and tenements, including vested 9350
legal interests therein, permanent leasehold estates renewable 9351
forever, and goods and chattels, not exempt by law, shall be 9352
subject to the payment of debts, and liable to be taken on 9353
execution and sold as provided in sections 2329.02 to 2329.61 of 9354
the Revised Code. 9355

(B) As used in sections 2329.02 to 2329.61 of the Revised 9356
Code: 9357

(1) "Commercial property" means any property that is not 9358
residential property. 9359

(2) "Private selling officer" means a resident of this 9360
state licensed as both an auctioneer under Chapter 4707. of the 9361
Revised Code and as a real estate broker or real estate 9362
salesperson under Chapter 4735. of the Revised Code. 9363

(3) "Residential mortgage loan" and "residential property" 9364
have the same meanings as in section 2308.01 of the Revised 9365
Code. 9366

(4) "Judgment debtor" includes any individual, 9367
corporation, business trust, estate, trust, partnership, or 9368
association. 9369

Sec. 2329.44. (A) On a sale made pursuant to this chapter, 9370
if the officer who makes the sale receives from the sale more 9371
money than is necessary to satisfy the writ of execution, with 9372
interest and costs, the officer who made the sale shall deliver 9373
any balance remaining after satisfying the writ of execution, 9374
with interest and costs, to the clerk of the court that issued 9375
the writ of execution not later than forty-five days after 9376
confirmation of the sale. The clerk then shall do one of the 9377
following: 9378

~~(1)~~ (1)(a) If the balance is ~~one~~ five hundred dollars or 9379
more, send to the judgment debtor whose property was the subject 9380
of the sale a notice that indicates the amount of the balance, 9381
informs the judgment debtor that the judgment debtor is entitled 9382
to receive the balance, and sets forth the procedure that the 9383
judgment debtor is required to follow to obtain the balance. 9384
~~This Subject to divisions (A) (1) (b) and (c) of this section,~~ 9385
this notice shall be sent ~~to~~ in the following manner: 9386

(i) To the judgment debtor at the address of the judgment 9387
debtor in the caption on the judgment or at any different 9388
address the judgment debtor may have provided, by certified 9389
mail, return receipt requested, within ninety days after the 9390
sale. 9391

(ii) If the certified mail envelope sent under division 9392
(A) (1) (a) (i) of this section is returned with an endorsement 9393
showing failure or refusal of delivery, the clerk immediately 9394
shall send the judgment debtor, at the address of the judgment 9395
debtor in the caption on the judgment or any different address 9396
the judgment debtor may have provided, a similar notice by 9397
ordinary mail. 9398

(iii) If the ordinary mail envelope sent under division 9399
(A) (1) (a) (ii) of this section is returned for any reason, the 9400
clerk immediately shall give a similar notice to the judgment 9401
debtor that includes the case number, the name of the judgment 9402
debtor, if known, and information on how to contact the clerk by 9403
an advertisement in a newspaper published in and of general 9404
circulation in the county, which advertisement shall run at 9405
least once. ~~The advertisement shall include the case number, the~~ 9406
~~name of the judgment debtor, and information on how to contact~~ 9407
~~the clerk, a posting on the clerk's web site, a text message to~~ 9408

the judgment debtor, or a posting in a conspicuous place in the 9409
court where the action was commenced. 9410

(b) If the address of the judgment debtor is not known, 9411
the clerk shall not send a notice by mail under division (A)(1) 9412
(a)(i) or (ii) of this section, but shall comply with division 9413
(A)(1)(a)(iii) of this section. 9414

(c) If the name of the judgment debtor is not known, but 9415
the address of the judgment debtor is known, the clerk shall 9416
send the notice required under division (A)(1)(a) of this 9417
section in the manner prescribed by division (A)(1)(a)(i), (ii), 9418
or (iii) of this section. 9419

(d) If the balance remains unclaimed for ninety days 9420
following the ~~first date of~~ last mailing, publication, posting, 9421
or text message required under division (A)(1)(a), (b), or (c) 9422
of this section, the clerk shall dispose of the balance in the 9423
same manner as unclaimed money is disposed of under sections 9424
2335.34 and 2335.35 of the Revised Code. 9425

~~(2)~~ (2)(a) If the balance is less than ~~one~~ five hundred 9426
dollars, send to the judgment debtor whose property was the 9427
subject of the sale a notice that indicates the amount of the 9428
balance, informs the judgment debtor that the judgment debtor is 9429
entitled to receive the balance, and sets forth the procedure 9430
that the judgment debtor is required to follow to obtain the 9431
balance. This notice shall be sent to the judgment debtor ~~at~~ in 9432
the following manner: 9433

(i) At the address of the judgment debtor in the caption 9434
on the judgment or at any different address the judgment debtor 9435
may have provided, by ordinary mail; 9436

(ii) If the address of the judgment debtor is not known, 9437

the clerk shall notify the judgment debtor in the same manner 9438
prescribed by division (A) (1) (a) (iii) of this section. 9439

(iii) If the name of the judgment debtor is not known, but 9440
the address of the judgment debtor is known, the clerk shall 9441
notify the judgment debtor in the manner prescribed by either 9442
division (A) (2) (a) (i) or (A) (1) (a) (iii) of this section. 9443

(b) If the balance remains unclaimed for ninety days 9444
following the date of the last mailing, publication, posting, or 9445
text message required by division (A) (2) (a) of this section, the 9446
clerk shall dispose of the balance in the same manner as 9447
unclaimed money is disposed of under sections 2335.34 and 9448
2335.35 of the Revised Code. 9449

(B) (1) Subject to division (B) (2) of this section, the 9450
clerk of the court that issued the writ of execution, on demand 9451
and whether or not the notice required by division (A) (1) or (2) 9452
of this section is provided as prescribed, shall pay the balance 9453
to the judgment debtor or the judgment debtor's legal 9454
representatives. 9455

(2) The clerk of the court that issued the writ of 9456
execution is not required to pay the balance to the judgment 9457
debtor or the judgment debtor's legal representatives pursuant 9458
to division (B) (1) of this section until the judgment debtor or 9459
the legal representatives pay to the clerk the actual costs 9460
incurred in the provision of the notice required by division (A) 9461
(1) or (2) of this section. 9462

Sec. 2921.42. (A) No public official shall knowingly do 9463
any of the following: 9464

(1) Authorize, or employ the authority or influence of the 9465
public official's office to secure authorization of any public 9466

contract in which the public official, a member of the public 9467
official's family, or any of the public official's business 9468
associates has an interest; 9469

(2) Authorize, or employ the authority or influence of the 9470
public official's office to secure the investment of public 9471
funds in any share, bond, mortgage, or other security, with 9472
respect to which the public official, a member of the public 9473
official's family, or any of the public official's business 9474
associates either has an interest, is an underwriter, or 9475
receives any brokerage, origination, or servicing fees; 9476

(3) During the public official's term of office or within 9477
one year thereafter, occupy any position of profit in the 9478
prosecution of a public contract authorized by the public 9479
official or by a legislative body, commission, or board of which 9480
the public official was a member at the time of authorization, 9481
unless the contract was let by competitive bidding to the lowest 9482
and best bidder; 9483

(4) Have an interest in the profits or benefits of a 9484
public contract entered into by or for the use of the political 9485
subdivision or governmental agency or instrumentality with which 9486
the public official is connected; 9487

(5) Have an interest in the profits or benefits of a 9488
public contract that is not let by competitive bidding if 9489
required by law and that involves more than one hundred fifty 9490
dollars. 9491

(B) In the absence of bribery or a purpose to defraud, a 9492
public official, member of a public official's family, or any of 9493
a public official's business associates shall not be considered 9494
as having an interest in a public contract or the investment of 9495

public funds, if all of the following apply: 9496

(1) The interest of that person is limited to owning or 9497
controlling shares of the corporation, or being a creditor of 9498
the corporation or other organization, that is the contractor on 9499
the public contract involved, or that is the issuer of the 9500
security in which public funds are invested; 9501

(2) The shares owned or controlled by that person do not 9502
exceed five per cent of the outstanding shares of the 9503
corporation, and the amount due that person as creditor does not 9504
exceed five per cent of the total indebtedness of the 9505
corporation or other organization; 9506

(3) That person, prior to the time the public contract is 9507
entered into, files with the political subdivision or 9508
governmental agency or instrumentality involved, an affidavit 9509
giving that person's exact status in connection with the 9510
corporation or other organization. 9511

(C) This section does not apply to a public contract in 9512
which a public official, member of a public official's family, 9513
or one of a public official's business associates has an 9514
interest, when all of the following apply: 9515

(1) The subject of the public contract is necessary 9516
supplies or services for the political subdivision or 9517
governmental agency or instrumentality involved; 9518

(2) The supplies or services are unobtainable elsewhere 9519
for the same or lower cost, or are being furnished to the 9520
political subdivision or governmental agency or instrumentality 9521
as part of a continuing course of dealing established prior to 9522
the public official's becoming associated with the political 9523
subdivision or governmental agency or instrumentality involved; 9524

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A) (4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division (A) (3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an

official designated as prosecutor in a municipal corporation to 9555
appoint assistants and employees in accordance with sections 9556
733.621 and 2921.421 of the Revised Code, or for a township law 9557
director appointed under section 504.15 of the Revised Code to 9558
appoint assistants and employees in accordance with sections 9559
504.151 and 2921.421 of the Revised Code. 9560

(G) This section does not apply to a public contract in 9561
which a township trustee in a township with a population of five 9562
thousand or less in its unincorporated area, a member of the 9563
township trustee's family, or one of the township trustee's 9564
business associates has an interest, if all of the following 9565
apply: 9566

(1) The subject of the public contract is necessary 9567
supplies or services for the township and the amount of the 9568
contract is less than five thousand dollars per year; 9569

(2) The supplies or services are being furnished to the 9570
township as part of a continuing course of dealing established 9571
before the township trustee held that office with the township; 9572

(3) The treatment accorded the township is either 9573
preferential to or the same as that accorded other customers or 9574
clients in similar transactions; 9575

(4) The entire transaction is conducted with full 9576
knowledge by the township of the interest of the township 9577
trustee, member of the township trustee's family, or the 9578
township trustee's business associate. 9579

(H) This section does not apply to a public contract in 9580
which a mayor or other executive officer of a village, a member 9581
of the mayor or other executive officer's family, or one of the 9582
mayor or other executive officer's business associates has an 9583

interest, if all of the following apply: 9584

(1) The mayor or other executive officer has no role in 9585
deciding whether to approve the contract and does not cast a 9586
vote as a member of the village legislative authority or 9587
directly engage voting members of the village legislative 9588
authority to secure approval of the contract. 9589

(2) The treatment accorded the village or agency or 9590
instrumentality of the village is either preferential to or the 9591
same as that accorded other customers or clients in similar 9592
transactions. 9593

(3) The entire transaction, including the approval and 9594
awarding of the contract, is conducted with full knowledge by 9595
the village legislative authority or other contracting authority 9596
of the interest of the mayor or other executive officer, member 9597
of the mayor or other executive officer's family, or the mayor 9598
or other executive officer's business associate. 9599

(I) Any public contract in which a public official, a 9600
member of the public official's family, or any of the public 9601
official's business associates has an interest in violation of 9602
this section is void and unenforceable. Any contract securing 9603
the investment of public funds in which a public official, a 9604
member of the public official's family, or any of the public 9605
official's business associates has an interest, is an 9606
underwriter, or receives any brokerage, origination, or 9607
servicing fees and that was entered into in violation of this 9608
section is void and unenforceable. 9609

~~(I)~~ (J) As used in this section: 9610

(1) "Public contract" means any of the following: 9611

(a) The purchase or acquisition, or a contract for the 9612

purchase or acquisition, of property or services by or for the 9613
use of the state, any of its political subdivisions, or any 9614
agency or instrumentality of either, including the employment of 9615
an individual by the state, any of its political subdivisions, 9616
or any agency or instrumentality of either; 9617

(b) A contract for the design, construction, alteration, 9618
repair, or maintenance of any public property. 9619

(2) "Chief legal officer" has the same meaning as in 9620
section 733.621 of the Revised Code. 9621

Sec. 3301.95. On at least an annual basis, the department 9622
of education and workforce shall provide all school districts 9623
with best practices to help ensure the educational stability of 9624
students who are in the custody of a public children services 9625
agency or private child placing agency. 9626

Sec. 3313.6414. A school district in which a foster child 9627
is enrolled after being placed in a residential facility, as 9628
defined in section 2151.46 of the Revised Code, shall assess the 9629
needs of the child for appropriate services and interventions. 9630
To avoid duplicative assessments and minimize any negative 9631
impact on the child, the school district shall utilize all 9632
available existing assessments regarding the child. The school 9633
district shall use the results of its assessment to make 9634
recommendations to the public children services agency or 9635
private child placing agency with custody of the child. 9636

The school district shall make recommendations for 9637
services and interventions for the child based on its assessment 9638
and, to the extent permitted by state and federal law, share the 9639
recommendations with the public children services agency or 9640
private child placing agency with custody of the child and the 9641

residential facility. 9642

Sec. 3376.01. As used in this chapter: 9643

(A) "Athlete agent" means an individual who holds a 9644
current and valid certificate of registration issued under 9645
section 4771.08 of the Revised Code or certificate of 9646
convenience issued under section 4771.09 of the Revised Code. 9647

(B) "Institutional marketing associate" means any third- 9648
party entity that enters into a contract with, or otherwise acts 9649
on behalf of, a state institution of higher education, private 9650
college, or an institution's or college's intercollegiate 9651
athletics department. "Institutional marketing associate" does 9652
not include either of the following: 9653

(1) A state institution of higher education, private 9654
college, athletic association, conference, or other group or 9655
organization with authority over intercollegiate athletics; 9656

(2) A staff member, employee, officer, director, manager, 9657
or owner of any of the entities described under division (B)(1) 9658
of this section. 9659

(C) "Official team activities" means all games, practices, 9660
exhibitions, scrimmages, team appearances, team photograph 9661
sessions, sports camps sponsored by a state institution of 9662
higher education or private college, and other team-organized 9663
activities, regardless of whether the activity takes place on or 9664
off campus, including individual photograph sessions and news 9665
media interviews. 9666

(D) "State institution of higher education" has the same 9667
meaning as in section 3345.011 of the Revised Code. 9668

~~(B)~~(E) "Student-athlete" means an individual who is 9669

eligible to participate in, participates in, or has participated 9670
in intercollegiate athletics for a state institution of higher 9671
education or private college. "Student-athlete" does not include 9672
an individual who participates in intramural athletics at a 9673
state institution of higher education or private college or who 9674
participates in professional athletics. 9675

(F) "Third-party entity" means any individual or entity, 9676
including an athlete agent, other than a state institution of 9677
higher education, private college, athletic association, 9678
conference, or other group or organization with authority over 9679
intercollegiate athletics. 9680

(G) "Private college" has the same meaning as in section 9681
3365.01 of the Revised Code. 9682

Sec. 3376.02. (A) No state institution of higher education 9683
or private college shall uphold any rule, requirement, standard, 9684
or other limitation that prevents a ~~student~~student-athlete of 9685
that institution or college from fully participating in 9686
intercollegiate athletics because the ~~student earns~~student- 9687
athlete does either of the following: 9688

(1) Earns compensation as a result of the use of the 9689
~~student's~~student-athlete's name, image, or likeness or any 9690
other compensation related to the student-athlete's position on 9691
the roster of an intercollegiate athletics team; 9692

(2) Obtains professional representation from an athlete 9693
agent or attorney. 9694

(B) Earning compensation from the use of a ~~student's~~ 9695
student-athlete's name, image, or likeness, or obtaining 9696
professional representation from an athlete agent or attorney, 9697
shall not affect the ~~student's~~student-athlete's scholarship 9698

eligibility or renewal. 9699

Sec. 3376.03. An athletic association, conference, or 9700
other group or organization with authority over intercollegiate 9701
athletics, ~~including the national collegiate athletic~~ 9702
~~association or its successor organization,~~ shall not do either 9703
any of the following: 9704

(A) Prevent a ~~student~~ student-athlete of a state 9705
institution of higher education or private college from fully 9706
participating in intercollegiate athletics because the ~~student~~ 9707
earns student-athlete does either of the following: 9708

(1) Earns compensation as a result of the use of the 9709
~~student's~~ student-athlete's name, image, or likeness or any 9710
other compensation related to the student-athlete's position on 9711
the roster of an intercollegiate athletics team; 9712

(2) Obtains professional representation from an athlete 9713
agent or attorney. 9714

(B) Prevent a state institution of higher education or 9715
private college from fully becoming a member of the athletic 9716
association, conference, or other group or organization or from 9717
participating in intercollegiate athletics sponsored by the 9718
athletic association, conference, or other group or organization 9719
because a ~~student~~ student-athlete of that institution or college 9720
participating in intercollegiate athletics does either of the 9721
following: 9722

(1) Uses Earns compensation from the use of the ~~student's~~ 9723
student-athlete's name, image, or likeness or any other 9724
compensation related to the student-athlete's position on the 9725
roster of an intercollegiate athletics team; 9726

(2) Obtains professional representation ~~in relation to~~ 9727

~~contracts or legal matters regarding opportunities to earn~~ 9728
~~compensation for use of the student's name, image, or likeness~~ 9729
~~from an athlete agent or attorney.~~ 9730

(C) Consider a complaint, initiate an investigation, or 9731
take any adverse action against a state institution of higher 9732
education, private college, institutional marketing associate, 9733
or third-party entity for engaging in any conduct authorized 9734
under this chapter; 9735

(D) Penalize a state institution of higher education, 9736
private college, or student-athlete, or prevent the institution, 9737
college, or student-athlete from participating in 9738
intercollegiate athletics, because another individual or third- 9739
party entity whose purpose includes supporting or benefiting the 9740
institution, college, or student-athlete violates a rule or 9741
regulation of the athletic association, conference, or other 9742
group or organization that addresses compensation for use of a 9743
student-athlete's name, image, or likeness. 9744

(E) Prevent a state institution of higher education or 9745
private college from compensating a student-athlete for use of 9746
the student-athlete's name, image, or likeness or providing any 9747
other compensation related to the student-athlete's position on 9748
the roster of an intercollegiate athletics team; 9749

(F) Prevent a state institution of higher education, 9750
private college, institutional marketing associate, or third- 9751
party entity from identifying, creating, facilitating, 9752
negotiating, supporting, assisting with, engaging with, or 9753
otherwise enabling opportunities for a student-athlete to earn 9754
compensation for use of the student-athlete's name, image, or 9755
likeness. 9756

Sec. 3376.04. No state institution of higher education, 9757
private college, athletic association, conference, or other 9758
group or organization with authority over intercollegiate 9759
athletics shall do any of the following: 9760

(A) ~~Provide a prospective student who intends to~~ 9761
~~participate in intercollegiate athletics with~~ Prevent a student- 9762
athlete from earning compensation in relation to the prospective 9763
student's for use of the student-athlete's name, image, or 9764
likeness if the student-athlete earns that compensation in 9765
accordance with this chapter; 9766

(B) ~~Prevent a student who resides in this state and~~ 9767
~~participates in intercollegiate athletics~~ student-athlete from 9768
obtaining professional representation in relation to contracts 9769
or legal matters regarding opportunities to be compensated for 9770
use of the student's name, image, or likeness from an athlete 9771
agent or attorney; 9772

(C) Interfere with or prevent a ~~student~~ student-athlete 9773
from fully participating in intercollegiate athletics because 9774
the ~~student~~ student-athlete obtains professional representation 9775
in relation to contracts or legal matters regarding 9776
opportunities to earn compensation for use of the student's 9777
name, image, or likeness from an athlete agent or attorney. 9778

(D) Enter into, renew, or modify any agreement that 9779
prohibits a student-athlete from earning compensation for use of 9780
the student-athlete's name, image, or likeness while the 9781
student-athlete is engaged in activities that do not relate to 9782
academic, athletic department, or official team activities. 9783

Sec. 3376.06. (A) ~~As used in this section:~~ 9784

~~(1) "Official team activities" means all games, practices,~~ 9785

~~exhibitions, scrimmages, team appearances, team photograph- 9786
sessions, sports camps sponsored by the institution or college, 9787
and other team organized activities, regardless of whether the 9788
activity takes place on or off campus, including individual 9789
photograph sessions and news media interviews. 9790~~

~~(2) "Student" means an individual enrolled at a state 9791
institution of higher education or private college who 9792
participates in intercollegiate athletics. 9793~~

~~(B) A state institution of higher education's or private 9794
college's contract with a student-student-athlete shall not 9795
prevent the student-student-athlete from using the student's- 9796
student-athlete's name, image, or likeness for a commercial 9797
purpose when the student-student-athlete is not engaged in 9798
official team activities. 9799~~

~~(C)(B) A student-student-athlete shall not enter into a 9800
contract providing compensation to the student-student-athlete 9801
for use of the student's-student-athlete's name, image, or 9802
likeness that requires the student-student-athlete to display a 9803
sponsor's product, or otherwise advertise for a sponsor, ~~during-~~ 9804
~~official team activities or any other time~~ if that requirement 9805
is in conflict with a provision of a contract to which a state 9806
institution of higher education or private college is a party. 9807~~

~~(D)(1)(C)(1) A student-student-athlete who intends to 9808
enter into a verbal or written contract providing compensation 9809
to the student-student-athlete for use of the student's-student- 9810
athlete's name, image, or likeness shall disclose the proposed 9811
contract to an official of the state institution of higher 9812
education or private college for review by the institution or 9813
college. The institution or college shall designate an official 9814
to whom the student-student-athlete is to disclose the proposed 9815~~

contract. 9816

(2) If a state institution of higher education or private 9817
college identifies a conflict between the proposed verbal or 9818
written contract described in division ~~(D)(1)~~ (C)(1) of this 9819
section and any existing provisions of a contract to which the 9820
institution or college is a party, the institution or college 9821
shall communicate to the ~~student~~ student-athlete the relevant 9822
contract provision that is in conflict. The ~~student~~ student- 9823
athlete shall not enter into the proposed contract, but the 9824
~~student~~ student-athlete may negotiate a revision to the proposed 9825
contract to avoid the conflict. The revised proposed contract is 9826
subject to review by the institution or college to ensure 9827
compliance with this chapter. 9828

~~(E)~~ (3) Any contract, proposed contract, or related 9829
documentation disclosed to a state institution of higher 9830
education or private college under this section is confidential 9831
and not a public record for purposes of section 149.43 of the 9832
Revised Code. 9833

(D) A state institution of higher education or private 9834
college may establish reasonable policies or standards to 9835
address a ~~student's~~ student-athlete's failure to provide the 9836
disclosure required under ~~division (D)(1)~~ of this section or any 9837
other failure to comply with the requirements of this chapter. 9838

Sec. 3376.07. A state institution of higher education, 9839
private college, athletic association, conference, or other 9840
group or organization with authority over intercollegiate 9841
athletics may prohibit a ~~student who participates in~~ 9842
~~intercollegiate athletics~~ student-athlete from entering into a 9843
contract providing compensation to the ~~student~~ student-athlete 9844
for use of the ~~student's~~ student-athlete's name, image, or 9845

likeness if under the contract the ~~student's~~student-athlete's 9846
name, image, or likeness is associated with any of the 9847
following: 9848

(A) Any company that manufactures, markets, or sells, or 9849
brand that is associated with, a controlled substance, marihuana 9850
product, medical marijuana product, alcoholic product, tobacco 9851
product, electronic smoking device, vapor product, or product or 9852
device that consists of or contains nicotine that can be 9853
ingested into the body; 9854

(B) Any medical marijuana cultivator, processor, 9855
laboratory, or retail dispensary licensed under Chapter 3796. of 9856
the Revised Code or under the laws of another state; 9857

(C) Any business engaged in the sale, rental, or 9858
exhibition for any form of consideration of adult entertainment 9859
that is characterized by an emphasis on the exposure or display 9860
of sexual activity; 9861

(D) Any casino or entity that sponsors or promotes 9862
gambling activities; 9863

(E) Any other category of companies, brands, or types of 9864
contracts that are similar to those described in divisions (A) 9865
to (D) of this section that the institution or college 9866
communicates to the ~~student~~student-athlete before the ~~student~~- 9867
student-athlete enrolls at the institution or college. 9868

Sec. 3376.08. Nothing in this chapter does any of the 9869
following: 9870

(A) Requires a state institution of higher education, 9871
private college, athletic association, conference, or other 9872
group or organization with authority over intercollegiate 9873
athletics to identify, create, facilitate, negotiate, or 9874

otherwise enable opportunities for a ~~student~~student-athlete to 9875
earn compensation for use of the ~~student's~~student-athlete's 9876
name, image, or likeness or any other compensation related to 9877
the student-athlete's position on the roster of an 9878
intercollegiate athletics team; 9879

(B) Establishes or grants to a ~~student~~student-athlete any 9880
right to use the name, trademarks, services marks, logos, 9881
symbols, or any other intellectual property, regardless of 9882
whether the intellectual property is registered with the 9883
appropriate authority, that belong to a state institution of 9884
higher education, private college, athletic association, 9885
conference, or other group or organization with authority over 9886
intercollegiate athletics, to further the ~~student's~~student- 9887
athlete's opportunities to earn compensation for use of the 9888
~~student's~~student-athlete's name, image, or likeness or any 9889
other compensation related to the student-athlete's position on 9890
the roster of an intercollegiate athletics team; 9891

(C) Limits the rights of a state institution of higher 9892
education or private college to establish and enforce any of the 9893
following: 9894

(1) Academic standards, requirements, regulations, or 9895
obligations for its ~~students~~student-athletes; 9896

(2) Team rules of conduct or other rules of conduct; 9897

(3) Standards or policies regarding the governance or 9898
operation of or participation in intercollegiate varsity 9899
athletics; 9900

(4) Disciplinary rules and standards generally applicable 9901
to all students of the institution or college. 9902

Sec. 3376.09. (A) A state institution of higher education 9903

or private college may do either of the following: 9904

(1) Except as provided in division (B) of this section, 9905
compensate a student-athlete for use of the student-athlete's 9906
name, image, or likeness; 9907

(2) Provide money, assets, resources, opportunities, 9908
services, or other benefits to an institutional marketing 9909
associate or third-party entity to incentivize it to facilitate 9910
opportunities for a student-athlete to earn compensation for use 9911
of the student-athlete's name, image, or likeness. 9912

(B) No state institution of higher education or private 9913
college shall use any fees paid to the institution or college by 9914
or on behalf of students attending that institution or college 9915
to compensate a student-athlete for use of the student-athlete's 9916
name, image, or likeness. 9917

Sec. 3376.10. Except as authorized by a state institution 9918
of higher education or private college, no student-athlete, to 9919
further the student-athlete's opportunities to earn compensation 9920
for use of the student-athlete's name, image, or likeness, shall 9921
use any of the following that belong to the institution or 9922
college: 9923

(A) Facilities; 9924

(B) Equipment; 9925

(C) Apparel; 9926

(D) Uniforms; 9927

(E) Intellectual property, including logos, indicia, 9928
products protected by copyright, and registered or unregistered 9929
trademarks. 9930

Sec. ~~3345.56~~ 3376.11. Notwithstanding any provision of the 9931
Revised Code to the contrary, a ~~student-student-athlete~~ 9932
attending a state ~~university as defined in section 3345.011 of~~ 9933
~~the Revised Code~~ institution of higher education or private 9934
college is not an employee of the ~~state university~~ institution 9935
or college based upon either of the student's following: 9936

(A) The student-athlete's participation in an athletic 9937
program offered by the ~~state university.~~ institution or college; 9938

(B) The institution or college compensating the student- 9939
athlete for use of the student-athlete's name, image, or 9940
likeness. 9941

Sec. 3376.12. (A) A student-athlete alleging that the 9942
student-athlete has been injured because a state institution of 9943
higher education, private college, athletic association, 9944
conference, or other group or organization with authority over 9945
intercollegiate athletics has violated this chapter may maintain 9946
an action in any court of competent jurisdiction to seek 9947
injunctive relief. 9948

(B) A state institution of higher education, private 9949
college, institutional marketing associate, or third-party 9950
entity alleging that an athletic association, conference, or 9951
other group or organization with authority over intercollegiate 9952
athletics has subjected the institution, college, associate, or 9953
entity to any actual or threatened complaint, investigation, 9954
penalty, or other adverse action for engaging in any conduct 9955
authorized under this chapter may maintain an action in any 9956
court of competent jurisdiction to seek injunctive relief. 9957

(C) No employee of a state institution of higher 9958
education, private college, institutional marketing associate, 9959

or third-party entity is liable for any damages that result from 9960
a student-athlete's inability to earn compensation for use of 9961
the student-athlete's name, image, or likeness because of a 9962
decision or action that routinely occurs in the course of 9963
intercollegiate athletics. 9964

Sec. 3376.13. No student-athlete who is less than eighteen 9965
years of age shall enter into a contract that provides the 9966
student-athlete with compensation for use of the student- 9967
athlete's name, image, or likeness unless the contract includes 9968
the written consent of the student-athlete's parent, guardian, 9969
or custodian for the student-athlete to enter into the contract. 9970

Sec. 3781.34. (A) There is hereby created the underground 9971
technical committee. 9972

(B) The committee shall consist of four members from the 9973
stakeholder group of the commercial excavator industry, in 9974
accordance with division (C) of this section, and one member 9975
from each of the following stakeholder groups: 9976

(1) The natural gas transmission pipeline industry, 9977
appointed by the president of the senate; 9978

(2) The natural gas distribution industry, appointed by 9979
the speaker of the house of representatives; 9980

(3) Electric utilities, appointed by the governor; 9981

(4) Electric cooperatives, appointed by the speaker of the 9982
house of representatives; 9983

(5) A statewide organization representing independent oil 9984
and gas producers, appointed by the president of the senate; 9985

(6) The telephone industry, appointed by the governor; 9986

(7) Cable service providers, appointed by the president of the senate;	9987 9988
(8) Locators of underground utility facilities, appointed by the speaker of the house of representatives;	9989 9990
(9) Municipal corporations, appointed by the governor;	9991
(10) The department of transportation, appointed by the governor;	9992 9993
(11) The general public, appointed by the governor;	9994
(12) The hazardous liquids pipeline industry, appointed by the governor;	9995 9996
(13) Designers, developers, or surveyors, appointed by the governor;	9997 9998
<u>(14) OHIO811, as a nonvoting advisory member with duties described by section 3781.361 of the Revised Code, appointed by the governor.</u>	9999 10000 10001
(C) The president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives shall each appoint one of the members from the stakeholder group of the commercial excavator industry.	10002 10003 10004 10005 10006
(D) <u>(1)</u> The terms of office for members initially appointed, <u>except for the member appointed under division (B) (14) of this section,</u> shall be staggered at two, three, and four years and determined by lot, except that the stakeholder group of the commercial excavator industry shall have only one member with an initial two-year term. The term of office for each member subsequently appointed shall be four years.	10007 10008 10009 10010 10011 10012 10013

<u>(2) The term of office for the member appointed under</u>	10014
<u>division (B) (14) of this section shall be four years.</u>	10015
(E) Each member may be reappointed for an unlimited number of times.	10016 10017
(F) If a vacancy occurs during a member's term of office, a new member shall be appointed in the same manner as the original appointment.	10018 10019 10020
Sec. 3781.36. (A) The underground technical committee shall do the following:	10021 10022
(1) Coordinate with the public utilities commission in carrying out its duties under Chapter 4913. of the Revised Code;	10023 10024
(2) Provide subject matter expertise when requested during inquiries conducted under section 4913.09 of the Revised Code;	10025 10026
(3) Review reports in accordance with section 4913.15 of the Revised Code;	10027 10028
(4) Make recommendations under sections 4913.15 and 4913.16 of the Revised Code;	10029 10030
(5) Perform any additional duties as may be required under this chapter.	10031 10032
(B) The committee shall meet as necessary to carry out its duties and meet the time-period requirements of division (B) of section 4913.15 of the Revised Code, but not less than once every three months. A majority of committee members <u>described in</u> <u>divisions (B) (1) to (13) of section 3781.34 of the Revised Code</u> constitutes a quorum.	10033 10034 10035 10036 10037 10038
Sec. 3781.361. (A) <u>The OHIO811 nonvoting advisory member</u> <u>appointed to the underground technical committee under division</u>	10039 10040

<u>(B) (14) of section 3781.34 of the Revised Code shall do the</u>	10041
<u>following:</u>	10042
<u>(1) Provide support to the committee during discussions</u>	10043
<u>regarding the enforcement provisions of the Ohio underground</u>	10044
<u>protection service law;</u>	10045
<u>(2) Provide subject matter expertise and education</u>	10046
<u>regarding the "Contact 811 Before You Dig" process and</u>	10047
<u>stakeholder responsibilities to it during any inquiries</u>	10048
<u>conducted under section 4913.09 of the Revised Code;</u>	10049
<u>(3) Provide additional research, data, and industry</u>	10050
<u>information when requested by the underground technical</u>	10051
<u>committee.</u>	10052
<u>(B) The nonvoting advisory member shall not vote on any</u>	10053
<u>underground technical committee action under Chapter 4913. of</u>	10054
<u>the Revised Code.</u>	10055
<u>(C) The nonvoting advisory member shall not be included as</u>	10056
<u>a member of the underground technical committee for purposes of</u>	10057
<u>calculating the number of votes necessary to take committee</u>	10058
<u>action under Chapter 4913. of the Revised Code.</u>	10059
<u>Sec. 3792.07. (A) As used in this section:</u>	10060
<u>(1) "Health-related licensing board" has the same meaning</u>	10061
<u>as in section 3719.062 of the Revised Code.</u>	10062
<u>(2) "Hospital" has the same meaning as in section 3722.01</u>	10063
<u>of the Revised Code and includes a hospital owned or operated by</u>	10064
<u>the United States department of veterans affairs.</u>	10065
<u>(3) "Inpatient facility" means either or both of the</u>	10066
<u>following:</u>	10067

<u>(a) A skilled nursing facility as defined in section</u>	10068
<u>5165.01 of the Revised Code;</u>	10069
<u>(b) A freestanding inpatient rehabilitation facility</u>	10070
<u>licensed under section 3702.30 of the Revised Code.</u>	10071
<u>(4) "Patient's personal representative" has the same</u>	10072
<u>meaning as in section 3701.74 of the Revised Code.</u>	10073
<u>(5) "Pharmacist" means an individual who holds a license</u>	10074
<u>issued under section 4729.08 of the Revised Code authorizing the</u>	10075
<u>individual to practice pharmacy.</u>	10076
<u>(6) "Political subdivision" means a county, township,</u>	10077
<u>municipal corporation, school district, or other body corporate</u>	10078
<u>and politic responsible for governmental activities in a</u>	10079
<u>geographic area smaller than that of the state. "Political</u>	10080
<u>subdivision" also includes a board of health of a city or</u>	10081
<u>general health district.</u>	10082
<u>(7) "Prescriber" has the same meaning as in section</u>	10083
<u>4729.01 of the Revised Code.</u>	10084
<u>(8) "Public official" means any officer, employee, or duly</u>	10085
<u>authorized agent or representative of a state agency or</u>	10086
<u>political subdivision.</u>	10087
<u>(9) "State agency" means any organized agency, board,</u>	10088
<u>body, commission, department, institution, office, or other</u>	10089
<u>entity established by the laws of the state for the exercise of</u>	10090
<u>any function of state government. "State agency" does not</u>	10091
<u>include a court.</u>	10092
<u>(B) A health-related licensing board, department of</u>	10093
<u>health, state board of pharmacy, or other state board or agency</u>	10094
<u>responsible for the licensure or regulation of health care</u>	10095

professionals shall neither infringe on medical free speech nor 10096
pursue, or threaten to pursue, an administrative or disciplinary 10097
action against a prescriber, pharmacist, or other licensed 10098
health care professional or hospital or inpatient facility for 10099
publicly or privately expressing a medical opinion that does not 10100
align with the opinions of the board or agency, a board of 10101
health of a city or general health district, the department of 10102
health, or other health authority. 10103

(C) The world health organization has no jurisdiction in 10104
this state. Therefore, no political subdivision, public 10105
official, or state agency shall enforce or use any state funding 10106
to implement or incentivize any health policy guideline, 10107
mandate, recommendation, or rule issued by the world health 10108
organization, including the prohibition of issuing a 10109
prescription for or dispensing of a drug, including an off-label 10110
drug. 10111

(D) At no time shall a patient in a hospital or inpatient 10112
facility be denied sufficient means of fluids or nutrition, 10113
unless that wish is clearly stated by the patient or patient's 10114
personal representative or documented in the patient's advance 10115
directive, or the denial is necessary for a medical procedure, 10116
including a diagnostic or surgical procedure, and then only for 10117
the shortest amount of time medically possible and with the 10118
informed consent of the patient or patient's personal 10119
representative. 10120

Sec. 3902.63. (A) On and after the effective date of this 10121
section, and notwithstanding section 3901.71 of the Revised 10122
Code, the cost-sharing requirement, on a per day basis, imposed 10123
by a health benefit plan for services rendered by an 10124
occupational therapist or physical therapist licensed under 10125

Chapter 4755. of the Revised Code or a chiropractor licensed 10126
under Chapter 4734. of the Revised Code shall not be greater 10127
than the cost-sharing requirement imposed by the plan for an 10128
office visit to a primary care physician or primary care 10129
osteopath physician licensed pursuant to Chapter 4731. of the 10130
Revised Code. 10131

(B) A health plan issuer shall clearly state on its web 10132
site and on all relevant literature that coverage for 10133
occupational therapy, physical therapy, and chiropractic 10134
services is available under the issuer's health benefit plans, 10135
as well as all related limitations, conditions, and exclusions. 10136

(C) A violation of this section shall be considered an 10137
unfair and deceptive practice in the business of insurance under 10138
sections 3901.19 to 3901.26 of the Revised Code. 10139

Sec. 3902.64. (A) As used in this section: 10140

(1) "Hearing aid" means any wearable instrument or device 10141
designed or offered for the purpose of aiding or compensating 10142
for impaired human hearing, including all attachments, 10143
accessories, and parts thereof, except batteries and cords, that 10144
is dispensed by a licensed audiologist, a licensed hearing aid 10145
dealer or fitter, or an otolaryngologist. 10146

(2) "Otolaryngologist" means a licensed physician who 10147
practices otolaryngology. 10148

(3) "Related services" means services necessary to assess, 10149
select, and appropriately adjust or fit a hearing aid to ensure 10150
optimal performance. 10151

(B) On and after the effective date of this section, and 10152
notwithstanding section 3901.71 of the Revised Code, a health 10153
benefit plan shall provide coverage for the full cost of both of 10154

the following: 10155

(1) One hearing aid per hearing-impaired ear up to two thousand five hundred dollars every forty-eight months for a covered person twenty-one years of age or younger who is verified as being deaf or hearing impaired by a licensed audiologist or by an otolaryngologist or other licensed physician; 10156
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(2) All related services prescribed by an otolaryngologist or recommended by a licensed audiologist and dispensed by a licensed audiologist, a licensed hearing aid dealer or fitter, or an otolaryngologist. 10162
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(C) A covered person may choose a higher priced hearing aid and may pay the difference in cost above the two-thousand-five-hundred-dollar required coverage required by this section without any financial or contractual penalty to the covered person or to the provider of the hearing aid. 10166
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(D) A health plan issuer is not required to pay a claim for the cost of a hearing aid as required by division (B) of this section if, less than forty-eight months prior to the date of the claim, the covered person received the coverage required under division (B) of this section from any health benefit plan. 10171
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(E) (1) A health benefit plan shall only provide coverage for hearing aids that are considered medically appropriate to meet the needs of the covered person, according to professional standards established by the state speech and hearing professionals board. 10176
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(2) A health benefit plan shall not exclude coverage for any hearing aid that would be considered medically appropriate to meet the needs of the covered person, according to 10181
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professional standards established by the state speech and 10184
hearing professionals board. 10185

(3) The state speech and hearing professionals board shall 10186
adopt professional standards concerning hearing aids as needed 10187
to evaluate the compliance of a health benefit plan with this 10188
section. 10189

Sec. 4501.21. (A) There is hereby created in the state 10190
treasury the license plate contribution fund. The fund shall 10191
consist of all contributions for specialty license plates paid 10192
by motor vehicle registrants and collected by the registrar of 10193
motor vehicles pursuant to the Revised Code sections referenced 10194
in division (B) of this section. 10195

(B) The registrar shall pay the contributions the 10196
registrar collects in the fund as follows: 10197

The registrar shall pay the contributions received 10198
pursuant to section 4503.491 of the Revised Code to the breast 10199
cancer fund of Ohio, which shall use that money only to pay for 10200
programs that provide assistance and education to Ohio breast 10201
cancer patients and that improve access for such patients to 10202
quality health care and clinical trials and shall not use any of 10203
the money for abortion information, counseling, services, or 10204
other abortion-related activities. 10205

The registrar shall pay the contributions the registrar 10206
receives pursuant to section 4503.492 of the Revised Code to the 10207
organization cancer support community central Ohio, which shall 10208
deposit the money into the Sheryl L. Kraner Fund of that 10209
organization. Cancer support community central Ohio shall expend 10210
the money it receives pursuant to this division only in the same 10211
manner and for the same purposes as that organization expends 10212

other money in that fund. 10213

The registrar shall pay the contributions received 10214
pursuant to section 4503.493 of the Revised Code to the autism 10215
society of Ohio, which shall use the contributions for programs 10216
and autism awareness efforts throughout the state. 10217

The registrar shall pay the contributions the registrar 10218
receives pursuant to section 4503.494 of the Revised Code to the 10219
national multiple sclerosis society for distribution in equal 10220
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 10221
chapters of the national multiple sclerosis society. These 10222
chapters shall use the money they receive under this section to 10223
assist in paying the expenses they incur in providing services 10224
directly to their clients. 10225

The registrar shall pay the contributions the registrar 10226
receives pursuant to section 4503.495 of the Revised Code to the 10227
national pancreatic cancer foundation, which shall use the money 10228
it receives under this section to assist those who have 10229
pancreatic cancer and their families. 10230

The registrar shall pay the contributions the registrar 10231
receives pursuant to section 4503.496 of the Revised Code to the 10232
Ohio sickle cell and health association, which shall use the 10233
contributions to help support educational, clinical, and social 10234
support services for adults who have sickle cell disease. 10235

The registrar shall pay the contributions the registrar 10236
receives pursuant to section 4503.497 of the Revised Code to the 10237
St. Baldrick's foundation, which shall use the contributions for 10238
its research and other programs. 10239

The registrar shall pay the contributions the registrar 10240
receives pursuant to section 4503.498 of the Revised Code to 10241

special olympics Ohio, inc., which shall use the contributions 10242
for its programs, charitable efforts, and other activities. 10243

The registrar shall pay the contributions the registrar 10244
receives pursuant to section 4503.499 of the Revised Code to the 10245
children's glioma cancer foundation, which shall use the 10246
contributions for its research and other programs. 10247

The registrar shall pay the contributions the registrar 10248
receives pursuant to section 4503.4910 of the Revised Code to 10249
the KylerStrong foundation, which shall use the contributions to 10250
raise awareness of brain cancer caused by diffuse intrinsic 10251
pontine glioma and to fund research for the cure of such cancer. 10252

The registrar shall pay the contributions the registrar 10253
receives pursuant to section 4503.4911 of the Revised Code to 10254
the research institution for childhood cancer at nationwide 10255
children's hospital, which shall use the contributions to fund 10256
research for the cure of childhood cancers. 10257

The registrar shall pay the contributions the registrar 10258
receives pursuant to section 4503.50 of the Revised Code to the 10259
future farmers of America foundation, which shall deposit the 10260
contributions into its general account to be used for 10261
educational and scholarship purposes of the future farmers of 10262
America foundation. 10263

The registrar shall pay the contributions the registrar 10264
receives pursuant to section 4503.501 of the Revised Code to the 10265
4-H youth development program of the Ohio state university 10266
extension program, which shall use those contributions to pay 10267
the expenses it incurs in conducting its educational activities. 10268

The registrar shall pay the contributions received 10269
pursuant to section 4503.502 of the Revised Code to the Ohio 10270

cattlemen's foundation, which shall use those contributions for 10271
scholarships and other educational activities. 10272

The registrar shall pay the contributions received 10273
pursuant to section 4503.505 of the Revised Code to the 10274
organization Ohio region phi theta kappa, which shall use those 10275
contributions for scholarships for students who are members of 10276
that organization. 10277

The registrar shall pay the contributions the registrar 10278
receives pursuant to section 4503.506 of the Revised Code to 10279
Ohio demolay, which shall use the contributions for 10280
scholarships, educational programs, and any other programs or 10281
events the organization holds or sponsors in this state. 10282

The registrar shall pay the contributions received 10283
pursuant to section 4503.507 of the Revised Code to the Ohio 10284
aerospace institute, which shall use those contributions to 10285
facilitate student internships in aerospace and educational 10286
programming. 10287

The registrar shall pay the contributions received 10288
pursuant to section 4503.508 of the Revised Code to the 10289
organization bottoms up diaper drive to provide funding for that 10290
organization for collecting and delivering diapers to parents in 10291
need. 10292

The registrar shall pay the contributions the registrar 10293
receives pursuant to section 4503.509 of the Revised Code to a 10294
kid again, incorporated for distribution in equal amounts to the 10295
Ohio chapters of a kid again. 10296

The registrar shall pay each contribution the registrar 10297
receives pursuant to section 4503.51 of the Revised Code to the 10298
university or college whose name or marking or design appears on 10299

collegiate license plates that are issued to a person under that 10300
section. A university or college that receives contributions 10301
from the fund shall deposit the contributions into its general 10302
scholarship fund. 10303

The registrar shall pay the contributions the registrar 10304
receives pursuant to section 4503.514 of the Revised Code to the 10305
university of Notre Dame in South Bend, Indiana, for purposes of 10306
awarding grants or scholarships to residents of Ohio who attend 10307
the university. The university shall not use any of the funds it 10308
receives for purposes of administering the scholarship program. 10309
The registrar shall enter into appropriate agreements with the 10310
university of Notre Dame to effectuate the distribution of such 10311
funds as provided in this section. 10312

The registrar shall pay the contributions the registrar 10313
receives pursuant to section 4503.516 of the Revised Code to 10314
Marshall university in Huntington, West Virginia, for purposes 10315
of awarding grants or scholarships to residents of Ohio who 10316
attend the university. The university shall not use any of the 10317
funds it receives for purposes of administering the scholarship 10318
program. The registrar shall enter into appropriate agreements 10319
with Marshall university to effectuate the distribution of such 10320
funds as provided in this section. 10321

The registrar shall pay the contributions the registrar 10322
receives pursuant to section 4503.517 of the Revised Code to the 10323
university of Alabama in Tuscaloosa, Alabama, for purposes of 10324
awarding grants or scholarships to residents of Ohio who attend 10325
the university. The university shall not use any of the funds it 10326
receives for purposes of administering the scholarship program. 10327
The registrar shall enter into appropriate agreements with the 10328
university of Alabama to effectuate the distribution of such 10329

funds as provided in this section. 10330

The registrar shall pay the contributions the registrar 10331
receives pursuant to section 4503.518 of the Revised Code to the 10332
Nationwide children's hospital, which shall use the 10333
contributions for the "On Our Sleeves" campaign. 10334

The registrar shall pay the contributions the registrar 10335
receives pursuant to section 4503.519 of the Revised Code 10336
equally to NAMI Ohio (national alliance on mental illness of 10337
Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen 10338
advocates for addiction recovery). 10339

The registrar shall pay the contributions the registrar 10340
receives pursuant to section 4503.521 of the Revised Code to the 10341
Ohio bicycle federation to assist that organization in paying 10342
for the educational programs it sponsors in support of Ohio 10343
cyclists of all ages. 10344

The registrar shall pay the contributions the registrar 10345
receives pursuant to section 4503.522 of the Revised Code to the 10346
"friends of Perry's victory and international peace memorial, 10347
incorporated," a nonprofit corporation organized under the laws 10348
of this state, to assist that organization in paying the 10349
expenses it incurs in sponsoring or holding charitable, 10350
educational, and cultural events at the monument. 10351

The registrar shall pay the contributions the registrar 10352
receives pursuant to section 4503.523 of the Revised Code to the 10353
fairport lights foundation, which shall use the money to pay for 10354
the restoration, maintenance, and preservation of the 10355
lighthouses of fairport harbor. 10356

The registrar shall pay the contributions the registrar 10357
receives pursuant to section 4503.524 of the Revised Code to the 10358

Massillon tiger football booster club, which shall use the 10359
contributions only to promote and support the football team of 10360
Washington high school of the Massillon city school district. 10361

The registrar shall pay the contributions the registrar 10362
receives pursuant to section 4503.525 of the Revised Code to the 10363
United States power squadron district seven which shall annually 10364
distribute the contributions in equal amounts to all United 10365
States power squadrons located in the state. Each power squadron 10366
district shall use the money it receives under this section to 10367
pay for the educational boating programs each district holds or 10368
sponsors within this state. 10369

The registrar shall pay the contributions the registrar 10370
receives pursuant to section 4503.526 of the Revised Code to the 10371
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 10372
international, which shall use the money it receives under this 10373
section to pay the costs of its educational and humanitarian 10374
activities. 10375

The registrar shall pay the contributions the registrar 10376
receives pursuant to section 4503.528 of the Revised Code to the 10377
Ohio children's alliance, which shall use the money it receives 10378
under this section to pay the expenses it incurs in advancing 10379
its mission of sustainably improving the provision of services 10380
to children, young adults, and families in this state. 10381

The registrar shall pay the contributions the registrar 10382
receives pursuant to section 4503.529 of the Revised Code to the 10383
Ohio nurses foundation. The foundation shall use the money it 10384
receives under this section to provide educational scholarships 10385
to assist individuals who aspire to join the nursing profession, 10386
to assist nurses in the nursing profession who seek to advance 10387
their education, and to support persons conducting nursing 10388

research concerning the evidence-based practice of nursing and 10389
the improvement of patient outcomes. 10390

The registrar shall pay the contributions the registrar 10391
receives pursuant to section 4503.531 of the Revised Code to the 10392
thank you foundation, incorporated, a nonprofit corporation 10393
organized under the laws of this state, to assist that 10394
organization in paying for the charitable activities and 10395
programs it sponsors in support of United States military 10396
personnel, veterans, and their families. 10397

The registrar shall pay the contributions the registrar 10398
receives pursuant to section 4503.532 of the Revised Code to the 10399
Ohio history connection, which shall use the contributions for 10400
the benefit of the Paul Laurence Dunbar house. 10401

The registrar shall pay the contributions the registrar 10402
receives pursuant to section 4503.533 of the Revised Code to the 10403
nonprofit organization Ohio conference of teamsters and industry 10404
health and welfare fund, which shall use the contributions to 10405
further the nonprofit's mission. 10406

The registrar shall pay the contributions the registrar 10407
receives pursuant to section 4503.534 of the Revised Code to the 10408
disabled American veterans department of Ohio, to be used for 10409
programs that serve disabled American veterans and their 10410
families. 10411

The registrar shall pay the contributions the registrar 10412
receives pursuant to section 4503.541 of the Revised Code to 10413
Dolly Parton's imagination library of Ohio. The library shall 10414
use the money it receives under this section for operational 10415
costs, including the distribution of books. 10416

The registrar shall pay the contributions the registrar 10417

receives pursuant to section 4503.55 of the Revised Code to the 10418
pro football hall of fame, which shall deposit the contributions 10419
into a special bank account that it establishes and which shall 10420
be separate and distinct from any other account the pro football 10421
hall of fame maintains, to be used exclusively for the purpose 10422
of promoting the pro football hall of fame as a travel 10423
destination. 10424

The registrar shall pay the contributions that are paid to 10425
the registrar pursuant to section 4503.545 of the Revised Code 10426
to the national rifle association foundation, which shall use 10427
the money to pay the costs of the educational activities and 10428
programs the foundation holds or sponsors in this state. 10429

The registrar shall pay to the Ohio pet fund the 10430
contributions the registrar receives pursuant to section 10431
4503.551 of the Revised Code and any other money from any other 10432
source, including donations, gifts, and grants, that is 10433
designated by the source to be paid to the Ohio pet fund. The 10434
Ohio pet fund shall use the moneys it receives under this 10435
section to support programs for the sterilization of dogs and 10436
cats and for educational programs concerning the proper 10437
veterinary care of those animals, and for expenses of the Ohio 10438
pet fund that are reasonably necessary for it to obtain and 10439
maintain its tax-exempt status and to perform its duties. 10440

The registrar shall pay the contributions the registrar 10441
receives pursuant to section 4503.552 of the Revised Code to the 10442
rock and roll hall of fame and museum, incorporated. 10443

The registrar shall pay the contributions the registrar 10444
receives pursuant to section 4503.553 of the Revised Code to the 10445
Ohio coalition for animals, incorporated, a nonprofit 10446
corporation. Except as provided in division (B) of this section, 10447

the coalition shall distribute the money to its members, and the 10448
members shall use the money only to pay for educational, 10449
charitable, and other programs of each coalition member that 10450
provide care for unwanted, abused, and neglected horses. The 10451
Ohio coalition for animals may use a portion of the money to pay 10452
for reasonable marketing costs incurred in the design and 10453
promotion of the license plate and for administrative costs 10454
incurred in the disbursement and management of funds received 10455
under this section. 10456

The registrar shall pay the contributions the registrar 10457
receives pursuant to section 4503.554 of the Revised Code to the 10458
Ohio state council of the knights of Columbus, which shall use 10459
the contributions to pay for its charitable activities and 10460
programs. 10461

The registrar shall pay the contributions the registrar 10462
receives pursuant to section 4503.555 of the Revised Code to the 10463
western reserve historical society, which shall use the 10464
contributions to fund the Crawford auto aviation museum. 10465

The registrar shall pay the contributions the registrar 10466
receives pursuant to section 4503.556 of the Revised Code to the 10467
Erica J. Holloman foundation, inc., for the awareness of triple 10468
negative breast cancer. The foundation shall use the 10469
contributions for charitable and educational purposes. 10470

The registrar shall pay each contribution the registrar 10471
receives pursuant to section 4503.557 of the Revised Code to the 10472
central Ohio chapter of the Ronald McDonald house charities, 10473
which shall distribute the contribution to the chapter of the 10474
Ronald McDonald house charities in whose geographic territory 10475
the person who paid the contribution resides. 10476

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the

conservancy for Cuyahoga valley national park, which shall use 10507
the money in support of the park. 10508

The registrar shall pay the contributions the registrar 10509
receives pursuant to section 4503.566 of the Revised Code to the 10510
Ottawa national wildlife refuge, which shall use the 10511
contributions for wildlife preservation purposes. 10512

The registrar shall pay the contributions the registrar 10513
receives pursuant to section 4503.567 of the Revised Code to the 10514
girls on the run of Franklin county, inc., which shall use the 10515
contributions to support the activities of the organization. 10516

The registrar shall pay the contributions the registrar 10517
receives pursuant to section 4503.569 of the Revised Code to the 10518
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use 10519
the contributions for purposes of its operations, bird care and 10520
rehabilitation, and educational programs. 10521

The registrar shall pay the contributions the registrar 10522
receives pursuant to section 4503.576 of the Revised Code to the 10523
Ohio state beekeepers association, which shall use those 10524
contributions to promote beekeeping, provide educational 10525
information about beekeeping, and to support other state and 10526
local beekeeping programs. 10527

The registrar shall pay the contributions the registrar 10528
receives pursuant to section 4503.577 of the Revised Code to the 10529
national aviation hall of fame, which shall use the 10530
contributions to fulfill its mission of honoring aerospace 10531
legends to inspire future leaders. 10532

The registrar shall pay the contributions the registrar 10533
receives pursuant to section 4503.578 of the Revised Code to 10534
keep Ohio beautiful, incorporated, which shall use the 10535

contributions towards its mission of empowering Ohio communities 10536
to take greater responsibility for improving the local 10537
environment through litter prevention, beautification, community 10538
greening, waste reduction, and recycling. 10539

The registrar shall pay the contributions the registrar 10540
receives pursuant to section 4503.579 of the Revised Code to the 10541
national council of negro women, incorporated, which shall use 10542
the contributions for educational purposes. 10543

The registrar shall pay the contributions the registrar 10544
receives pursuant to section 4503.581 of the Revised Code to the 10545
Ohio past detachment commander's club, inc., which shall use the 10546
contributions to support the activities of the organization. 10547

The registrar shall pay the contributions the registrar 10548
receives pursuant to section 4503.582 of the Revised Code to the 10549
progressive animal welfare society adoption center, inc., which 10550
shall use the contributions to support the activities of the 10551
center. 10552

The registrar shall pay the contributions the registrar 10553
receives pursuant to section 4503.583 of the Revised Code to the 10554
American legion, department of Ohio, inc., which shall use the 10555
contributions to support the activities of the organization. 10556

The registrar shall pay the contributions the registrar 10557
receives pursuant to section 4503.584 of the Revised Code to the 10558
Ohio natural energy institute to fund scholarships for students 10559
pursuing careers in the oil and natural gas industry. 10560

The registrar shall pay to a sports commission created 10561
pursuant to section 4503.591 of the Revised Code each 10562
contribution the registrar receives under that section that an 10563
applicant pays to obtain license plates that bear the logo of a 10564

professional sports team located in the county of that sports 10565
commission and that is participating in the license plate 10566
program pursuant to division (E) of that section, irrespective 10567
of the county of residence of an applicant. 10568

The registrar shall pay to a community charity each 10569
contribution the registrar receives under section 4503.591 of 10570
the Revised Code that an applicant pays to obtain license plates 10571
that bear the logo of a professional sports team that is 10572
participating in the license plate program pursuant to division 10573
(G) of that section. 10574

The registrar shall pay the contributions the registrar 10575
receives pursuant to section 4503.592 of the Revised Code to 10576
pollinator partnership's monarch wings across Ohio program, 10577
which shall use the contributions for the protection and 10578
preservation of the monarch butterfly and pollinator corridor in 10579
Ohio and for educational programs. 10580

The registrar shall pay the contributions the registrar 10581
receives pursuant to section 4503.594 of the Revised Code to 10582
pelotonia, which shall use the contributions for the purpose of 10583
supporting cancer research. 10584

The registrar shall pay the contributions the registrar 10585
receives pursuant to section 4503.595 of the Revised Code to the 10586
Stan Hywet hall and gardens. 10587

The registrar shall pay the contributions the registrar 10588
receives pursuant to section 4503.596 of the Revised Code to the 10589
Cuyahoga valley scenic railroad. 10590

The registrar shall pay the contributions the registrar 10591
receives pursuant to section 4503.597 of the Revised Code to the 10592
Circleville pumpkin show, incorporated, which shall use the 10593

contributions to promote good will surrounding the Circleville
pumpkin show as a nonprofit annual event. 10594
10595

The registrar shall pay the contributions the registrar 10596
receives pursuant to section 4503.67 of the Revised Code to the 10597
Dan Beard council of the boy scouts of America. The council 10598
shall distribute all contributions in an equitable manner 10599
throughout the state to regional councils of the boy scouts. 10600

The registrar shall pay the contributions the registrar 10601
receives pursuant to section 4503.68 of the Revised Code to the 10602
girl scouts of Ohio's heartland. The girl scouts of Ohio's 10603
heartland shall distribute all contributions in an equitable 10604
manner throughout the state to regional councils of the girl 10605
scouts. 10606

The registrar shall pay the contributions the registrar 10607
receives pursuant to section 4503.69 of the Revised Code to the 10608
Dan Beard council of the boy scouts of America. The council 10609
shall distribute all contributions in an equitable manner 10610
throughout the state to regional councils of the boy scouts. 10611

The registrar shall pay the contributions the registrar 10612
receives pursuant to section 4503.70 of the Revised Code to the 10613
charitable foundation of the grand lodge of Ohio, f. & a. m., 10614
which shall use the contributions for scholarship purposes. 10615

The registrar shall pay the contributions the registrar 10616
receives pursuant to section 4503.701 of the Revised Code to the 10617
Prince Hall grand lodge of free and accepted masons of Ohio, 10618
which shall use the contributions for scholarship purposes. 10619

The registrar shall pay the contributions the registrar 10620
receives pursuant to section 4503.702 of the Revised Code to the 10621
Ohio Association of the Improved Benevolent and Protective Order 10622

of the Elks of the World, which shall use the funds for 10623
charitable purposes. 10624

The registrar shall pay the contributions the registrar 10625
receives pursuant to section 4503.703 of the Revised Code to the 10626
Ohio state moose association. 10627

The registrar shall pay the contributions the registrar 10628
receives pursuant to section 4503.704 of the Revised Code to the 10629
Antioch shrine foundation located in the municipal corporation 10630
of Dayton. 10631

The registrar shall pay the contributions the registrar 10632
receives pursuant to section 4503.71 of the Revised Code to the 10633
fraternal order of police of Ohio, incorporated, which shall 10634
deposit the fees into its general account to be used for 10635
purposes of the fraternal order of police of Ohio, incorporated. 10636

The registrar shall pay the contributions the registrar 10637
receives pursuant to section 4503.711 of the Revised Code to the 10638
fraternal order of police of Ohio, incorporated, which shall 10639
deposit the contributions into an account that it creates to be 10640
used for the purpose of advancing and protecting the law 10641
enforcement profession, promoting improved law enforcement 10642
methods, and teaching respect for law and order. 10643

The registrar shall pay the contributions received 10644
pursuant to section 4503.712 of the Revised Code to Ohio 10645
concerns of police survivors, which shall use those 10646
contributions to provide whatever assistance may be appropriate 10647
to the families of Ohio law enforcement officers who are killed 10648
in the line of duty. 10649

The registrar shall pay the contributions received 10650
pursuant to section 4503.713 of the Revised Code to the greater 10651

Cleveland peace officers memorial society, which shall use those 10652
contributions to honor law enforcement officers who have died in 10653
the line of duty and support its charitable purposes. 10654

The registrar shall pay the contributions received 10655
pursuant to section 4503.714 of the Revised Code to the Ohio 10656
association of chiefs of police. 10657

The registrar shall pay the contributions the registrar 10658
receives, or has received, pursuant to section 4503.715 of the 10659
Revised Code to the community foundation of Ohio's electric 10660
cooperatives, which shall use the contributions to recognize and 10661
memorialize fallen or injured lineworkers and support their 10662
families. 10663

The registrar shall pay the contributions the registrar 10664
receives pursuant to section 4503.716 of the Revised Code to the 10665
fallen timbers battlefield preservation commission, which shall 10666
use the contributions to further the mission of the commission. 10667

The registrar shall pay the contributions the registrar 10668
receives pursuant to section 4503.72 of the Revised Code to the 10669
organization known on March 31, 2003, as the Ohio CASA/GAL 10670
association, a private, nonprofit corporation organized under 10671
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 10672
shall use these contributions to pay the expenses it incurs in 10673
administering a program to secure the proper representation in 10674
the courts of this state of abused, neglected, and dependent 10675
children, and for the training and supervision of persons 10676
participating in that program. 10677

The registrar shall pay the contributions the registrar 10678
receives pursuant to section 4503.722 of the Revised Code to the 10679
Down Syndrome Association of Central Ohio, which shall use the 10680

contributions for advocacy purposes throughout the state. 10681

The registrar shall pay the contributions the registrar 10682
receives pursuant to section 4503.724 of the Revised Code to the 10683
Ohio Chapter of the American Foundation for Suicide Prevention, 10684
which shall use the contributions for programs, education, and 10685
advocacy purposes throughout the state. 10686

The registrar shall pay the contributions the registrar 10687
receives, or has received, pursuant to section 4503.725 of the 10688
Revised Code to the ALS united Ohio, incorporated, which shall 10689
split the contributions between that organization and the ALS 10690
association in accordance with any agreement between the two 10691
organizations. The contributions shall be used to discover 10692
treatments and a cure for ALS, and to serve, advocate for, and 10693
empower people affected by ALS to live their lives to the 10694
fullest. 10695

The registrar shall pay the contributions the registrar 10696
receives pursuant to section 4503.73 of the Revised Code to 10697
Wright B. Flyer, incorporated, which shall deposit the 10698
contributions into its general account to be used for purposes 10699
of Wright B. Flyer, incorporated. 10700

The registrar shall pay the contributions the registrar 10701
receives pursuant to section 4503.732 of the Revised Code to the 10702
Siegel Shuster society, a nonprofit organization dedicated to 10703
commemorating and celebrating the creation of Superman in 10704
Cleveland, Ohio. 10705

The registrar shall pay the contributions the registrar 10706
receives pursuant to section 4503.733 of the Revised Code to the 10707
central Ohio chapter of the juvenile diabetes research 10708
foundation, which shall distribute the contributions to the 10709

chapters of the juvenile diabetes research foundation in whose 10710
geographic territory the person who paid the contribution 10711
resides. 10712

The registrar shall pay the contributions the registrar 10713
receives pursuant to section 4503.734 of the Revised Code to the 10714
Ohio highway patrol auxiliary foundation, which shall use the 10715
contributions to fulfill the foundation's mission of supporting 10716
law enforcement education and assistance. 10717

The registrar shall pay the contributions the registrar 10718
receives pursuant to section 4503.74 of the Revised Code to the 10719
Columbus zoological park association, which shall disburse the 10720
moneys to Ohio's major metropolitan zoos, as defined in section 10721
4503.74 of the Revised Code, in accordance with a written 10722
agreement entered into by the major metropolitan zoos. 10723

The registrar shall pay the contributions the registrar 10724
receives pursuant to section 4503.741 of the Revised Code to the 10725
Ohio house rabbit rescue, which shall use the contributions for 10726
its rescue, adoption, and educational programs. 10727

The registrar shall pay the contributions the registrar 10728
receives pursuant to section 4503.75 of the Revised Code to the 10729
rotary foundation, located on March 31, 2003, in Evanston, 10730
Illinois, to be placed in a fund known as the permanent fund and 10731
used to endow educational and humanitarian programs of the 10732
rotary foundation. 10733

The registrar shall pay the contributions the registrar 10734
receives pursuant to section 4503.751 of the Revised Code to the 10735
Ohio association of realtors, which shall deposit the 10736
contributions into a property disaster relief fund maintained 10737
under the Ohio realtors charitable and education foundation. 10738

The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.755 of the Revised Code to the little brown jug society to assist the society in maintaining, promulgating, and operating the little brown jug as part of Ohio's rich harness racing history.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to

folds of honor of central Ohio, which shall use the 10768
contributions to provide scholarships to spouses and children 10769
either of disabled veterans or of members of any branch of the 10770
armed forces who died during their service. 10771

The registrar shall pay the contributions the registrar 10772
receives pursuant to section 4503.85 of the Revised Code to the 10773
Ohio sea grant college program to be used for Lake Erie area 10774
research projects. 10775

The registrar shall pay the contributions the registrar 10776
receives pursuant to section 4503.86 of the Revised Code to the 10777
Ohio Lincoln highway historic byway, which shall use those 10778
contributions solely to promote and support the historical 10779
preservation and advertisement of the Lincoln highway in this 10780
state. 10781

The registrar shall pay the contributions the registrar 10782
receives pursuant to section 4503.87 of the Revised Code to the 10783
Grove City little league dream field fund, which shall use those 10784
contributions solely to build, maintain, and improve youth 10785
baseball fields within the municipal corporation of Grove City. 10786

The registrar shall pay the contributions the registrar 10787
receives pursuant to section 4503.871 of the Revised Code to the 10788
Solon city school district. The school district shall use the 10789
contributions it receives to pay the expenses it incurs in 10790
providing services to the school district's students that assist 10791
in developing or maintaining the mental and emotional well-being 10792
of the students. The services provided may include bereavement 10793
counseling, instruction in defensive driving techniques, 10794
sensitvity training, and the counseling and education of 10795
students regarding bullying, dating violence, drug abuse, 10796
suicide prevention, and human trafficking. The school district 10797

superintendent or, in the school district superintendent's 10798
discretion, the appropriate school principal or appropriate 10799
school counselors shall determine any charitable organizations 10800
that the school district hires to provide those services. The 10801
school district also may use the contributions it receives to 10802
pay for members of the faculty of the school district to receive 10803
training in providing such services to the students of the 10804
school district. The school district shall ensure that any 10805
charitable organization that is hired by the district is exempt 10806
from federal income taxation under subsection 501(c)(3) of the 10807
Internal Revenue Code. The school district shall not use the 10808
contributions it receives for any other purpose. 10809

The registrar shall pay the contributions the registrar 10810
receives pursuant to section 4503.872 of the Revised Code to the 10811
Canton city school district. The district may use the 10812
contributions for student welfare, but shall not use the 10813
contributions for any political purpose or to pay salaries of 10814
district employees. 10815

The registrar shall pay the contributions the registrar 10816
receives pursuant to section 4503.873 of the Revised Code to 10817
Padua Franciscan high school located in the municipal 10818
corporation of Parma. The school shall use fifty per cent of the 10819
contributions it receives to provide tuition assistance to its 10820
students. The school shall use the remaining fifty per cent to 10821
pay the expenses it incurs in providing services to the school's 10822
students that assist in developing or maintaining the mental and 10823
emotional well-being of the students. The services provided may 10824
include bereavement counseling, instruction in defensive driving 10825
techniques, sensitivity training, and the counseling and 10826
education of students regarding bullying, dating violence, drug 10827
abuse, suicide prevention, and human trafficking. As a part of 10828

providing such services, the school may pay for members of the 10829
faculty of the school to receive training in providing those 10830
services. The school principal or, in the school principal's 10831
discretion, appropriate school counselors shall determine any 10832
charitable organizations that the school hires to provide those 10833
services. The school shall ensure that any such charitable 10834
organization is exempt from federal income taxation under 10835
subsection 501(c)(3) of the Internal Revenue Code. The school 10836
shall not use the contributions it receives for any other 10837
purpose. 10838

The registrar shall pay the contributions the registrar 10839
receives pursuant to section 4503.874 of the Revised Code to St. 10840
Edward high school located in the municipal corporation of 10841
Lakewood. The school shall use fifty per cent of the 10842
contributions it receives to provide tuition assistance to its 10843
students. The school shall use the remaining fifty per cent to 10844
pay the expenses it incurs in providing services to the school's 10845
students that assist in developing or maintaining the mental and 10846
emotional well-being of the students. The services provided may 10847
include bereavement counseling, instruction in defensive driving 10848
techniques, sensitivity training, and the counseling and 10849
education of students regarding bullying, dating violence, drug 10850
abuse, suicide prevention, and human trafficking. As a part of 10851
providing such services, the school may pay for members of the 10852
faculty of the school to receive training in providing those 10853
services. The school principal or, in the school principal's 10854
discretion, appropriate school counselors shall determine any 10855
charitable organizations that the school hires to provide those 10856
services. The school shall ensure that any such charitable 10857
organization is exempt from federal income taxation under 10858
subsection 501(c)(3) of the Internal Revenue Code. The school 10859

shall not use the contributions it receives for any other 10860
purpose. 10861

The registrar shall pay the contributions the registrar 10862
receives pursuant to section 4503.875 of the Revised Code to 10863
Walsh Jesuit high school located in the municipal corporation of 10864
Cuyahoga Falls. The school shall use fifty per cent of the 10865
contributions it receives to provide tuition assistance to its 10866
students. The school shall use the remaining fifty per cent to 10867
pay the expenses it incurs in providing services to the school's 10868
students that assist in developing or maintaining the mental and 10869
emotional well-being of the students. The services provided may 10870
include bereavement counseling, instruction in defensive driving 10871
techniques, sensitivity training, and the counseling and 10872
education of students regarding bullying, dating violence, drug 10873
abuse, suicide prevention, and human trafficking. As a part of 10874
providing such services, the school may pay for members of the 10875
faculty of the school to receive training in providing those 10876
services. The school principal or, in the school principal's 10877
discretion, appropriate school counselors shall determine any 10878
charitable organizations that the school hires to provide those 10879
services. The school shall ensure that any such charitable 10880
organization is exempt from federal income taxation under 10881
subsection 501(c)(3) of the Internal Revenue Code. The school 10882
shall not use the contributions it receives for any other 10883
purpose. 10884

The registrar shall pay the contributions the registrar 10885
receives pursuant to section 4503.876 of the Revised Code to the 10886
North Royalton city school district. The school district shall 10887
use the contributions it receives to pay the expenses it incurs 10888
in providing services to the school district's students that 10889
assist in developing or maintaining the mental and emotional 10890

well-being of the students. The services provided may include 10891
bereavement counseling, instruction in defensive driving 10892
techniques, sensitivity training, and the counseling and 10893
education of students regarding bullying, dating violence, drug 10894
abuse, suicide prevention, and human trafficking. The school 10895
district superintendent or, in the school district 10896
superintendent's discretion, the appropriate school principal or 10897
appropriate school counselors shall determine any charitable 10898
organizations that the school district hires to provide those 10899
services. The school district also may use the contributions it 10900
receives to pay for members of the faculty of the school 10901
district to receive training in providing such services to the 10902
students of the school district. The school district shall 10903
ensure that any charitable organization that is hired by the 10904
district is exempt from federal income taxation under subsection 10905
501(c)(3) of the Internal Revenue Code. The school district 10906
shall not use the contributions it receives for any other 10907
purpose. 10908

The registrar shall pay the contributions the registrar 10909
receives pursuant to section 4503.877 of the Revised Code to the 10910
Independence local school district. The school district shall 10911
use the contributions it receives to pay the expenses it incurs 10912
in providing services to the school district's students that 10913
assist in developing or maintaining the mental and emotional 10914
well-being of the students. The services provided may include 10915
bereavement counseling, instruction in defensive driving 10916
techniques, sensitivity training, and the counseling and 10917
education of students regarding bullying, dating violence, drug 10918
abuse, suicide prevention, and human trafficking. The school 10919
district superintendent or, in the school district 10920
superintendent's discretion, the appropriate school principal or 10921

appropriate school counselors shall determine any charitable 10922
organizations that the school district hires to provide those 10923
services. The school district also may use the contributions it 10924
receives to pay for members of the faculty of the school 10925
district to receive training in providing such services to the 10926
students of the school district. The school district shall 10927
ensure that any charitable organization that is hired by the 10928
district is exempt from federal income taxation under subsection 10929
501(c)(3) of the Internal Revenue Code. The school district 10930
shall not use the contributions it receives for any other 10931
purpose. 10932

The registrar shall pay the contributions the registrar 10933
receives pursuant to section 4503.878 of the Revised Code to the 10934
Cuyahoga Heights local school district. The school district 10935
shall use the contributions it receives to pay the expenses it 10936
incurs in providing services to the school district's students 10937
that assist in developing or maintaining the mental and 10938
emotional well-being of the students. The services provided may 10939
include bereavement counseling, instruction in defensive driving 10940
techniques, sensitivity training, and the counseling and 10941
education of students regarding bullying, dating violence, drug 10942
abuse, suicide prevention, and human trafficking. The school 10943
district superintendent or, in the school district 10944
superintendent's discretion, the appropriate school principal or 10945
appropriate school counselors, shall determine any charitable 10946
organizations that the school district hires to provide those 10947
services. The school district also may use the contributions it 10948
receives to pay for members of the faculty of the school 10949
district to receive training in providing such services to the 10950
students of the school district. The school district shall 10951
ensure that any charitable organization that is hired by the 10952

district is exempt from federal income taxation under subsection 10953
501(c) (3) of the Internal Revenue Code. The school district 10954
shall not use the contributions it receives for any other 10955
purpose. 10956

The registrar shall pay the contributions the registrar 10957
receives pursuant to section 4503.879 of the Revised Code to the 10958
west technical high school alumni association, which shall use 10959
the contributions for activities sponsored by the association. 10960

The registrar shall pay the contributions the registrar 10961
receives pursuant to section 4503.88 of the Revised Code to the 10962
Kenston local school district. The school district shall use the 10963
contributions it receives to pay the expenses it incurs in 10964
providing services that assist in developing or maintaining a 10965
culture of environmental responsibility and an innovative 10966
science, technology, engineering, art, and math (S.T.E.A.M.) 10967
curriculum to the school district's students. The school 10968
district shall not use the contributions it receives for any 10969
other purpose. 10970

The registrar shall pay the contributions the registrar 10971
receives pursuant to section 4503.881 of the Revised Code to La 10972
Salle high school in the municipal corporation of Cincinnati. 10973
The high school shall not use the contributions it receives for 10974
any political purpose. 10975

The registrar shall pay the contributions the registrar 10976
receives pursuant to section 4503.882 of the Revised Code to St. 10977
John's Jesuit high school and academy located in the municipal 10978
corporation of Toledo. The school shall use the contributions it 10979
receives to provide tuition assistance for students attending 10980
the school. 10981

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.885 of the Revised Code to the Revere schools foundation. The foundation shall use the contributions to promote its mission, including awarding scholarships to honor young people who are meaningfully engaged in their school or community. The foundation shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.886 of the Revised Code to Stephen T. Badin high school in the municipal corporation of Hamilton.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.887 of the Revised Code to Bishop Hartley high school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.888 of the Revised Code to St. Vincent-St. Mary high school located in the municipal

corporation of Akron. 11011

The registrar shall pay the contributions the registrar receives pursuant to section 4503.89 of the Revised Code to the American red cross of greater Columbus on behalf of the Ohio chapters of the American red cross, which shall use the contributions for disaster readiness, preparedness, and response programs on a statewide basis. 11012
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes. 11018
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose. 11022
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz. 11026
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services. 11030
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation. 11035
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the 11038
11039

Ohio association for pupil transportation, which shall use the 11040
money to support transportation programs, provide training to 11041
school transportation professionals, and support other 11042
initiatives for school transportation safety. 11043

The registrar shall pay the contributions the registrar 11044
receives pursuant to section 4503.902 of the Revised Code to St. 11045
Ignatius high school located in the municipal corporation of 11046
Cleveland. The school shall use fifty per cent of the 11047
contributions it receives to provide tuition assistance to its 11048
students. The school shall use the remaining fifty per cent to 11049
pay the expenses it incurs in providing services to the school's 11050
students that assist in developing or maintaining the mental and 11051
emotional well-being of the students. The services provided may 11052
include bereavement counseling, instruction in defensive driving 11053
techniques, sensitivity training, and the counseling and 11054
education of students regarding bullying, dating violence, drug 11055
abuse, suicide prevention, and human trafficking. As a part of 11056
providing such services, the school may pay for members of the 11057
faculty of the school to receive training in providing those 11058
services. The school principal or, in the school principal's 11059
discretion, appropriate school counselors shall determine any 11060
charitable organizations that the school hires to provide those 11061
services. The school shall ensure that any such charitable 11062
organization is exempt from federal income taxation under 11063
subsection 501(c)(3) of the Internal Revenue Code. The school 11064
shall not use the contributions it receives for any other 11065
purpose. 11066

The registrar shall pay the contributions the registrar 11067
receives pursuant to section 4503.903 of the Revised Code to the 11068
Brecksville-Broadview Heights city school district. The school 11069
district shall use the contributions it receives to pay the 11070

expenses it incurs in providing services to the school 11071
district's students that assist in developing or maintaining the 11072
mental and emotional well-being of the students. The services 11073
provided may include bereavement counseling, instruction in 11074
defensive driving techniques, sensitivity training, and the 11075
counseling and education of students regarding bullying, dating 11076
violence, drug abuse, suicide prevention, and human trafficking. 11077
The school district superintendent or, in the school district 11078
superintendent's discretion, the appropriate school principal or 11079
appropriate school counselors shall determine any charitable 11080
organizations that the school district hires to provide those 11081
services. The school district also may use the contributions it 11082
receives to pay for members of the faculty of the school 11083
district to receive training in providing such services to the 11084
students of the school district. The school district shall 11085
ensure that any charitable organization that is hired by the 11086
district is exempt from federal income taxation under subsection 11087
501(c)(3) of the Internal Revenue Code. The school district 11088
shall not use the contributions it receives for any other 11089
purpose. 11090

The registrar shall pay the contributions the registrar 11091
receives pursuant to section 4503.904 of the Revised Code to the 11092
Chagrin Falls exempted village school district. The school 11093
district shall use the contributions it receives to pay the 11094
expenses it incurs in providing services to the school 11095
district's students that assist in developing or maintaining the 11096
mental and emotional well-being of the students. The services 11097
provided may include bereavement counseling, instruction in 11098
defensive driving techniques, sensitivity training, and the 11099
counseling and education of students regarding bullying, dating 11100
violence, drug abuse, suicide prevention, and human trafficking. 11101

The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.905 of the Revised Code to the Cuyahoga valley career center. The career center shall use the contributions it receives to pay the expenses it incurs in providing services to the career center's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The career center's superintendent or in the career center's superintendent's discretion, the school board or appropriate school counselors shall determine any charitable organizations that the career center hires to provide those services. The career center also may use the contributions it receives to pay for members of the faculty of the career center to receive training in providing such services to the students of the career center. The career

center shall ensure that any charitable organization that is 11133
hired by the career center is exempt from federal income 11134
taxation under subsection 501(c)(3) of the Internal Revenue 11135
Code. The career center shall not use the contributions it 11136
receives for any other purpose. 11137

The registrar shall pay the contributions the registrar 11138
receives pursuant to section 4503.906 of the Revised Code to the 11139
Stow-Munroe Falls city school district. The school district 11140
shall not use the contributions it receives for any political 11141
purpose. 11142

The registrar shall pay the contributions the registrar 11143
receives pursuant to section 4503.907 of the Revised Code to the 11144
Twinsburg city school district. The school district shall not 11145
use the contributions it receives for any political purpose. 11146

The registrar shall pay the contributions the registrar 11147
receives pursuant to section 4503.908 of the Revised Code to St. 11148
Xavier high school located in Springfield township in Hamilton 11149
county. The school shall use fifty per cent of the contributions 11150
it receives to provide tuition assistance to its students. The 11151
school shall use the remaining fifty per cent to pay the 11152
expenses it incurs in providing services to the school's 11153
students that assist in developing or maintaining the mental and 11154
emotional well-being of the students. The services provided may 11155
include bereavement counseling, instruction in defensive driving 11156
techniques, sensitivity training, and the counseling and 11157
education of students regarding bullying, dating violence, drug 11158
abuse, suicide prevention, and human trafficking. As a part of 11159
providing such services, the school may pay for members of the 11160
faculty of the school to receive training in providing those 11161
services. The school principal or, in the school principal's 11162

discretion, appropriate school counselors shall determine any 11163
charitable organizations that the school hires to provide those 11164
services. The school shall ensure that any such charitable 11165
organization is exempt from federal income taxation under 11166
subsection 501(c)(3) of the Internal Revenue Code. The school 11167
shall not use the contributions it receives for any other 11168
purpose. 11169

The registrar shall pay the contributions the registrar 11170
receives pursuant to section 4503.909 of the Revised Code to the 11171
Grandview Heights city school district, which shall use the 11172
contributions for its gifted programs and special education and 11173
related services. 11174

The registrar shall pay the contributions received 11175
pursuant to section 4503.92 of the Revised Code to support our 11176
troops, incorporated, a national nonprofit corporation, which 11177
shall use those contributions in accordance with its articles of 11178
incorporation and for the benefit of servicemembers of the armed 11179
forces of the United States and their families when they are in 11180
financial need. 11181

The registrar shall pay the contributions received 11182
pursuant to section 4503.931 of the Revised Code to healthy New 11183
Albany, which shall use the contributions for its community 11184
programs, events, and other activities. 11185

The registrar shall pay the contributions the registrar 11186
receives pursuant to section 4503.932 of the Revised Code to 11187
habitat for humanity of Ohio, inc., which shall use the 11188
contributions for its projects related to building affordable 11189
houses. 11190

The registrar shall pay the contributions the registrar 11191

receives pursuant to section 4503.933 of the Revised Code to 11192
Ohio citizens for the arts foundation, which shall use the 11193
contributions for advocacy, education, and professional 11194
development programs. 11195

The registrar shall pay the contributions the registrar 11196
receives pursuant to section 4503.94 of the Revised Code to the 11197
Michelle's leading star foundation, which shall use the money 11198
solely to fund the rental, lease, or purchase of the simulated 11199
driving curriculum of the Michelle's leading star foundation by 11200
boards of education of city, exempted village, local, and joint 11201
vocational school districts. 11202

The registrar shall pay the contributions the registrar 11203
receives pursuant to section 4503.941 of the Revised Code to the 11204
Ohio chapter international society of arboriculture, which shall 11205
use the money to increase consumer awareness on the importance 11206
of proper tree care and to raise funds for the chapter's 11207
educational efforts. 11208

The registrar shall pay the contributions received 11209
pursuant to section 4503.942 of the Revised Code to zero, the 11210
end of prostate cancer, incorporated, a nonprofit organization, 11211
which shall use those contributions to raise awareness of 11212
prostate cancer, to support research to end prostate cancer, and 11213
to support prostate cancer patients and their families. 11214

The registrar shall pay the contributions the registrar 11215
receives pursuant to section 4503.944 of the Revised Code to the 11216
eastern European congress of Ohio, which shall use the 11217
contributions for charitable and educational purposes. 11218

The registrar shall pay the contributions the registrar 11219
receives pursuant to section 4503.945 of the Revised Code to the 11220

Summit metro parks foundation, which shall use the money in 11221
support of the Summit county metro parks. 11222

The registrar shall pay the contributions the registrar 11223
receives pursuant to section 4503.951 of the Revised Code to the 11224
Cincinnati city school district. 11225

The registrar shall pay the contributions the registrar 11226
receives pursuant to section 4503.952 of the Revised Code to 11227
Hawken school located in northeast Ohio. The school shall use 11228
fifty per cent of the contributions it receives to provide 11229
tuition assistance to its students. The school shall use the 11230
remaining fifty per cent to pay the expenses it incurs in 11231
providing services to the school's students that assist in 11232
developing or maintaining the mental and emotional well-being of 11233
the students. The services provided may include bereavement 11234
counseling, instruction in defensive driving techniques, 11235
sensitivity training, and the counseling and education of 11236
students regarding bullying, dating violence, drug abuse, 11237
suicide prevention, and human trafficking. As a part of 11238
providing such services, the school may pay for members of the 11239
faculty of the school to receive training in providing those 11240
services. The school principal or, in the school principal's 11241
discretion, appropriate school counselors shall determine any 11242
charitable organizations that the school hires to provide those 11243
services. The school shall ensure that any such charitable 11244
organization is exempt from federal income taxation under 11245
subsection 501(c)(3) of the Internal Revenue Code. The school 11246
shall not use the contributions it receives for any other 11247
purpose. 11248

The registrar shall pay the contributions the registrar 11249
receives pursuant to section 4503.953 of the Revised Code to 11250

Gilmour academy located in the municipal corporation of Gates Mills. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.954 of the Revised Code to University school located in the suburban area near the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling,

instruction in defensive driving techniques, sensitivity 11282
training, and the counseling and education of students regarding 11283
bullying, dating violence, drug abuse, suicide prevention, and 11284
human trafficking. As a part of providing such services, the 11285
school may pay for members of the faculty of the school to 11286
receive training in providing those services. The school 11287
principal or, in the school principal's discretion, appropriate 11288
school counselors shall determine any charitable organizations 11289
that the school hires to provide those services. The school 11290
shall ensure that any such charitable organization is exempt 11291
from federal income taxation under subsection 501(c)(3) of the 11292
Internal Revenue Code. The school shall not use the 11293
contributions it receives for any other purpose. 11294

The registrar shall pay the contributions the registrar 11295
receives pursuant to section 4503.955 of the Revised Code to 11296
Saint Albert the Great school located in North Royalton. The 11297
school shall use fifty per cent of the contributions it receives 11298
to provide tuition assistance to its students. The school shall 11299
use the remaining fifty per cent to pay the expenses it incurs 11300
in providing services to the school's students that assist in 11301
developing or maintaining the mental and emotional well-being of 11302
the students. The services provided may include bereavement 11303
counseling, instruction in defensive driving techniques, 11304
sensitivity training, and the counseling and education of 11305
students regarding bullying, dating violence, drug abuse, 11306
suicide prevention, and human trafficking. As a part of 11307
providing such services, the school may pay for members of the 11308
faculty of the school to receive training in providing those 11309
services. The school principal or, in the school principal's 11310
discretion, appropriate school counselors shall determine any 11311
charitable organizations that the school hires to provide those 11312

services. The school shall ensure that any such charitable 11313
organization is exempt from federal income taxation under 11314
subsection 501(c)(3) of the Internal Revenue Code. The school 11315
shall not use the contributions it receives for any other 11316
purpose. 11317

The registrar shall pay the contributions the registrar 11318
receives pursuant to section 4503.956 of the Revised Code to the 11319
Liberty Center local school district, which shall use the 11320
contributions for its gifted programs and special education and 11321
related services. 11322

The registrar shall pay the contributions the registrar 11323
receives pursuant to section 4503.957 of the Revised Code to 11324
John F. Kennedy Catholic school located in Warren. The school 11325
shall not use the contributions it receives for any political 11326
purpose. 11327

The registrar shall pay the contributions the registrar 11328
receives pursuant to section 4503.958 of the Revised Code to 11329
Elder high school located in the municipal corporation of 11330
Cincinnati. The school shall use fifty per cent of the 11331
contributions it receives to provide tuition assistance to its 11332
students, twenty-five per cent of the contributions to benefit 11333
arts and enrichment at the school, and twenty-five per cent of 11334
the contributions to benefit athletics at the school. 11335

The registrar shall pay the contributions the registrar 11336
receives pursuant to section 4503.961 of the Revised Code to 11337
Fairfield senior high school located in the municipal 11338
corporation of Fairfield. The high school shall not use the 11339
contributions for any political purpose. 11340

The registrar shall pay the contributions the registrar 11341

receives pursuant to section 4503.962 of the Revised Code to 11342
Hamilton high school located in the municipal corporation of 11343
Hamilton. The high school shall not use the contributions for 11344
any political purpose. 11345

The registrar shall pay the contributions the registrar 11346
receives pursuant to section 4503.963 of the Revised Code to 11347
Ross high school located in Ross township in Butler county. The 11348
high school shall not use the contributions for any political 11349
purpose. 11350

The registrar shall pay the contributions the registrar 11351
receives pursuant to section 4503.964 of the Revised Code to 11352
Chardon hilltopper gridiron club. The club shall use 11353
contributions to fund college and career technical training 11354
scholarships for students. 11355

The registrar shall pay the contributions the registrar 11356
receives pursuant to section 4503.97 of the Revised Code to the 11357
friends of united Hatzalah of Israel, which shall use the money 11358
to support united Hatzalah of Israel, which provides free 11359
emergency medical first response throughout Israel. 11360

The registrar shall pay the contributions the registrar 11361
receives pursuant to section 4503.98 of the Revised Code to the 11362
Westerville parks foundation to support the programs and 11363
activities of the foundation and its mission of pursuing the 11364
city of Westerville's vision of becoming "A City Within A Park." 11365

(C) All investment earnings of the license plate 11366
contribution fund shall be credited to the fund. Not later than 11367
the first day of May of every year, the registrar shall 11368
distribute to each entity described in division (B) of this 11369
section the investment income the fund earned the previous 11370

calendar year. The amount of such a distribution paid to an 11371
entity shall be proportionate to the amount of money the entity 11372
received from the fund during the previous calendar year. 11373

Sec. 4503.16. As used in this section, "original owner" 11374
includes, with respect to any motor vehicle owned by the federal 11375
government and loaned to the state or any of its political 11376
subdivisions for use in a federal program, the state or the 11377
political subdivision to which the motor vehicle has been loaned 11378
and in the name of which the vehicle is registered. 11379

Title to motor vehicles acquired by the state or any of 11380
its political subdivisions, whether used for either governmental 11381
or proprietary functions, shall be registered. Motor vehicles 11382
owned by the federal government and loaned to the state or any 11383
of its political subdivisions for use in a federal program shall 11384
be registered in the name of the state or political subdivision 11385
without the presentation of a certificate of title or other 11386
evidence of ownership as required by section 4503.10 of the 11387
Revised Code, when the registrar is satisfied that the motor 11388
vehicles are on loan from the federal government and are being 11389
used exclusively in a federal program. Such vehicles that have 11390
been registered and that are used exclusively in the performance 11391
of the governmental or proprietary functions of the state or any 11392
political subdivision thereof shall not be subject to charge of 11393
any kind; but this provision does not exempt the operation of 11394
such vehicles from any other provision of Chapters 4501., 4503,
4505., 4507., 4509., 4511., 4515., and 4517. of the Revised 11395
Code, and the penal laws relating to them. 11396
11397

The registrar of motor vehicles shall accept any 11398
application to register a motor vehicle owned by the federal 11399
government that may be made by any officer, department, or agent 11400

of such government. 11401

The registrar shall issue permanent license plates for 11402
motor vehicles acquired by the state or any of its political 11403
subdivisions, or loaned to the state or any of its political 11404
subdivisions by the federal government for use in a federal 11405
program, which have been registered and that are used 11406
exclusively in the performance of the governmental or 11407
proprietary functions of the state or any political subdivision 11408
thereof, or are used exclusively in a federal program. With 11409
respect to permanent license plates issued for motor vehicles 11410
owned and used by a township for governmental or proprietary 11411
functions, such license plates shall display upon them the term 11412
"township" in bold letters. 11413

The registrar shall also issue permanent license plates 11414
for all motor vehicles owned and registered by the federal 11415
government. Such permanent license plates if lost, stolen, or 11416
destroyed, shall be replaced gratis with another permanent 11417
number. 11418

Upon the transfer of ownership of a motor vehicle or 11419
termination by the federal government of any loan of a motor 11420
vehicle for which permanent license plates are issued, the 11421
registration of such motor vehicle shall expire and the original 11422
owner shall immediately remove such license plates from such 11423
motor vehicle. Should the original owner at any time make 11424
application for the registration of another motor vehicle, ~~he~~ 11425
the original owner may file an application for transfer of 11426
registration accompanied by the original certificate of 11427
registration, for which there shall be no transfer fee. 11428

Sec. 4503.541. (A) The owner or lessee of any passenger 11429
car, noncommercial motor vehicle, recreational vehicle, or other 11430

vehicle of a class approved by the registrar of motor vehicles 11431
may apply to the registrar for the registration of the vehicle 11432
and issuance of "Dolly Parton's Imagination Library" license 11433
plates. The application may be combined with a request for a 11434
special reserved license plate under section 4503.40 or 4503.42 11435
of the Revised Code. Upon receipt of the completed application 11436
and compliance by the applicant with divisions (B) and (C) of 11437
this section, the registrar shall issue to the applicant the 11438
appropriate vehicle registration and a set of "Dolly Parton's 11439
Imagination Library" license plates and a validation sticker, or 11440
a validation sticker alone when required by section 4503.191 of 11441
the Revised Code. 11442

In addition to the letters and numbers ordinarily 11443
inscribed on the license plates, "Dolly Parton's Imagination 11444
Library" license plates shall display an appropriate logo and 11445
words that are selected by representatives of the Dolly Parton's 11446
imagination library and approved by the registrar. 11447

(B) "Dolly Parton's Imagination Library" license plates 11448
and a validation sticker, or validation sticker alone, shall be 11449
issued upon receipt of an application for registration of a 11450
motor vehicle under this section; payment of the regular license 11451
tax as prescribed under section 4503.04 of the Revised Code, any 11452
applicable motor vehicle license tax levied under Chapter 4504. 11453
of the Revised Code, any applicable additional fee prescribed by 11454
section 4503.40 or 4503.42 of the Revised Code, an additional 11455
administrative fee of ten dollars, and a contribution as 11456
provided in division (C)(1) of this section; and compliance with 11457
all other applicable laws relating to the registration of motor 11458
vehicles. 11459

(C) (1) For each application for registration and 11460

registration renewal notice the registrar receives under this 11461
section, the registrar shall collect a contribution of twenty- 11462
five dollars. The registrar shall deposit this contribution into 11463
the state treasury to the credit of the license plate 11464
contribution fund created in section 4501.21 of the Revised 11465
Code. 11466

(2) The registrar shall deposit the administrative fee of 11467
ten dollars, the purpose of which is to compensate the bureau of 11468
motor vehicles for additional services required in the issuing 11469
of "Dolly Parton's Imagination Library" license plates, into the 11470
state treasury to the credit of the public safety - highway 11471
purposes fund created in section 4501.06 of the Revised Code. 11472

(D) (1) Section 4503.78 of the Revised Code does not apply 11473
to license plates issued under this section. 11474

(2) County identification stickers are not required for 11475
license plates issued under this section. 11476

Sec. 4503.888. (A) The owner or lessee of any passenger 11477
car, noncommercial motor vehicle, recreational vehicle, or other 11478
vehicle of a class approved by the registrar of motor vehicles 11479
may apply to the registrar for the registration of the vehicle 11480
and issuance of "St. Vincent-St. Mary High School" license 11481
plates. The application may be combined with a request for a 11482
special reserved license plate under section 4503.40 or 4503.42 11483
of the Revised Code. Upon receipt of the completed application 11484
and compliance by the applicant with divisions (B) and (C) of 11485
this section, the registrar shall issue to the applicant the 11486
appropriate vehicle registration and a set of "St. Vincent-St. 11487
Mary High School" license plates and a validation sticker, or a 11488
validation sticker alone when required by section 4503.191 of 11489
the Revised Code. 11490

In addition to the letters and numbers ordinarily 11491
inscribed on the license plates, "St. Vincent-St. Mary High 11492
School" license plates shall display an appropriate logo and 11493
words that are selected by representatives of St. Vincent-St. 11494
Mary high school and approved by the registrar. "St. Vincent-St. 11495
Mary High School" license plates shall display county 11496
identification stickers that identify the county of registration 11497
as required under section 4503.19 of the Revised Code. 11498

(B) "St. Vincent-St. Mary High School" license plates and 11499
a validation sticker, or validation sticker alone, shall be 11500
issued upon receipt of an application for registration of a 11501
motor vehicle under this section; payment of the regular license 11502
tax as prescribed under section 4503.04 of the Revised Code, any 11503
applicable motor vehicle license tax levied under Chapter 4504. 11504
of the Revised Code, any applicable additional fee prescribed by 11505
section 4503.40 or 4503.42 of the Revised Code, an additional 11506
administrative fee of ten dollars, and a contribution as 11507
provided in division (C) (1) of this section; and compliance with 11508
all other applicable laws relating to the registration of motor 11509
vehicles. 11510

(C) (1) For each application for registration and 11511
registration renewal notice the registrar receives under this 11512
section, the registrar shall collect a contribution of twenty- 11513
five dollars. The registrar shall deposit this contribution into 11514
the state treasury to the credit of the license plate 11515
contribution fund created in section 4501.21 of the Revised 11516
Code. 11517

(2) The registrar shall deposit the administrative fee of 11518
ten dollars, the purpose of which is to compensate the bureau of 11519
motor vehicles for additional services required in the issuing 11520

of "St. Vincent-St. Mary High School" license plates, into the 11521
state treasury to the credit of the public safety - highway 11522
purposes fund created in section 4501.06 of the Revised Code. 11523

Sec. 4504.18. For the purpose of paying the costs and 11524
expenses of enforcing and administering the tax provided for in 11525
this section; for the construction, reconstruction, improvement, 11526
maintenance, and repair of township roads, bridges, and 11527
culverts; for purchasing, erecting, and maintaining traffic 11528
signs, markers, lights, and signals; for purchasing road 11529
machinery and equipment, and planning, constructing, and 11530
maintaining suitable buildings to house such equipment; for 11531
paying any costs apportioned to the township under section 11532
4907.47 of the Revised Code; and to supplement revenue already 11533
available for such purposes, the board of township trustees may 11534
levy an annual license tax, in addition to the tax levied by 11535
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 11536
the operation of motor vehicles on the public roads and highways 11537
in the unincorporated territory of the township. The tax shall 11538
be at the rate of five dollars per motor vehicle on all motor 11539
vehicles the owners of which reside in the unincorporated area 11540
of the township and shall be in addition to the taxes at the 11541
rates specified in sections 4503.04 and 4503.16 of the Revised 11542
Code, subject to reductions in the manner provided in section 11543
4503.11 of the Revised Code and the exemptions provided in 11544
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 11545
Revised Code. 11546

Prior to the adoption of any resolution under this 11547
section, the board of township trustees shall conduct two public 11548
hearings thereon, the second hearing to be not less than three 11549
nor more than ten days after the first. Notice of the date, 11550
time, and place of such hearings shall be given by publication 11551

~~in a newspaper of general circulation in the township or as~~ 11552
~~provided in section 7.16 of the Revised Code, once a week on the~~ 11553
same day of the week for two consecutive weeks, the second 11554
publication being not less than ten nor more than thirty days 11555
prior to the first hearing, using at least one of the following 11556
methods: 11557

(A) In the print or digital edition of a newspaper of 11558
general circulation in the township; 11559

(B) On the official public notice web site established 11560
under section 125.182 of the Revised Code; 11561

(C) On the web site and social media account of the 11562
township. 11563

No resolution under this section shall become effective 11564
sooner than thirty days following its adoption, and such 11565
resolution is subject to a referendum in the same manner, except 11566
as to the form of the petition, as provided in division (H) of 11567
section 519.12 of the Revised Code for a proposed amendment to a 11568
township zoning resolution. In addition, a petition under this 11569
section shall be governed by the rules specified in section 11570
3501.38 of the Revised Code. No resolution levying a tax under 11571
this section for which a referendum vote has been requested 11572
shall go into effect unless approved by a majority of those 11573
voting upon it. 11574

A township license tax levied under this section shall 11575
continue in effect until repealed. 11576

Sec. 4504.181. (A) (1) The board of township trustees of a 11577
township may, by resolution, levy an annual license tax upon the 11578
operation of motor vehicles on the public roads and highways in 11579
the unincorporated territory of the township for any authorized 11580

purpose. A tax levied under this section is in addition to the 11581
tax levied by sections 4503.02 and 4503.07 of the Revised Code 11582
and any other tax levied under this chapter. The tax shall be at 11583
the rate of five dollars per motor vehicle on all motor vehicles 11584
the district of registration of which is located in the 11585
unincorporated area of the township levying the tax, as defined 11586
in section 4503.10 of the Revised Code. The rate of the tax is 11587
in addition to the tax rates prescribed in sections 4503.04 and 11588
4503.042 of the Revised Code and is subject to both of the 11589
following: 11590

(a) The reductions in the manner provided in section 11591
4503.11 of the Revised Code; 11592

(b) The exemptions provided in sections 4503.16, 4503.17, 11593
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 11594
4503.571 of the Revised Code. 11595

(2) As used in division (A)(1) of this section, 11596
"authorized purpose" means any of the following: 11597

(a) Paying the costs and expenses of enforcing and 11598
administering the tax provided for in this section; 11599

(b) Paying for construction, reconstruction, improvement, 11600
maintenance, and repair of township roads, bridges, and 11601
culverts; 11602

(c) Purchasing, erecting, and maintaining traffic signs, 11603
markers, lights, and signals; 11604

(d) Purchasing road machinery and equipment, and planning, 11605
constructing, and maintaining suitable buildings to house such 11606
equipment; 11607

(e) Paying any costs apportioned to the township under 11608

section 4907.47 of the Revised Code; 11609

(f) Supplementing revenue already available for the 11610
aforementioned purposes. 11611

(B) Prior to the adoption of any resolution under this 11612
section, the board of township trustees shall conduct two public 11613
hearings on the resolution, the second hearing to be not less 11614
than three but not more than ten days after the first hearing. 11615
The board shall provide notice of the date, time, and place of 11616
both hearings by publication ~~in a newspaper of general~~ 11617
~~circulation in the township, or as provided in section 7.16 of~~ 11618
~~the Revised Code,~~ once a week on the same day of the week for 11619
two consecutive weeks using at least one of the following 11620
publications: 11621

(1) In the print or digital edition of a newspaper of 11622
general circulation in the township; 11623

(2) On the official public notice web site established 11624
under section 125.182 of the Revised Code; 11625

(3) On the web site and social media account of the 11626
township. The 11627

The second publication shall be not less than ten but not 11628
more than thirty days prior to the first hearing. 11629

(C) No resolution adopted under this section shall become 11630
effective sooner than thirty days following its adoption. A 11631
resolution under this section is subject to a referendum in the 11632
same manner, except as to the form of the petition, as provided 11633
in division (H) of section 519.12 of the Revised Code for a 11634
proposed amendment to a township zoning resolution. In addition, 11635
a petition under this section shall be governed by the rules 11636
specified in section 3501.38 of the Revised Code. 11637

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

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

Sec. 4507.50. (A) (1) The registrar of motor vehicles or a deputy registrar shall issue an identification card to a person when all of the following apply:

(a) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and, if the person is under seventeen years of age, payment of the applicable fees.

(b) The person is a resident or a temporary resident of this state.

(c) The person is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction.

(d) The person does not hold an identification card from another jurisdiction.

(2) (a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply:

(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees.

(ii) The person is a resident or temporary resident of this state.

(iii) The person's Ohio driver's or commercial driver's

license has been suspended or canceled. 11665

(iv) The person does not hold an identification card from 11666
another jurisdiction. 11667

(b) The temporary identification card shall be identical 11668
to an identification card, except that it shall be printed on 11669
its face with a statement that the card is valid for a temporary 11670
period. The temporary period shall be in accordance with the 11671
expiration dates specified in section 4507.501 of the Revised 11672
Code. 11673

(c) The cardholder shall surrender the temporary 11674
identification card to the registrar or any deputy registrar 11675
before the cardholder's driver's or commercial driver's license 11676
is restored or reissued. 11677

(B) (1) Except as provided in division (D) of this section, 11678
an applicant who is under seventeen years of age shall pay the 11679
following fees prior to issuance of an identification card or a 11680
temporary identification card: 11681

(a) A fee of three dollars and fifty cents if the card 11682
will expire on the applicant's birthday four years after the 11683
date of issuance or a fee of six dollars if the card will expire 11684
on the applicant's birthday eight years after the date of 11685
issuance; 11686

(b) A fee equal to the amount established under section 11687
4503.038 of the Revised Code if the card will expire on the 11688
applicant's birthday four years after the date of issuance or 11689
twice that amount if the card will expire on the applicant's 11690
birthday eight years after the date of issuance; 11691

(c) A fee of one dollar and fifty cents if the card will 11692
expire on the applicant's birthday four years after the date of 11693

issuance or three dollars if the card will expire on the 11694
applicant's birthday eight years after the date of issuance, for 11695
the authentication of the documents required for processing an 11696
identification card or temporary identification card. A deputy 11697
registrar that authenticates the required documents shall retain 11698
the entire amount of the fee. 11699

(2) The fees collected for issuing an identification card 11700
under this section, except for any fees allowed to the deputy 11701
registrar, shall be paid into the state treasury to the credit 11702
of the public safety - highway purposes fund created in section 11703
4501.06 of the Revised Code. 11704

(C) A person seventeen years of age or older may apply to 11705
the registrar or a deputy registrar for the issuance to that 11706
person of an identification card or a temporary identification 11707
card under this section without payment of any fee prescribed in 11708
division (B) of this section. 11709

(D) A resident who is permanently or irreversibly disabled 11710
and who is under seventeen years of age may apply to the 11711
registrar or a deputy registrar for the issuance of an 11712
identification card under this section without payment of any 11713
fee as prescribed in division (B) of this section. As a resident 11714
who is in the custody of the department of rehabilitation and 11715
correction or the department of youth services and who is under 11716
seventeen years of age may apply to the registrar for the 11717
issuance of an identification card under this section without 11718
payment of any fee as prescribed in division (B) of this 11719
section. 11720

As used in this section, "permanently or irreversibly 11721
disabled" means a condition of disability from which there is no 11722
present indication of recovery. 11723

An application made under division (D) of this section 11724
shall be accompanied by such documentary evidence ~~of disability~~ 11725
as the registrar may require by rule. 11726

(E) (1) The department of rehabilitation and correction 11727
shall submit an application for an identification card or 11728
temporary identification card, as applicable, to the registrar 11729
on behalf of an individual who is a prisoner at a state 11730
correctional institution and who has completed that application 11731
in accordance with section 5120.59 of the Revised Code. 11732

(2) The department of youth services shall submit an 11733
application for an identification card or a temporary 11734
identification card, as applicable, to the registrar on behalf 11735
of an individual who is in the custody of the department at a 11736
juvenile correctional facility and who has completed that 11737
application in accordance with section 5139.511 of the Revised 11738
Code. 11739

(3) The registrar may establish a separate application and 11740
process by which the departments shall submit any applications 11741
to the registrar in accordance with this division and section 11742
4507.51 of the Revised Code. 11743

Sec. 4507.51. (A) (1) Every application for an 11744
identification card or duplicate shall be made on ~~a~~ an approved 11745
form furnished ~~or in a manner specified~~ by the registrar of 11746
motor vehicles, ~~and~~ shall be signed by the applicant, and. The 11747
application also shall be signed by the applicant's parent or 11748
guardian, or by the department of rehabilitation and correction 11749
or the department of youth services, as applicable, if the 11750
applicant is under eighteen years of age, ~~and~~. 11751

Every application shall contain the following information 11752

~~pertaining to the applicant:~~ 11753

(a) The applicant's name, date of birth, sex, general 11754
description including the applicant's height, weight, hair 11755
color, and eye color, address, country of citizenship, and 11756
social security number. ~~The application also shall include, for~~ 11757

(b) If an applicant who has not already certified the 11758
applicant's willingness to make an anatomical gift under section 11759
2108.05 of the Revised Code, whether the applicant wishes to 11760
certify willingness to make such an anatomical gift and ~~shall~~ 11761
~~include~~ information about the requirements of sections 2108.01 11762
to 2108.29 of the Revised Code that apply to persons who are 11763
less than eighteen years of age. The statement regarding 11764
willingness to make such a donation shall be given no 11765
consideration in the decision of whether to issue an 11766
identification card. ~~Each applicant applying in person at a~~ 11767
~~deputy registrar office shall be photographed at the time of~~ 11768
~~making application.~~ 11769

~~(2) (a) The application also shall state whether (c)~~ 11770
Whether the applicant has executed a valid durable power of 11771
attorney for health care pursuant to sections 1337.11 to 1337.17 11772
of the Revised Code or has executed a declaration governing the 11773
use or continuation, or the withholding or withdrawal, of life- 11774
sustaining treatment pursuant to sections 2133.01 to 2133.15 of 11775
the Revised Code and, if the applicant has executed either type 11776
of instrument, whether the applicant wishes the identification 11777
card issued to indicate that the applicant has executed the 11778
instrument. 11779

~~(b) The application also shall state whether (d) Whether~~ 11780
the applicant is a veteran, active duty, or reservist of the 11781
armed forces of the United States and, if the applicant is such, 11782

whether the applicant wishes the identification card issued to 11783
indicate that the applicant is a veteran, active duty, or 11784
reservist of the armed forces of the United States by a military 11785
designation on the identification card. 11786

(2) Each applicant applying in person at a deputy 11787
registrar office shall be photographed at the time of making an 11788
application. 11789

(3) The registrar or deputy registrar, in accordance with 11790
section 3503.11 of the Revised Code, shall register as an 11791
elector any person who applies for an identification card or 11792
duplicate if the applicant is eligible and wishes to be 11793
registered as an elector. The decision of an applicant whether 11794
to register as an elector shall be given no consideration in the 11795
decision of whether to issue the applicant an identification 11796
card or duplicate. 11797

(4) The application shall be accompanied by any necessary 11798
documents, as required by the registrar. The registrar or the 11799
deputy registrar may authenticate the submitted documents and 11800
verify the information in the application. 11801

~~(B)(1) Except as provided in division (B)(2) of this 11802~~
~~section or section 4507.061 of the Revised Code, the application 11803~~
~~for an identification card or duplicate shall be filed in the 11804~~
~~office of the registrar or deputy registrar. Each applicant 11805~~
~~shall present documentary evidence as required by the registrar 11806~~
~~of the applicant's age and identity, and the applicant shall 11807~~
~~swear that all information given is true. ~~An identification card 11808~~~~
~~~~issued by the department of rehabilitation and correction under 11809~~~~  
~~~~section 5120.59 of the Revised Code or an identification card 11810~~~~  
~~~~issued by the department of youth services under section 11811~~~~  
~~5139.511 of the Revised Code shall be sufficient documentary 11812~~

~~evidence under this division upon verification of the~~ 11813  
~~applicant's social security number by the registrar or a deputy~~ 11814  
~~registrar. Upon issuing an identification card under this~~ 11815  
~~section for a person who has been issued an identification card~~ 11816  
~~under section 5120.59 or section 5139.511 of the Revised Code,~~ 11817  
~~the registrar or deputy registrar shall destroy the~~ 11818  
~~identification card issued under section 5120.59 or section~~ 11819  
~~5139.511 of the Revised Code.~~ 11820

All applications for an identification card or duplicate 11821  
under this section shall be filed in duplicate, and if submitted 11822  
to a deputy registrar, a copy shall be forwarded to the 11823  
registrar. The registrar shall prescribe rules for the manner in 11824  
which a deputy registrar is to file and maintain applications 11825  
and other records. The registrar shall maintain a suitable, 11826  
indexed record of all applications denied and cards issued or 11827  
canceled. 11828

(2) The application for an identification card filed by 11829  
either the department of rehabilitation and correction or the 11830  
department of youth services on behalf of an individual in 11831  
prison or in the department's custody shall be submitted through 11832  
the process established by the registrar. The registrar shall 11833  
establish the process for submission of such applications and 11834  
the process for mailing the identification card to either the 11835  
individual or the applicable department. 11836

(C) In addition to any other information it contains, the 11837  
form furnished by the registrar of motor vehicles for an 11838  
application for an identification card or duplicate shall inform 11839  
applicants that the applicant must present a copy of the 11840  
applicant's DD-214 or an equivalent document in order to qualify 11841  
to have the card or duplicate indicate that the applicant is an 11842

honorably discharged veteran of the armed forces of the United 11843  
States based on a request made pursuant to division (A) (2) (b) of 11844  
this section. 11845

**Sec. 4507.52.** (A) (1) Each identification card issued by 11846  
the registrar of motor vehicles or a deputy registrar shall 11847  
display a distinguishing number assigned to the cardholder, and 11848  
shall display the following inscription: 11849

"STATE OF OHIO IDENTIFICATION CARD 11850

This card is not valid for the purpose of operating a 11851  
motor vehicle. It is provided solely for the purpose of 11852  
establishing the identity of the bearer described on the card." 11853

(2) The identification card shall display substantially 11854  
the same information as contained in the application and as 11855  
described in division (A) (1) of section 4507.51 of the Revised 11856  
Code, including, if the cardholder is a noncitizen of the United 11857  
States, a notation designating that the cardholder is a 11858  
noncitizen. The identification card shall not display the 11859  
cardholder's social security number unless the cardholder 11860  
specifically requests that the cardholder's social security 11861  
number be displayed on the card. If federal law requires the 11862  
cardholder's social security number to be displayed on the 11863  
identification card, the social security number shall be 11864  
displayed on the card notwithstanding this section. 11865

(3) The identification card also shall display the 11866  
photograph of the cardholder. 11867

(4) If the cardholder has executed a durable power of 11868  
attorney for health care or a declaration governing the use or 11869  
continuation, or the withholding or withdrawal, of life- 11870  
sustaining treatment and has specified that the cardholder 11871



wishes the identification card to indicate that the cardholder 11872  
has executed either type of instrument, the card also shall 11873  
display any symbol chosen by the registrar to indicate that the 11874  
cardholder has executed either type of instrument. 11875

(5) If the cardholder has specified that the cardholder 11876  
wishes the identification card to indicate that the cardholder 11877  
is a veteran, active duty, or reservist of the armed forces of 11878  
the United States and has presented a copy of the cardholder's 11879  
DD-214 form or an equivalent document, the card also shall 11880  
display any symbol chosen by the registrar to indicate that the 11881  
cardholder is a veteran, active duty, or reservist of the armed 11882  
forces of the United States. 11883

(6) The card shall be designed as to prevent its 11884  
reproduction or alteration without ready detection. 11885

(7) The identification card for persons under twenty-one 11886  
years of age shall have characteristics prescribed by the 11887  
registrar distinguishing it from that issued to a person who is 11888  
twenty-one years of age or older, except that an identification 11889  
card issued to a person who applies no more than thirty days 11890  
before the applicant's twenty-first birthday shall have the 11891  
characteristics of an identification card issued to a person who 11892  
is twenty-one years of age or older. 11893

(8) Every identification card issued to a resident of this 11894  
state shall display the expiration date of the card, in 11895  
accordance with section 4507.501 of the Revised Code. 11896

(9) Every identification card issued to a temporary 11897  
resident shall expire in accordance with section 4507.501 of the 11898  
Revised Code and rules adopted by the registrar and is limited 11899  
term. Every limited term identification card and limited term 11900

temporary identification card shall contain the words "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from an identification card issued to a resident.

(10) Every enhanced identification card shall have any additional characteristics established by the rules adopted under section 4507.021 of the Revised Code.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) A cardholder may apply to obtain a reprint of the cardholder's identification card through electronic means in accordance with section 4507.40 of the Revised Code.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar.

(4) Except as provided in division (B)(5) or (6) of this section, when a cardholder applies for a duplicate, reprint, or replacement identification card, the cardholder shall pay the following fees:

(a) Two dollars and fifty cents;

(b) A deputy registrar or service fee equal to the amount established under section 4503.038 of the Revised Code.

- (5) The following cardholders may apply for a duplicate, reprint, or replacement identification card without payment of any fee prescribed in division (B) (4) of this section: 11929  
11930  
11931
- (a) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration; 11932  
11933  
11934
- (b) A resident who is permanently or irreversibly disabled; 11935  
11936
- (c) A resident who is in the custody of the department of rehabilitation and correction or the department of youth services. 11937  
11938  
11939
- (6) A cardholder who is seventeen years of age or older may apply for a replacement identification card without payment of any fee prescribed in division (B) (4) of this section. 11940  
11941  
11942
- (7) A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces. 11943  
11944
- (C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. 11945  
11946  
11947
- (D) (1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system. 11948  
11949  
11950  
11951  
11952  
11953  
11954
- (2) No person shall be required to apply for, carry, or possess an identification card. 11955  
11956

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

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

**Sec. 4582.30.** (A) (1) Except as otherwise provided in division (A) (2) or (3) of this section, the area of jurisdiction of a port authority created in accordance with section 4582.22 of the Revised Code shall include all of the territory of the political subdivision or subdivisions creating it and, if the port authority owns or leases a railroad line or airport, the territory on which the railroad's line, terminals, and related facilities or the airport's runways, terminals, and related facilities are located, regardless of whether the territory is located in the political subdivision or subdivisions creating the port authority.

(2) A municipal corporation with a population of at least one hundred thousand according to the most recent federal decennial census may create a port authority within a county that previously created an existing port authority, if the municipal corporation did not join with the county in creating

the port authority or thereafter join that port authority. The 11987  
newly created port authority and the previously created and 11988  
existing port authority shall possess concurrent jurisdiction 11989  
over any territory within the jurisdiction of both. 11990

(3) A county may create a port authority the area of 11991  
jurisdiction of which excludes any territory that is located in 11992  
that county and is in the area of jurisdiction of any port 11993  
authority created in accordance with section 4582.02 or 4582.22 11994  
of the Revised Code that is then existing in the county. 11995

(B) (1) Except as provided in division (B) (2), ~~(3)~~, or ~~(3)~~ 11996  
(4) of this section, a political subdivision that has created a 11997  
port authority or joined an existing port authority shall not be 11998  
included in any other port authority. 11999

(2) A municipal corporation with a population of less than 12000  
one hundred thousand according to the most recent federal 12001  
decennial census that has joined an existing port authority in a 12002  
county with a population of five hundred thousand or less may 12003  
create a port authority within the territorial jurisdiction of 12004  
the municipal corporation. 12005

(3) A municipal corporation and a county jointly may 12006  
create a new port authority if both of the following apply: 12007

(a) The municipal corporation created a port authority 12008  
after July 9, 1982, and that port authority operates an airport; 12009

(b) The county joined a port authority after July 9, 1982, 12010  
and that port authority operated an airport. 12011

(4) A county with a population of less than one hundred 12012  
thousand according to the most recent federal decennial census 12013  
that is included in the jurisdiction of an existing port 12014  
authority that has an area of jurisdiction that includes more 12015

than one county may create a port authority that includes the 12016  
territorial jurisdiction of the county. 12017

**Sec. 4735.181.** (A) No real estate broker or salesperson 12018  
licensed pursuant to this chapter shall fail to comply with 12019  
divisions (B) and (D) of section 4735.13, division (D) of 12020  
section 4735.14, or sections 4735.22, 4735.55, 4735.56, ~~and~~ 12021  
4735.58, and 4735.80 of the Revised Code or any rules adopted 12022  
under those divisions or sections. 12023

(B) When the superintendent determines that a licensee has 12024  
violated division (A) of this section, the superintendent may do 12025  
either of the following: 12026

(1) Initiate disciplinary action under section 4735.051 of 12027  
the Revised Code, in accordance with Chapter 119. of the Revised 12028  
Code; 12029

(2) Personally, or by certified mail, serve a citation and 12030  
impose sanctions in accordance with this section upon the 12031  
licensee. 12032

(C) Every citation served under this section shall give 12033  
notice to the licensee of the alleged violation or violations 12034  
charged and inform the licensee of the opportunity to request a 12035  
hearing in accordance with Chapter 119. of the Revised Code. The 12036  
citation also shall contain a statement of a fine of up to two 12037  
hundred dollars per violation. All fines collected pursuant to 12038  
this section shall be credited to the real estate recovery fund, 12039  
created in the state treasury under section 4735.12 of the 12040  
Revised Code. 12041

(D) If any licensee is cited three times under this 12042  
section within twelve consecutive months, the superintendent 12043  
shall initiate disciplinary action pursuant to section 4735.051 12044

of the Revised Code for any subsequent violation that occurs 12045  
within the same twelve-month period. 12046

If a licensee fails to request a hearing within thirty 12047  
days after the date of service of the citation, or the licensee 12048  
and the superintendent fail to reach an alternative agreement, 12049  
the citation shall become final. 12050

(E) Unless otherwise indicated, the licensee named in a 12051  
final citation under this section must meet all requirements 12052  
contained in the final citation within thirty days after the 12053  
effective date of that citation. 12054

(F) The superintendent shall suspend automatically a 12055  
licensee's license if the licensee fails to comply with division 12056  
(E) of this section. 12057

Sec. 4735.80. (A) The superintendent of real estate shall, 12058  
within one year after the effective date of this section, adopt 12059  
rules in accordance with Chapter 119. of the Revised Code that 12060  
require a licensee, prior to listing residential real estate for 12061  
sale, exchange, or purchase, to provide to the seller a 12062  
disclosure form, developed and maintained by the division of 12063  
real estate, that outlines both of the following: 12064

(1) The federal and state laws that relate to anti- 12065  
discrimination in the home-buying process with which a seller of 12066  
residential real estate shall comply, including the laws listed 12067  
in divisions (B) (2) and (3) of section 4735.55 of the Revised 12068  
Code; 12069

(2) The penalties associated with violating any of the 12070  
laws specified pursuant to division (A) (1) of this section. 12071

(B) No licensee shall market or show a seller's 12072  
residential real estate before providing the seller with the 12073

disclosure required by this section and receiving a copy of that 12074  
disclosure that is signed and dated by the seller. The licensee 12075  
shall retain the signed and dated copy of the disclosure for not 12076  
less than three years following the closing date on the seller's 12077  
residential real estate. 12078

(C) Notwithstanding any provision of section 121.95 of the 12079  
Revised Code to the contrary, a regulatory restriction contained 12080  
in a rule adopted under this section is not subject to sections 12081  
121.95 to 121.953 of the Revised Code. 12082

**Sec. 4743.06.** (A) Except as provided in divisions (B) and 12083  
(C) of this section, a department, agency, or office of this 12084  
state that issues a license, certificate, registration, or other 12085  
authorization to a person to practice a trade or profession 12086  
shall require a person to submit an application for an initial 12087  
license, certificate, registration, or other authorization 12088  
issued by the department, agency, or office using any electronic 12089  
licensing system the department, agency, or office elects to use 12090  
to receive applications. 12091

(B) A department, agency, or office may adopt a policy to 12092  
allow a person to apply for an initial license, certificate, 12093  
registration, or other authorization issued by the department, 12094  
agency, or office by submitting a paper copy of the application 12095  
to the department, agency, or office. A department, agency, or 12096  
office that adopts such a policy shall not require a person to 12097  
submit a paper copy of the application and shall accept an 12098  
application submitted using the electronic licensing system used 12099  
by the department, agency, or office. 12100

(C) This section does not apply to the supreme court when 12101  
issuing initial licenses pursuant to rules prescribed under Ohio 12102  
Constitution, Article IV, Section 5. 12103



|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>Sec. 4905.301. (A) As used in this section:</u>                      | 12104 |
| <u>(1) "Governmental entity" has the same meaning as in</u>             | 12105 |
| <u>section 9.23 of the Revised Code, except that "governmental</u>      | 12106 |
| <u>entity" excludes a municipal corporation.</u>                        | 12107 |
| <u>(2) "Right of way" means the surface of, and the space</u>           | 12108 |
| <u>within, through, on, across, above, or below any land designated</u> | 12109 |
| <u>for public use that is owned or controlled by a governmental</u>     | 12110 |
| <u>entity, except that "right of way" includes a public way as</u>      | 12111 |
| <u>defined in section 4939.01 of the Revised Code, and is not a</u>     | 12112 |
| <u>private easement.</u>                                                | 12113 |
| <u>(B) A public utility subject to the rate-making</u>                  | 12114 |
| <u>jurisdiction of the public utilities commission may file an</u>      | 12115 |
| <u>application with the commission for the accounting authority to</u>  | 12116 |
| <u>classify a cost that meets the requirements of division (C) of</u>   | 12117 |
| <u>this section as a regulatory asset for the purpose of recovering</u> | 12118 |
| <u>the cost. The commission, by order, shall authorize such</u>         | 12119 |
| <u>accounting authority as may be reasonably necessary to classify</u>  | 12120 |
| <u>the cost as a regulatory asset.</u>                                  | 12121 |
| <u>(C) A cost is eligible for recovery as a regulatory asset</u>        | 12122 |
| <u>under this section if the cost is directly incurred by the</u>       | 12123 |
| <u>public utility on or after the effective date of this section as</u> | 12124 |
| <u>a result of a governmental entity's regulation of the public</u>     | 12125 |
| <u>utility's occupancy or use of a right of way.</u>                    | 12126 |
| <u>(D) If the commission determines, upon an application</u>            | 12127 |
| <u>under division (B) of this section or its own initiative, that</u>   | 12128 |
| <u>classification of a cost described in division (C) of this</u>       | 12129 |
| <u>section as a regulatory asset is not practical or that deferred</u>  | 12130 |
| <u>recovery of that cost would impose a hardship on the public</u>      | 12131 |
| <u>utility or its customers, the commission shall establish a</u>       | 12132 |

charge and collection mechanism to permit the public utility 12133  
full recovery of that cost. 12134

(E) Cost recovery authorized as a regulatory asset under 12135  
this section is not subject to any other provision of law or any 12136  
agreement establishing price caps, rate freezes, or rate 12137  
increase moratoria. 12138

(F) The commission shall process applications submitted 12139  
under this section in the same manner as set forth in divisions 12140  
(E) and (F) of section 4939.07 of the Revised Code and according 12141  
to rules adopted under division (G) of that section. 12142

**Sec. 4913.15.** (A) The underground technical committee 12143  
shall review every report of the staff of the public utilities 12144  
commission made available under section 4913.13 of the Revised 12145  
Code or submitted under section 4913.16 of the Revised Code. 12146

(B) Not later than ninety days after the committee obtains 12147  
the staff's report under section 4913.13 of the Revised Code, 12148  
the committee shall do any of the following: 12149

(1) Make a written recommendation to the commission as to 12150  
the imposition of a fine, a penalty, or a combination of fines 12151  
and penalties, in accordance with section 4913.151 of the 12152  
Revised Code; 12153

(2) Determine that no enforcement action should be taken 12154  
and notify the commission in writing of the determination; 12155

(3) Request a hearing under section 4913.19 of the Revised 12156  
Code. 12157

(C) There shall be a majority vote of the full committee, 12158  
except as provided by section 3781.361 of the Revised Code, with 12159  
at least one of the commercial-excavator stakeholders voting 12160

with the majority, for the committee to do any of the following: 12161

(1) Recommend a fine, penalty, or a combination of fines 12162  
and penalties under this section or section 4913.16 of the 12163  
Revised Code; 12164

(2) Determine, under this section or section 4913.16 of 12165  
the Revised Code, that no enforcement action should be taken; 12166

(3) Request a hearing under section 4913.19 of the Revised 12167  
Code. 12168

If the committee fails to achieve the required majority 12169  
for any action described in division (C) of this section, it 12170  
shall notify the commission. 12171

**Sec. 4913.17.** (A) Based upon the number and type of 12172  
compliance failures committed by a person, the underground 12173  
technical committee may find, as part of the committee's review 12174  
under section 4913.15 of the Revised Code, that the person is a 12175  
persistent noncomplier. 12176

(B) The committee shall report a finding made under 12177  
division (A) of this section to the staff of the public 12178  
utilities commission. 12179

(C) There shall be a majority vote of the full committee, 12180  
except as provided by section 3781.361 of the Revised Code, with 12181  
at least one of the commercial-excavator stakeholders voting 12182  
with the majority, for the committee to make a finding under 12183  
division (A) of this section. 12184

**Sec. 4928.01.** (A) As used in this chapter: 12185

(1) "Ancillary service" means any function necessary to 12186  
the provision of electric transmission or distribution service 12187  
to a retail customer and includes, but is not limited to, 12188

scheduling, system control, and dispatch services; reactive 12189  
supply from generation resources and voltage control service; 12190  
reactive supply from transmission resources service; regulation 12191  
service; frequency response service; energy imbalance service; 12192  
operating reserve-spinning reserve service; operating reserve- 12193  
supplemental reserve service; load following; back-up supply 12194  
service; real-power loss replacement service; dynamic 12195  
scheduling; system black start capability; and network stability 12196  
service. 12197

(2) "Billing and collection agent" means a fully 12198  
independent agent, not affiliated with or otherwise controlled 12199  
by an electric utility, electric services company, electric 12200  
cooperative, or governmental aggregator subject to certification 12201  
under section 4928.08 of the Revised Code, to the extent that 12202  
the agent is under contract with such utility, company, 12203  
cooperative, or aggregator solely to provide billing and 12204  
collection for retail electric service on behalf of the utility 12205  
company, cooperative, or aggregator. 12206

(3) "Certified territory" means the certified territory 12207  
established for an electric supplier under sections 4933.81 to 12208  
4933.90 of the Revised Code. 12209

(4) "Competitive retail electric service" means a 12210  
component of retail electric service that is competitive as 12211  
provided under division (B) of this section. 12212

(5) "Electric cooperative" means a not-for-profit electric 12213  
light company that both is or has been financed in whole or in 12214  
part under the "Rural Electrification Act of 1936," 49 Stat. 12215  
1363, 7 U.S.C. 901, and owns or operates facilities in this 12216  
state to generate, transmit, or distribute electricity, or a 12217  
not-for-profit successor of such company. 12218

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 12219  
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(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 12222  
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(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 12228  
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(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 12230  
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(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 12238  
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(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent. 12240  
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(12) "Firm electric service" means electric service other 12247

than nonfirm electric service. 12248

(13) "Governmental aggregator" means a legislative 12249  
authority of a municipal corporation, a board of township 12250  
trustees, or a board of county commissioners acting as an 12251  
aggregator for the provision of a competitive retail electric 12252  
service under authority conferred under section 4928.20 of the 12253  
Revised Code. 12254

(14) A person acts "knowingly," regardless of the person's 12255  
purpose, when the person is aware that the person's conduct will 12256  
probably cause a certain result or will probably be of a certain 12257  
nature. A person has knowledge of circumstances when the person 12258  
is aware that such circumstances probably exist. 12259

(15) "Level of funding for low-income customer energy 12260  
efficiency programs provided through electric utility rates" 12261  
means the level of funds specifically included in an electric 12262  
utility's rates on October 5, 1999, pursuant to an order of the 12263  
public utilities commission issued under Chapter 4905. or 4909. 12264  
of the Revised Code and in effect on October 4, 1999, for the 12265  
purpose of improving the energy efficiency of housing for the 12266  
utility's low-income customers. The term excludes the level of 12267  
any such funds committed to a specific nonprofit organization or 12268  
organizations pursuant to a stipulation or contract. 12269

(16) "Low-income customer assistance programs" means the 12270  
percentage of income payment plan program, the home energy 12271  
assistance program, the home weatherization assistance program, 12272  
and the targeted energy efficiency and weatherization program. 12273

(17) "Market development period" for an electric utility 12274  
means the period of time beginning on the starting date of 12275  
competitive retail electric service and ending on the applicable 12276

date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter.

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

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

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

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

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

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

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

the Revised Code. 12306

(25) "Advanced energy project" means any technologies, 12307  
products, activities, or management practices or strategies that 12308  
facilitate the generation or use of electricity or energy and 12309  
that reduce or support the reduction of energy consumption or 12310  
support the production of clean, renewable energy for 12311  
industrial, distribution, commercial, institutional, 12312  
governmental, research, not-for-profit, or residential energy 12313  
users, including, but not limited to, advanced energy resources 12314  
and renewable energy resources. "Advanced energy project" also 12315  
includes any project described in division (A), (B), or (C) of 12316  
section 4928.621 of the Revised Code. 12317

(26) "Regulatory assets" means the unamortized net 12318  
regulatory assets that are capitalized or deferred on the 12319  
regulatory books of the electric utility, pursuant to an order 12320  
or practice of the public utilities commission or pursuant to 12321  
generally accepted accounting principles as a result of a prior 12322  
commission rate-making decision, and that would otherwise have 12323  
been charged to expense as incurred or would not have been 12324  
capitalized or otherwise deferred for future regulatory 12325  
consideration absent commission action. "Regulatory assets" 12326  
includes, but is not limited to, all deferred demand-side 12327  
management costs; all deferred percentage of income payment plan 12328  
arrears; post-in-service capitalized charges and assets 12329  
recognized in connection with statement of financial accounting 12330  
standards no. 109 (receivables from customers for income taxes); 12331  
future nuclear decommissioning costs and fuel disposal costs as 12332  
those costs have been determined by the commission in the 12333  
electric utility's most recent rate or accounting application 12334  
proceeding addressing such costs; the undepreciated costs of 12335  
safety and radiation control equipment on nuclear generating 12336



plants owned or leased by an electric utility; and fuel costs 12337  
currently deferred pursuant to the terms of one or more 12338  
settlement agreements approved by the commission. 12339

(27) "Retail electric service" means any service involved 12340  
in supplying or arranging for the supply of electricity to 12341  
ultimate consumers in this state, from the point of generation 12342  
to the point of consumption. For the purposes of this chapter, 12343  
retail electric service includes one or more of the following 12344  
"service components": generation service, aggregation service, 12345  
power marketing service, power brokerage service, transmission 12346  
service, distribution service, ancillary service, metering 12347  
service, and billing and collection service. 12348

(28) "Starting date of competitive retail electric 12349  
service" means January 1, 2001. 12350

(29) "Customer-generator" means a user of a net metering 12351  
system. 12352

(30) "Net metering" means measuring the difference in an 12353  
applicable billing period between the electricity supplied by an 12354  
electric service provider and the electricity generated by a 12355  
customer-generator that is fed back to the electric service 12356  
provider. 12357

(31) "Net metering system" means a facility for the 12358  
production of electrical energy that does all of the following: 12359

(a) Uses as its fuel either solar, wind, biomass, landfill 12360  
gas, or hydropower, or uses a microturbine or a fuel cell; 12361

(b) Is located on a customer-generator's premises; 12362

(c) Operates in parallel with the electric utility's 12363  
transmission and distribution facilities; 12364

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

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

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

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

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

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

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of

nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 12394  
sulfur trioxide in accordance with the American society of 12395  
testing and materials standard D1757A or a reduction of metal 12396  
oxide emissions in accordance with standard D5142 of that 12397  
society, or clean coal technology that includes the design 12398  
capability to control or prevent the emission of carbon dioxide, 12399  
which design capability the commission shall adopt by rule and 12400  
shall be based on economically feasible best available 12401  
technology or, in the absence of a determined best available 12402  
technology, shall be of the highest level of economically 12403  
feasible design capability for which there exists generally 12404  
accepted scientific opinion; 12405

(d) Advanced nuclear energy technology consisting of 12406  
generation III technology as defined by the nuclear regulatory 12407  
commission; other, later technology; or significant improvements 12408  
to existing facilities; 12409

(e) Any fuel cell used in the generation of electricity, 12410  
including, but not limited to, a proton exchange membrane fuel 12411  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 12412  
solid oxide fuel cell; 12413

(f) Advanced solid waste or construction and demolition 12414  
debris conversion technology, including, but not limited to, 12415  
advanced stoker technology, and advanced fluidized bed 12416  
gasification technology, that results in measurable greenhouse 12417  
gas emissions reductions as calculated pursuant to the United 12418  
States environmental protection agency's waste reduction model 12419  
(WARM); 12420

(g) Demand-side management and any energy efficiency 12421  
improvement; 12422

(h) Any new, retrofitted, refueled, or repowered 12423  
generating facility located in Ohio, including a simple or 12424  
combined-cycle natural gas generating facility or a generating 12425  
facility that uses biomass, coal, modular nuclear, or any other 12426  
fuel as its input; 12427

(i) Any uprated capacity of an existing electric 12428  
generating facility if the uprated capacity results from the 12429  
deployment of advanced technology. 12430

"Advanced energy resource" does not include a waste energy 12431  
recovery system that is, or has been, included in an energy 12432  
efficiency program of an electric distribution utility pursuant 12433  
to requirements under section 4928.66 of the Revised Code. 12434

(35) "Air contaminant source" has the same meaning as in 12435  
section 3704.01 of the Revised Code. 12436

(36) "Cogeneration technology" means technology that 12437  
produces electricity and useful thermal output simultaneously. 12438

(37) (a) "Renewable energy resource" means any of the 12439  
following: 12440

(i) Solar photovoltaic or solar thermal energy; 12441

(ii) Wind energy; 12442

(iii) Power produced by a hydroelectric facility; 12443

(iv) Power produced by a small hydroelectric facility, 12444  
which is a facility that operates, or is rated to operate, at an 12445  
aggregate capacity of less than six megawatts; 12446

(v) Power produced by a run-of-the-river hydroelectric 12447  
facility placed in service on or after January 1, 1980, that is 12448  
located within this state, relies upon the Ohio river, and 12449

|                                                                  |       |
|------------------------------------------------------------------|-------|
| operates, or is rated to operate, at an aggregate capacity of    | 12450 |
| forty or more megawatts;                                         | 12451 |
| (vi) Geothermal energy;                                          | 12452 |
| (vii) Fuel derived from solid wastes, as defined in              | 12453 |
| section 3734.01 of the Revised Code, through fractionation,      | 12454 |
| biological decomposition, or other process that does not         | 12455 |
| principally involve combustion;                                  | 12456 |
| (viii) Biomass energy;                                           | 12457 |
| (ix) Energy produced by cogeneration technology that is          | 12458 |
| placed into service on or before December 31, 2015, and for      | 12459 |
| which more than ninety per cent of the total annual energy input | 12460 |
| is from combustion of a waste or byproduct gas from an air       | 12461 |
| contaminant source in this state, which source has been in       | 12462 |
| operation since on or before January 1, 1985, provided that the  | 12463 |
| cogeneration technology is a part of a facility located in a     | 12464 |
| county having a population of more than three hundred sixty-five | 12465 |
| thousand but less than three hundred seventy thousand according  | 12466 |
| to the most recent federal decennial census;                     | 12467 |
| (x) Biologically derived methane gas;                            | 12468 |
| (xi) Heat captured from a generator of electricity,              | 12469 |
| boiler, or heat exchanger fueled by biologically derived methane | 12470 |
| gas;                                                             | 12471 |
| (xii) Energy derived from nontreated by-products of the          | 12472 |
| pulping process or wood manufacturing process, including bark,   | 12473 |
| wood chips, sawdust, and lignin in spent pulping liquors.        | 12474 |
| "Renewable energy resource" includes, but is not limited         | 12475 |
| to, any fuel cell used in the generation of electricity,         | 12476 |
| including, but not limited to, a proton exchange membrane fuel   | 12477 |

cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 12478  
solid oxide fuel cell; wind turbine located in the state's 12479  
territorial waters of Lake Erie; methane gas emitted from an 12480  
abandoned coal mine; waste energy recovery system placed into 12481  
service or retrofitted on or after the effective date of the 12482  
amendment of this section by S.B. 315 of the 129th general 12483  
assembly, September 10, 2012, except that a waste energy 12484  
recovery system described in division (A) (38) (b) of this section 12485  
may be included only if it was placed into service between 12486  
January 1, 2002, and December 31, 2004; storage facility that 12487  
will promote the better utilization of a renewable energy 12488  
resource; or distributed generation system used by a customer to 12489  
generate electricity from any such energy. 12490

"Renewable energy resource" does not include a waste 12491  
energy recovery system that is, or was, on or after January 1, 12492  
2012, included in an energy efficiency program of an electric 12493  
distribution utility pursuant to requirements under section 12494  
4928.66 of the Revised Code. 12495

(b) As used in division (A) (37) of this section, 12496  
"hydroelectric facility" means a hydroelectric generating 12497  
facility that is located at a dam on a river, or on any water 12498  
discharged to a river, that is within or bordering this state or 12499  
within or bordering an adjoining state and meets all of the 12500  
following standards: 12501

(i) The facility provides for river flows that are not 12502  
detrimental for fish, wildlife, and water quality, including 12503  
seasonal flow fluctuations as defined by the applicable 12504  
licensing agency for the facility. 12505

(ii) The facility demonstrates that it complies with the 12506  
water quality standards of this state, which compliance may 12507

consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

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

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

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

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

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended

by resource agencies, to the extent they have jurisdiction over 12537  
the facility; and the facility provides access to water to the 12538  
public without fee or charge. 12539

(viii) The facility is not recommended for removal by any 12540  
federal agency or agency of any state, to the extent the 12541  
particular agency has jurisdiction over the facility. 12542

(c) The standards in divisions (A) (37) (b) (i) to (viii) of 12543  
this section do not apply to a small hydroelectric facility 12544  
under division (A) (37) (a) (iv) of this section. 12545

(38) "Waste energy recovery system" means ~~either~~ any of 12546  
the following: 12547

(a) A facility that generates electricity through the 12548  
conversion of energy from either of the following: 12549

(i) Exhaust heat from engines or manufacturing, 12550  
industrial, commercial, or institutional sites, except for 12551  
exhaust heat from a facility whose primary purpose is the 12552  
generation of electricity; 12553

(ii) Reduction of pressure in gas pipelines before gas is 12554  
distributed through the pipeline, provided that the conversion 12555  
of energy to electricity is achieved without using additional 12556  
fossil fuels. 12557

(b) A facility at a state institution of higher education 12558  
as defined in section 3345.011 of the Revised Code that recovers 12559  
waste heat from electricity-producing engines or combustion 12560  
turbines and that simultaneously uses the recovered heat to 12561  
produce steam, provided that the facility was placed into 12562  
service between January 1, 2002, and December 31, 2004; 12563

(c) A facility that produces steam from recovered waste 12564



heat from a manufacturing process and uses that steam, or 12565  
transfers that steam to another facility, to provide heat to 12566  
another manufacturing process or to generate electricity. 12567

(39) "Smart grid" means capital improvements to an 12568  
electric distribution utility's distribution infrastructure that 12569  
improve reliability, efficiency, resiliency, or reduce energy 12570  
demand or use, including, but not limited to, advanced metering 12571  
and automation of system functions. 12572

(40) "Combined heat and power system" means the 12573  
coproduction of electricity and useful thermal energy from the 12574  
same fuel source designed to achieve thermal-efficiency levels 12575  
of at least sixty per cent, with at least twenty per cent of the 12576  
system's total useful energy in the form of thermal energy. 12577

(41) "Legacy generation resource" means all generating 12578  
facilities owned directly or indirectly by a corporation that 12579  
was formed prior to 1960 by investor-owned utilities for the 12580  
original purpose of providing power to the federal government 12581  
for use in the nation's defense or in furtherance of national 12582  
interests, including the Ohio valley electric corporation. 12583

(42) "Prudently incurred costs related to a legacy 12584  
generation resource" means costs, including deferred costs, 12585  
allocated pursuant to a power agreement approved by the federal 12586  
energy regulatory commission that relates to a legacy generation 12587  
resource, less any revenues realized from offering the 12588  
contractual commitment for the power agreement into the 12589  
wholesale markets, provided that where the net revenues exceed 12590  
net costs, those excess revenues shall be credited to customers. 12591  
Such costs shall exclude any return on investment in common 12592  
equity and, in the event of a premature retirement of a legacy 12593  
generation resource, shall exclude any recovery of remaining 12594

debt. Such costs shall include any incremental costs resulting 12595  
from the bankruptcy of a current or former sponsor under such 12596  
power agreement or co-owner of the legacy generation resource if 12597  
not otherwise recovered through a utility rate cost recovery 12598  
mechanism. 12599

(43) "Green energy" means any energy generated by using an 12600  
energy resource that does one or more of the following: 12601

(a) Releases reduced air pollutants, thereby reducing 12602  
cumulative air emissions; 12603

(b) Is more sustainable and reliable relative to some 12604  
fossil fuels. 12605

"Green energy" includes energy generated by using natural 12606  
gas as a resource. 12607

(B) For the purposes of this chapter, a retail electric 12608  
service component shall be deemed a competitive retail electric 12609  
service if the service component is competitive pursuant to a 12610  
declaration by a provision of the Revised Code or pursuant to an 12611  
order of the public utilities commission authorized under 12612  
division (A) of section 4928.04 of the Revised Code. Otherwise, 12613  
the service component shall be deemed a noncompetitive retail 12614  
electric service. 12615

**Sec. 4939.07.** (A) As used in this section, "most recent," 12616  
with respect to any rate proceeding, means the rate proceeding 12617  
most immediately preceding the date of any final order issued by 12618  
the public utilities commission under this section. 12619

(B) (1) Notwithstanding any other provision of law or any 12620  
agreement establishing price caps, rate freezes, or rate 12621  
increase moratoria, a public utility subject to the rate-making 12622  
jurisdiction of the commission may file an application with the 12623

commission for, and the commission shall then authorize by 12624  
order, timely and full recovery of a public way fee levied upon 12625  
and payable by the public utility both after January 1, 2002, 12626  
and after the test year of the public utility's most recent rate 12627  
proceeding or the initial effective date of rates in effect but 12628  
not established through a proceeding for an increase in rates. 12629

(2) Any order issued by the commission pursuant to its 12630  
consideration of an application under division (B) (1) of this 12631  
section shall establish a cost recovery mechanism including, but 12632  
not limited to, an adder, tracker, rider, or percentage 12633  
surcharge, for recovering the amount to be recovered; specify 12634  
that amount; limit the amount to not more and not less than the 12635  
amount of the total public way fee incurred; and require 12636  
periodic adjustment of the mechanism based on revenues 12637  
recovered. 12638

(a) In the case of a cost recovery mechanism for a public 12639  
way fee levied on and payable by a public utility but determined 12640  
unreasonable, unjust, unjustly discriminatory, or unlawful by 12641  
the commission pursuant to division (C) of section 4939.06 of 12642  
the Revised Code, the mechanism shall provide for recovery, only 12643  
from those customers of the public utility that receive its 12644  
service within the municipal corporation, of the difference 12645  
between that public way fee and the just and reasonable public 12646  
way fee determined by the commission under division (C) of 12647  
section 4939.06 of the Revised Code. 12648

(b) In all other cases, recovery shall be from all 12649  
customers of the public utility generally. 12650

(c) In the case of recovery under division (B) (2) (a) or 12651  
(b) of this section, the recovery mechanism payable by sale-for- 12652  
resale or wholesale telecommunications customers shall provide 12653

for recovery limited to any public way fee not included in 12654  
established rates and prices for those customers and to the pro 12655  
rata share of the public way fee applicable to the portion of 12656  
the facilities that are sold, leased, or rented to the customers 12657  
and are located in the public way. The recovery shall be in a 12658  
nondiscriminatory and competitively neutral manner and prorated 12659  
on a per-line or per-line equivalent basis among all retail, 12660  
sale-for-resale, and wholesale telecommunications customers 12661  
subject to the recovery. 12662

(D) (1) Notwithstanding any other provision of law or any 12663  
agreement establishing price caps, rate freezes, or rate 12664  
increase moratoria, a public utility subject to the rate-making 12665  
jurisdiction of the commission may file an application with the 12666  
commission for, and the commission by order shall authorize, 12667  
such accounting authority as may be reasonably necessary to 12668  
classify any cost described in division (D) (2) of this section 12669  
as a regulatory asset for the purpose of recovering that cost. 12670

(2) A cost eligible for recovery under ~~this division~~ (D) 12671  
of this section shall be only such cost as meets both of the 12672  
following: 12673

(a) The cost is directly incurred by the public utility as 12674  
a result of ~~local municipal corporation~~ regulation of its 12675  
occupancy or use of a public way or an appropriate allocation 12676  
and assignment of costs related to implementation of this 12677  
section, excluding any cost arising from a public way fee levied 12678  
upon and payable by the public utility. 12679

(b) The cost is incurred by the public utility both after 12680  
January 1, 2002, and after the test year of the public utility's 12681  
most recent rate proceeding or the initial effective date of 12682  
rates in effect but not established through a proceeding for an 12683

increase in rates. 12684

(3) If the commission determines, upon an application 12685  
under division (D) (1) of this section or its own initiative, 12686  
that classification of a cost described in division (D) (2) of 12687  
this section as a regulatory asset is not practical or that 12688  
deferred recovery of that cost would impose a hardship on the 12689  
public utility or its customers, the commission shall establish 12690  
a charge and collection mechanism to permit the public utility 12691  
full recovery of that cost. A hardship shall be presumed for any 12692  
public utility with less than fifteen thousand bundled sales 12693  
service customers in this state and for any public utility for 12694  
which the annualized aggregate amount of additional cost that 12695  
otherwise may be eligible for such classification exceeds the 12696  
greater of five hundred thousand dollars or fifteen per cent of 12697  
the total costs that are described in division (D) (2) (a) of this 12698  
section and were considered by the commission for the purpose of 12699  
establishing rates in the public utility's most recent rate 12700  
increase proceeding or the rate increase proceeding of the 12701  
public utility's predecessor, whichever is later. 12702

(E) Any application submitted to the commission under 12703  
divisions (B) to (D) of this section shall be processed by the 12704  
commission as an application not for an increase in rates under 12705  
section 4909.18 of the Revised Code. The application shall 12706  
include such information as the commission reasonably requires. 12707  
The commission shall conclude its consideration of the 12708  
application and issue a final order not later than one hundred 12709  
twenty days after the date that the application was submitted to 12710  
the commission. A final order regarding a recovery mechanism 12711  
authorized pursuant to this section shall provide for such 12712  
retroactive adjustment as the commission determines appropriate. 12713

(F) A public utility shall not be required to waive any 12714  
rights under this section as a condition of occupancy or use of 12715  
a public way. 12716

(G) The commission may issue such rules as it considers 12717  
necessary to carry out this section. 12718

**Sec. 5103.0310.** (A) Prior to employing a person or 12719  
engaging a subcontractor, intern, or volunteer, an institution 12720  
or association, as defined in division (A)(1)(a) of section 12721  
5103.02 of the Revised Code, that is a residential facility, as 12722  
defined in division ~~(A)(6)~~ (A)(8) of section 5103.05 of the 12723  
Revised Code, shall do the following regarding the person, 12724  
subcontractor, intern, or volunteer: 12725

(1) Obtain a search of the United States department of 12726  
justice national sex offender public web site regarding the 12727  
person; 12728

(2) Obtain a summary report of a search of the uniform 12729  
statewide automated child welfare information system in 12730  
accordance with divisions (A) and (B) of section 5103.18 of the 12731  
Revised Code. 12732

(B) An institution or association, as defined in division 12733  
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 12734  
residential facility, as defined in division ~~(A)(6)~~ (A)(8) of 12735  
section 5103.05 of the Revised Code, shall obtain the search and 12736  
summary report described in division (A) of this section before 12737  
hiring a person, or engaging a subcontractor, intern, or 12738  
volunteer, who will have access to children. 12739

(C) If, at the time of September 30, 2021, the institution 12740  
or association has not obtained a report required under division 12741  
(A) or (B) of this section for the person, subcontractor, 12742

intern, or volunteer, the institution or association shall 12743  
obtain the report. 12744

(D) The institution or association may refuse to employ 12745  
the person or engage the subcontractor, intern, or volunteer 12746  
based solely on the results of the search described in division 12747  
(A) (1) or (B) of this section or the findings of the summary 12748  
report described in division (B) (1) (a) of section 5103.18 of the 12749  
Revised Code. 12750

(E) The director of children and youth shall adopt rules 12751  
in accordance with Chapter 119. of the Revised Code necessary 12752  
for the implementation and execution of this section. 12753

**Sec. 5103.0329.** (A) A recommending agency may submit a 12754  
request to the department of children and youth, on a case-by- 12755  
case basis only, to waive any non-safety standards for a kinship 12756  
caregiver seeking foster home certification. Non-safety 12757  
standards include training hours and other requirements under 12758  
sections 5103.0317, and 5103.032, ~~and 5103.039~~ of the Revised 12759  
Code and standards established by rules adopted under sections 12760  
5103.03 and 5103.0316 of the Revised Code, in accordance with 42 12761  
U.S.C. 671 (a) (10). 12762

(B) "Kinship caregiver" has the same meaning as in section 12763  
5101.85 of the Revised Code. 12764

**Sec. 5103.05.** (A) As used in ~~this section and section~~ 12765  
~~5103.051~~ sections 5103.05 to 5103.0513 of the Revised Code: 12766

(1) "Children's residential center" means a facility that 12767  
is operated by a private child placing agency, private 12768  
noncustodial agency, or public children services agency, that 12769  
has been certified by the department of children and youth to 12770  
operate a children's residential center, and in which eleven or 12771

more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day. 12772  
12773  
12774

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code. 12775  
12776

(3) "County children's home" means a facility established under section 5153.21 of the Revised Code. 12777  
12778

(4) "District children's home" means a facility established under section 5153.42 of the Revised Code. 12779  
12780

(5) "First responder" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, firefighter, or volunteer firefighter. 12781  
12782

(6) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria: 12783  
12784  
12785  
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(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children; 12788  
12789  
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(b) Is not certified as a foster home; 12794

(c) Receives or cares for children for two or more consecutive weeks. 12795  
12796

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other 12797  
12798  
12799



relative having custody. 12800

~~(6)~~ (7) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper. 12801  
12802  
12803  
12804

(8) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility. 12805  
12806  
12807  
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~~(7)~~ (9) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 12810  
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~~(8)~~ (10) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility. 12819  
12820  
12821  
12822

(11) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 12823  
12824

(B) In its application for a certificate, the operator of a residential facility shall demonstrate, to the satisfaction of the department of children and youth, that the proposed residential facility meets all applicable local planning and 12825  
12826  
12827  
12828

zoning requirements. A residential facility shall maintain 12829  
compliance with all applicable local planning and zoning 12830  
requirements in order for the facility's certificate to remain 12831  
in good standing. 12832

(C) Prior to the commencement of operations of a 12833  
residential facility, the operator of the facility shall provide 12834  
to the board of township trustees or the legislative authority 12835  
of the municipal corporation wherein the facility will be 12836  
located notification that the facility will be in operation. 12837

(D) Divisions (B) and (C) of this section shall apply only 12838  
to a residential facility that is operated by a public children 12839  
services agency, private noncustodial agency, private child 12840  
placing agency, or superintendent of a county or district 12841  
children's home for the placement of foster children. 12842

(E) Within ten days after the commencement of operations 12843  
at a residential facility, the facility shall provide the 12844  
following to all county, municipal, or township law enforcement 12845  
agencies, emergency management agencies, and fire departments 12846  
with jurisdiction over the facility: 12847

(1) Written notice that the facility is located and will 12848  
be operating in the agency's or department's jurisdiction. The 12849  
written notice shall provide the address of the facility, 12850  
identify the facility as a group home for children, children's 12851  
crisis care facility, children's residential center, residential 12852  
parenting facility, county children's home, or district 12853  
children's home, and provide contact information for the 12854  
facility. 12855

(2) A copy of the facility's procedures for emergencies 12856  
and disasters established pursuant to rules adopted under 12857

section 5103.03 of the Revised Code; 12858

(3) A copy of the facility's medical emergency plan 12859  
established pursuant to rules adopted under section 5103.03 of 12860  
the Revised Code; 12861

(4) A copy of the facility's community engagement plan 12862  
established pursuant to rules adopted under section 5103.051 of 12863  
the Revised Code. 12864

~~(C)~~ (F) Within ten days of any change to the facility's 12865  
information described in divisions ~~(B)~~ ~~(2)~~ (E) (2), (3), and (4) of 12866  
this section, the facility shall provide to all county, 12867  
municipal, or township law enforcement agencies, emergency 12868  
management agencies, and fire departments with jurisdiction over 12869  
the facility updated copies of the information required to be 12870  
provided under divisions ~~(B)~~ ~~(2)~~ (E) (2), (3), and (4) of this 12871  
section. 12872

~~(D)~~ (G) A residential facility that is operated by a 12873  
public children services agency, private noncustodial agency, 12874  
private child placing agency, or superintendent of a county or 12875  
district children's home for the placement of foster children 12876  
also shall provide the information described in divisions (E) 12877  
and (F) of this section to the board of township trustees or the 12878  
legislative authority of the municipal corporation wherein the 12879  
facility will be located. 12880

(H) The department may adopt rules in accordance with 12881  
Chapter 119. of the Revised Code necessary to implement this 12882  
section. 12883

**Sec. 5103.052.** Sections 5103.052 to 5103.0513 of the 12884  
Revised Code apply only to a residential facility that is 12885  
operated by a public children services agency, private child 12886

placing agency, private noncustodial agency, or superintendent 12887  
of a county or district children's home for the placement of 12888  
foster children. 12889

**Sec. 5103.053.** (A) The appointing or hiring officer of a 12890  
residential facility that appoints or employs any person in the 12891  
residential facility shall request the superintendent of BCII to 12892  
conduct a criminal records check with respect to any person who 12893  
is under final consideration for appointment or employment in 12894  
the residential facility. The request shall be made at the time 12895  
of initial application for appointment or employment and every 12896  
four years thereafter. 12897

(B) (1) When the appointing or hiring officer requests, at 12898  
the time of initial application for appointment or employment, a 12899  
criminal records check for a person subject to division (A) of 12900  
this section, the officer shall request that the superintendent 12901  
of BCII obtain information from the federal bureau of 12902  
investigation as part of the criminal records check, including 12903  
fingerprint-based checks of national crime information databases 12904  
as described in 42 U.S.C. 671, for the person subject to the 12905  
criminal records check. In all other cases in which the 12906  
appointing or hiring officer requests a criminal records check 12907  
for a person pursuant to division (A) of this section, the 12908  
officer may request that the superintendent of BCII obtain 12909  
information from the federal bureau of investigation as part of 12910  
the criminal records check, including fingerprint-based checks 12911  
of national crime information databases as described in 42 12912  
U.S.C. 671, for the person subject to the criminal records 12913  
check. 12914

(2) An appointing or hiring officer required by division 12915  
(A) of this section to request a criminal records check shall 12916

provide to each person subject to a criminal records check a 12917  
copy of the form prescribed pursuant to division (C)(1) of 12918  
section 109.572 of the Revised Code and a standard impression 12919  
sheet to obtain fingerprint impressions prescribed pursuant to 12920  
division (C)(2) of section 109.572 of the Revised Code, obtain 12921  
the completed form and impression sheet from the person, and 12922  
forward the completed form and impression sheet to the 12923  
superintendent of BCII at the time the criminal records check is 12924  
requested. 12925

(3) Any person subject to a criminal records check who 12926  
receives pursuant to division (B)(2) of this section a copy of 12927  
the form prescribed pursuant to division (C)(1) of section 12928  
109.572 of the Revised Code and a copy of an impression sheet 12929  
prescribed pursuant to division (C)(2) of that section and who 12930  
is requested to complete the form and provide a set of 12931  
fingerprint impressions shall complete the form or provide all 12932  
the information necessary to complete the form and shall provide 12933  
the impression sheet with the impressions of the person's 12934  
fingerprints. If a person subject to a criminal records check, 12935  
upon request, fails to provide the information necessary to 12936  
complete the form or fails to provide impressions of the 12937  
person's fingerprints, the appointing or hiring officer shall 12938  
not appoint or employ the person in the residential facility. 12939

(C)(1) No appointing or hiring officer shall appoint or 12940  
employ a person in the residential facility if the person 12941  
previously has been convicted of or pleaded guilty to any of the 12942  
violations described in division (A)(4) of section 109.572 of 12943  
the Revised Code, unless the person meets rehabilitation 12944  
standards established in rules adopted under division (F) of 12945  
this section. 12946

(2) If the federal government approves a waiver requested 12947  
by the director of children and youth to allow conditional 12948  
appointment or employment in a residential facility, an 12949  
appointing or hiring officer may appoint or employ conditionally 12950  
a person before obtaining the results of a criminal records 12951  
check regarding the person, provided that the officer shall 12952  
request a criminal records check regarding the person under 12953  
division (A) of this section before the commencement of the 12954  
conditional appointment or employment and the person has no 12955  
direct contact with or access to children during the period of 12956  
conditional appointment or employment. 12957

(3) An appointing or hiring officer that appoints or 12958  
employs a person conditionally under division (C) (2) of this 12959  
section shall terminate the person's appointment or employment 12960  
if the results of the criminal records check requested under 12961  
division (A) of this section, other than the results of any 12962  
request for information from the federal bureau of 12963  
investigation, are not obtained within the period ending sixty 12964  
days after the date the request is made. Regardless of when the 12965  
results of the criminal records check are obtained, if the 12966  
results indicate that the person has been convicted of or 12967  
pleaded guilty to any of the violations described in division 12968  
(A) (4) of section 109.572 of the Revised Code, the officer shall 12969  
terminate the person's appointment or employment unless the 12970  
person meets rehabilitation standards established in rules 12971  
adopted under division (F) of this section. Termination under 12972  
this division shall be considered just cause for discharge for 12973  
purposes of division (D) (2) of section 4141.29 of the Revised 12974  
Code if the person makes any attempt to deceive the appointing 12975  
or hiring officer about the person's criminal record. 12976

(D) The appointing or hiring officer shall pay to the 12977

bureau of criminal identification and investigation the fee 12978  
prescribed pursuant to division (C) (3) of section 109.572 of the 12979  
Revised Code for each criminal records check conducted in 12980  
accordance with that section upon a request pursuant to division 12981  
(A) of this section. The officer may charge the person subject 12982  
to the criminal records check a fee for the costs the officer 12983  
incurs in obtaining the criminal records check. A fee charged 12984  
under this division shall not exceed the amount of fees the 12985  
officer pays for the criminal records check. If a fee is charged 12986  
under this division, the officer shall notify the person who is 12987  
the applicant at the time of the person's initial application 12988  
for appointment or employment of the amount of the fee and that, 12989  
unless the fee is paid, the person who is the applicant will not 12990  
be considered for appointment or employment. 12991

(E) The report of any criminal records check conducted by 12992  
the bureau of criminal identification and investigation in 12993  
accordance with section 109.572 of the Revised Code and pursuant 12994  
to a request made under division (A) of this section is not a 12995  
public record for the purposes of section 149.43 of the Revised 12996  
Code and shall not be made available to any person other than 12997  
the following: 12998

(1) The person who is the subject of the criminal records 12999  
check or the person's representative; 13000

(2) The appointing or hiring officer requesting the 13001  
criminal records check or the officer's representative; 13002

(3) The department of children and youth, a county 13003  
department of job and family services, or a public children 13004  
services agency; 13005

(4) Any court, hearing officer, or other necessary 13006

individual involved in a case dealing with the denial of 13007  
employment. 13008

(F) Not later than ninety days after the effective date of 13009  
this section, the director of children and youth shall adopt 13010  
rules in accordance with Chapter 119. of the Revised Code to 13011  
implement this section. The rules shall include rehabilitation 13012  
standards a person who has been convicted of or pleaded guilty 13013  
to an offense listed in division (A) (4) of section 109.572 of 13014  
the Revised Code must meet for an appointing or hiring officer 13015  
to appoint or employ the person in the residential facility and, 13016  
to the extent permitted under federal law, guidelines regarding 13017  
conditional appointment or employment during the pendency of a 13018  
criminal records check. 13019

(G) An appointing or hiring officer required by division 13020  
(A) of this section to request a criminal records check shall 13021  
inform each person who is the applicant, at the time of the 13022  
person's initial application for appointment or employment that 13023  
the person subject to the criminal records check is required to 13024  
provide a set of impressions of the person's fingerprints and 13025  
that a criminal records check is required to be conducted and 13026  
satisfactorily completed in accordance with section 109.572 of 13027  
the Revised Code. 13028

(H) As used in this section: 13029

(1) "Criminal records check" has the same meaning as in 13030  
section 109.572 of the Revised Code. 13031

(2) "Person subject to a criminal records check" means a 13032  
person who is under final consideration for appointment or 13033  
employment in the residential facility; 13034

(3) "Superintendent of BCII" means the superintendent of 13035



the bureau of criminal identification and investigation. 13036

Sec. 5103.054. Not later than one hundred eighty days 13037  
after the effective date of this section, the department of 13038  
children and youth shall adopt rules in accordance with Chapter 13039  
119. of the Revised Code that do all of the following: 13040

(A) Divide the state into regions; 13041

(B) Determine an ideal number of residential facilities 13042  
for each region by reviewing the total number of children in 13043  
foster care in the region requiring care in a residential 13044  
facility within the past three years; 13045

(C) Establish incentives to attract residential facilities 13046  
to regions in the state that are below the ideal number of 13047  
residential facilities needed to serve children in foster care, 13048  
as determined pursuant to division (B) of this section, in order 13049  
to enable a child to remain within, or close to, the county in 13050  
which the child resided prior to the child's placement in foster 13051  
care. 13052

Sec. 5103.055. Not later than ninety days after the 13053  
effective date of this section, the director of children and 13054  
youth shall adopt rules in accordance with Chapter 119. of the 13055  
Revised Code to establish both of the following: 13056

(A) A procedure for individuals in a community in which a 13057  
residential facility is located to communicate concerns, 13058  
complaints, or other pertinent information to the department 13059  
regarding the facility; 13060

(B) Standards for tracking and retaining communications 13061  
received under division (A) of this section. 13062

Sec. 5103.056. If the department of children and youth has 13063

determined that a residential facility has violated a 13064  
requirement for certification and issues a corrective action 13065  
plan for the facility to remedy the violation, the operator of 13066  
the facility shall provide documentary evidence of the 13067  
correction. Self-attestation of the correction without 13068  
documentary evidence shall not be sufficient proof of correction 13069  
of the violation. 13070

**Sec. 5103.057.** (A) A county, township, or municipal 13071  
corporation may revoke any conditional use permit issued by the 13072  
county, township, or municipal corporation respecting real 13073  
property used as a residential facility, if the operator of the 13074  
facility fails to comply with the requirements of the permit or 13075  
has failed to fulfill the requirements of a corrective action 13076  
plan issued by the department of children and youth for a 13077  
finding of noncompliance. The department may provide 13078  
notification of the failure to fulfill the requirements of a 13079  
corrective action plan to the county, township, or municipal 13080  
corporation. 13081

(B) The county, township, or municipal corporation shall 13082  
notify the holder of the permit either by certified mail or, if 13083  
the county, township, or municipal corporation has record of an 13084  
internet identifier of record associated with the holder, by 13085  
ordinary mail and by that internet identifier of record of its 13086  
intent to revoke the permit under division (A) of this section 13087  
and of the holder's right to a hearing before the county, 13088  
township, or municipal corporation, within thirty days of the 13089  
mailing of the notice, if the holder so requests. If the holder 13090  
requests a hearing, the county, township, or municipal 13091  
corporation shall set a time and place for the hearing and 13092  
notify the holder. At the hearing, the holder may appear in 13093  
person, by the holder's attorney, or by other representative, or 13094

the holder may present the holder's position in writing. The 13095  
holder may present evidence and examine witnesses appearing for 13096  
or against the holder. If no hearing is requested, the county, 13097  
township, or municipal corporation may revoke the permit without 13098  
a hearing. The authority to revoke a permit is in addition to 13099  
any other means of zoning enforcement provided by law. 13100

(C) As used in this section, "internet identifier of 13101  
record" has the same meaning as in section 9.312 of the Revised 13102  
Code. 13103

**Sec. 5103.058.** (A) The department of children and youth 13104  
shall conduct a site visit of a residential facility at least 13105  
annually to ensure certification compliance. The department may 13106  
conduct a site visit more than once a year in accordance with 13107  
rules adopted under division (B) of this section. The department 13108  
is not required to provide advance notification to the 13109  
residential facility of a site visit. 13110

(B) Not later than ninety days after the effective date of 13111  
this section, the director of children and youth shall adopt 13112  
rules in accordance with Chapter 119. of the Revised Code to 13113  
establish criteria for requiring more than one site visit per 13114  
year under division (A) of this section. The rules shall specify 13115  
that a residential facility is subject to more than one site 13116  
visit per year after surpassing a threshold, to be determined by 13117  
the director, of reports received under sections 2151.462 and 13118  
2151.464 of the Revised Code and concerns and complaints 13119  
received under section 2151.467 and section 5103.055 of the 13120  
Revised Code. 13121

**Sec. 5103.0510.** Each operator of a residential facility 13122  
shall establish a twenty-four-hour emergency on-call procedure 13123  
to respond to contact from hospitals, law enforcement officers, 13124

and first responders regarding emergencies involving a child 13125  
under the care and supervision of the facility. 13126

**Sec. 5103.0512.** (A) Not later than one year after the 13127  
effective date of this section and annually thereafter, the 13128  
department of children and youth shall survey staff of all 13129  
residential facilities and of public children services agencies 13130  
and private child placing agencies working with children under 13131  
the care and supervision of residential facilities regarding the 13132  
status of these children. The survey shall examine concerns 13133  
regarding residential facility operations, the children residing 13134  
in the facility, and the staff working within and overseeing the 13135  
facility. 13136

(B) The director of children and youth shall, on an annual 13137  
basis, do both of the following: 13138

(1) Review all reports received under sections 2151.462 13139  
and 2151.464 of the Revised Code, concerns received under 13140  
section 2151.467 of the Revised Code, and the results of the 13141  
survey conducted under division (A) of this section; 13142

(2) Review Chapter 5101:2-9 of the Ohio Administrative 13143  
Code to determine whether the training requirements are 13144  
adequately responsive to the needs of residential facilities, 13145  
based on the results of the review under division (B) (1) of this 13146  
section. 13147

(C) If the director determines that Chapter 5101:2-9 of 13148  
the Ohio Administrative Code should be updated pursuant to a 13149  
review under division (B) (2) of this section, the director shall 13150  
adopt or modify rules in accordance with Chapter 119. of the 13151  
Revised Code. 13152

**Sec. 5103.0513.** (A) Not later than thirty days after the 13153

effective date of this section, the department of children and youth, in conjunction with the department of education and workforce, shall create a standard form to be used by a public children services agency or private child placing agency with custody of a child placed in a residential facility to convey information necessary to support the child's education. 13154  
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(B) (1) A public children services agency or private child placing agency with custody of a child shall complete the form under division (A) of this section for each child the agency places in a residential facility outside the county of the child's school district of residence. 13160  
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(2) The agency shall convey the information to the foster care liaison in a student's new school district verbally upon enrolling the child. Not later than five days after a child's enrollment in the new school district, the agency shall submit the form completed under division (B) (1) of this section to the district's foster care liaison. 13165  
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**Sec. 5120.59.** ~~Before (A) Within nine months prior to the release of a prisoner is released from a state correctional institution if the prisoner is serving a sentence that is more than one year, or within a reasonable time if the prisoner is serving a sentence that is less than one year, the department of rehabilitation and correction shall attempt to verify the prisoner's identification and social security number. If the department is not able to verify the prisoner's identification and social security number, if the prisoner has no other documentary evidence required by the registrar of motor vehicles for the issuance of an identification card under section 4507.50 of the Revised Code, and if the department determines that the prisoner is legally living in the United States, the department~~ 13171  
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~~shall issue to the prisoner upon the prisoner's release an~~ 13184  
~~identification card that the prisoner may present to the~~ 13185  
~~registrar or a deputy registrar of motor vehicles~~ 13186  
~~and~~ 13187  
~~identity in order to satisfy the requirements of section 4507.51~~ 13188  
~~of the Revised Code.~~

(B) The department shall provide each prisoner who does 13189  
not have a current valid and unexpired state issued 13190  
identification card or driver's license with the application 13191  
described in section 4507.51 of the Revised Code. The department 13192  
shall submit any completed application, along with a color 13193  
photograph of the prisoner and documentary evidence of the 13194  
prisoner's age and identity, to the registrar of motor vehicles 13195  
in accordance with the process established by the registrar 13196  
under sections 4507.50 and 4507.51 of the Revised Code. 13197

**Sec. 5139.511.** ~~Before~~ (A) Within nine months prior to the 13198  
release of a youth is released ~~from a secure facility under the~~ 13199  
~~control of the department of youth services~~ if the youth is 13200  
-serving a sentence that is more than one year, or within a 13201  
reasonable time if the youth is serving a sentence that is less 13202  
than one year, the department of youth services shall attempt to 13203  
verify the youth's ~~identification and social security number. If~~ 13204  
~~the department is able to verify the youth's identity with a~~ 13205  
~~verified birth certificate and social security number, the~~ 13206  
~~department shall issue an identification card that the youth may~~ 13207  
~~present to the registrar or deputy registrar of motor vehicles.~~ 13208  
~~If the department is not able to verify the youth's identity~~ 13209  
~~with both a verified birth certificate and social security~~ 13210  
~~number, the youth shall not receive an identification card under~~ 13211  
~~this section~~ age and identity in order to satisfy the 13212  
requirements of section 4507.51 of the Revised Code. 13213

(B) The department shall provide each youth who does not 13214  
have a current valid and unexpired state issued identification 13215  
card or driver's license with the application described in 13216  
section 4507.51 of the Revised Code. The department shall submit 13217  
any completed application, along with a color photograph of the 13218  
youth and documentary evidence of the youth's age and identity, 13219  
to the registrar of motor vehicles in accordance with the 13220  
process established by the registrar under sections 4507.50 and 13221  
4507.51 of the Revised Code. 13222

**Sec. 5145.1611.** (A) (1) The department of rehabilitation 13223  
and correction shall provide every inmate who is released from a 13224  
term of imprisonment for a felony offense and whose intended 13225  
residence is within this state with the documentation listed in 13226  
division (B) of this section to assist the inmate in obtaining 13227  
post-release employment. 13228

(2) Except as provided in division (C) of this section, 13229  
the department shall assist each inmate in creating a resume and 13230  
conducting a practice job interview, provided that resources are 13231  
available or third parties can assist with the resumes and 13232  
interviews at no cost to the department. The department may 13233  
contract with government or nonprofit workforce development 13234  
reentry organizations to assist inmates in creating resumes and 13235  
conducting practice job interviews. 13236

(B) For purposes of assisting an inmate in obtaining post- 13237  
release employment, the department shall provide each inmate 13238  
with the following documentation upon the inmate's release from 13239  
custody: 13240

(1) A copy of the vocational training record of the 13241  
inmate, if applicable; 13242

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>(2) A copy of the work record of the inmate, if</u>                  | 13243 |
| <u>applicable;</u>                                                      | 13244 |
| <u>(3) A certified copy of the birth certificate of the</u>             | 13245 |
| <u>inmate, if obtainable;</u>                                           | 13246 |
| <u>(4) A social security card or a replacement social</u>               | 13247 |
| <u>security card of the inmate, if the inmate has a social security</u> | 13248 |
| <u>number and if obtainable;</u>                                        | 13249 |
| <u>(5) An identification card or temporary identification</u>           | 13250 |
| <u>card issued by the registrar of motor vehicles under section</u>     | 13251 |
| <u>4507.50 of the Revised Code, as applicable;</u>                      | 13252 |
| <u>(6) Except as provided in division (C) of this section, a</u>        | 13253 |
| <u>resume that includes any trade learned by the inmate and the</u>     | 13254 |
| <u>proficiency at that trade by the inmate;</u>                         | 13255 |
| <u>(7) Except as provided in division (C) of this section,</u>          | 13256 |
| <u>documentation that the inmate has completed a practice job</u>       | 13257 |
| <u>interview;</u>                                                       | 13258 |
| <u>(8) A notification to the inmate if the inmate is eligible</u>       | 13259 |
| <u>to apply for a license from a state entity charged with</u>          | 13260 |
| <u>oversight of an occupational license or certification, if the</u>    | 13261 |
| <u>inmate completed the requirements for eligibility for the</u>        | 13262 |
| <u>license or certification while incarcerated at the department's</u>  | 13263 |
| <u>facility.</u>                                                        | 13264 |
| <u>(C) The following categories of inmates are not required</u>         | 13265 |
| <u>to complete resumes or practice job interviews prior to release</u>  | 13266 |
| <u>from incarceration:</u>                                              | 13267 |
| <u>(1) Inmates who decline to participate;</u>                          | 13268 |
| <u>(2) Inmates sixty-five years of age or older;</u>                    | 13269 |



|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>(3) Inmates granted judicial release under division (N) of</u>       | 13270 |
| <u>section 2929.20 of the Revised Code or released as if on parole</u>  | 13271 |
| <u>under section 2967.05 of the Revised Code;</u>                       | 13272 |
| <u>(4) Inmates released to the custody of another</u>                   | 13273 |
| <u>jurisdiction;</u>                                                    | 13274 |
| <u>(5) Inmates that the department of rehabilitation and</u>            | 13275 |
| <u>correction determines would be physically or mentally unable to</u>  | 13276 |
| <u>return to the workforce upon release from incarceration.</u>         | 13277 |
| <b><u>Sec. 5180.40. (A) As used in this section:</u></b>                | 13278 |
| <u>(1) "Dollywood foundation" means the Dollywood nonprofit</u>         | 13279 |
| <u>foundation headquartered in Tennessee.</u>                           | 13280 |
| <u>(2) "Dolly Parton's imagination library of Ohio" means the</u>       | 13281 |
| <u>nonprofit organization within the Dollywood foundation created</u>   | 13282 |
| <u>to fund and manage the operations of the Dolly Parton's</u>          | 13283 |
| <u>imagination library in the state.</u>                                | 13284 |
| <u>(B) The Dolly Parton's imagination library of Ohio</u>               | 13285 |
| <u>advisory board is created. The board may do all of the</u>           | 13286 |
| <u>following:</u>                                                       | 13287 |
| <u>(1) Work with the Dollywood foundation and local nonprofit</u>       | 13288 |
| <u>organizations located in each participating county to ensure all</u> | 13289 |
| <u>books distributed under the program remain at no cost to Ohio</u>    | 13290 |
| <u>families;</u>                                                        | 13291 |
| <u>(2) Provide advice and recommendations to the Dollywood</u>          | 13292 |
| <u>foundation on the appointment and hiring of the Ohio director of</u> | 13293 |
| <u>the Dollywood foundation who will manage the daily operations of</u> | 13294 |
| <u>Dolly Parton's imagination library of Ohio;</u>                      | 13295 |
| <u>(3) Provide strategic advice to the state director;</u>              | 13296 |

(4) In conjunction with the state director, act as the public representatives of the Dolly Parton's imagination library of Ohio; 13297  
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(5) Not sooner than July 1, 2025, and subject to funds appropriated by the general assembly for that purpose, enter into a memorandum of understanding with the Dollywood foundation to operate Dolly Parton's imagination library of Ohio for the fiscal biennium that begins on that date; 13300  
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(6) Enter into any subsequent memoranda of understanding with the Dollywood foundation to operate the Dolly Parton's imagination library of Ohio, as the Dollywood foundation determines necessary. However, each such memorandum only shall last the duration of one fiscal biennium, and the funding of the board shall be subject to funds appropriated by the general assembly for that biennium. 13305  
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(C) The board shall consist of the following twelve members: 13312  
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(1) Nine voting members appointed by the governor with the advice and consent of the senate; 13314  
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(2) One voting member appointed by the president of the senate; 13316  
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(3) One voting member appointed by the speaker of the house of representatives; 13318  
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(4) The director of children and youth, who shall serve as an ex officio, nonvoting member, or the director's designee. 13320  
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(D) Members shall not be compensated for work as members of the advisory board to the extent that serving on the board is considered a part of the member's regular duties of employment. 13322  
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(E) Each voting member appointed to the board shall serve a term of three years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Each member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed to an unlimited number of successive terms.

(F) Any voting member of the board may be removed by the member's appointing authority for misconduct, incompetency, or neglect of duty.

Pursuant to section 3.17 of the Revised Code, the board shall remove a voting member who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period.

**Sec. 5549.21.** The board of township trustees may purchase or lease such machinery and tools as are necessary for use in constructing, reconstructing, maintaining, and repairing roads and culverts within the township, and shall provide suitable places for housing and storing machinery and tools owned by the township. It may purchase such material and employ such labor as is necessary for carrying into effect this section, or it may authorize the purchase or employment of such material and labor by one of its number, or by the township highway superintendent,

at a price to be fixed by the board. All payments on account of 13355  
machinery, tools, material, and labor shall be made from the 13356  
township road fund or the township's general fund. Except as 13357  
otherwise provided in sections 505.08, 505.101, and 5513.01 of 13358  
the Revised Code, all purchases of materials, machinery, and 13359  
tools shall, if the amount involved exceeds the amount specified 13360  
in section 9.17 of the Revised Code, be made from the lowest 13361  
responsible bidder after advertisement, as provided in section 13362  
5575.01 of the Revised Code. 13363

If, in compliance with section 505.10 of the Revised Code, 13364  
the board wishes to sell machinery, equipment, or tools owned by 13365  
the township to the person from whom it is to purchase other 13366  
machinery, equipment, or tools, the board may offer, if the 13367  
amount of the purchase alone involved does not exceed the amount 13368  
specified in section 9.17 of the Revised Code, to sell such 13369  
machinery, equipment, or tools and have the amount credited by 13370  
the vendor against the purchase of the other machinery, 13371  
equipment, or tools. If the purchase price of the other 13372  
machinery, equipment, or tools alone exceeds the amount 13373  
specified in section 9.17 of the Revised Code, the board may 13374  
give notice to the competitive bidders of its willingness to 13375  
accept offers for the purchase of the old machinery, equipment, 13376  
or tools, and those offers shall be subtracted from the selling 13377  
price of the other machinery, equipment, or tools as bid, in 13378  
determining the lowest responsible bidder. Notice of the 13379  
willingness of the board to accept offers for the purchase of 13380  
the old machinery, equipment, or tools shall be made as a part 13381  
of the advertisement for bids. 13382

**Sec. 5571.011.** If a person through whose land a public 13383  
road has been established which is under the jurisdiction of a 13384  
board of township trustees, desires to turn or change or 13385

relocate such road or any part thereof through any part of the person's land, the person may file a petition with such board of township trustees setting forth briefly the particular change desired. Upon receipt of such petition, the board of township trustees shall give notice by publication once, not later than two weeks ~~prior to~~ before the date which such board shall fix for a hearing on such petition, ~~in using at least one of the following methods:~~

(A) In the print or digital edition of a newspaper of general circulation in said township, ~~stating;~~

(B) On the official public notice web site established under section 125.182 of the Revised Code;

(C) On the web site and social media account of the township.

The notice shall state that such petition has been filed and setting forth the change desired in such road and the date and place of such hearing.

Upon receipt of such a petition the board of township trustees shall cause a competent engineer to make a survey of the ground over which the road is proposed to be changed, and to make a report in writing, together with a plat and survey of the proposed change and the engineer's opinion as to its advantage or disadvantage. The report of such engineer shall be filed with the board prior to the hearing of such petition.

At the hearing had on the petition the board of township trustees may hear evidence for or against changing the road, and if the board is satisfied that the proposed change will not cause serious injury or disadvantage to the public, it may make a finding of such fact in its journal and authorize the

petitioner to change such road in conformity with the prayer of 13415  
the petition. The board may grant the change as prayed for in 13416  
the petition, or it may order such change of the route of such 13417  
road as will, in its judgment, be for the best interest of the 13418  
public. 13419

Upon receiving satisfactory evidence that the road has 13420  
been changed as authorized by it, and opened to the legal width 13421  
and improved as required by it, the board of township trustees 13422  
shall declare such new road a public highway and cause a record 13423  
thereof to be made and at the same time vacate so much of the 13424  
old road as is rendered unnecessary by the new road. The person 13425  
petitioning for such change shall in all cases pay all costs and 13426  
expenses in connection with the proceeding, as found and 13427  
determined by the board, and the expense of making such change, 13428  
including the cost of relocation of any conduits, cables, wires, 13429  
towers, poles or other equipment or appliances of any public 13430  
utility, located on, over or under such road. The petitioner 13431  
shall, on the filing of the petition for such change, give bond 13432  
to the satisfaction of the board in such amount as it determines 13433  
to secure payment of the costs of the proceeding and to cover 13434  
the expense of making the change asked for by the petition. 13435

**Sec. 5571.20.** (A) Except as otherwise provided in division 13436  
(D) of this section, a board of township trustees by resolution 13437  
may place a graveled or unimproved township road under its 13438  
jurisdiction that is not passable year-round or any portion of 13439  
such a road on nonmaintained status. Prior to adopting a 13440  
resolution that places a road on nonmaintained status, the board 13441  
shall hold at least two public hearings to allow for public 13442  
comment on the proposed resolution. The board, at special or 13443  
regular meetings, shall publicize the times and places of the 13444  
hearings by causing a notice to be published ~~in a newspaper of~~ 13445

~~general circulation in the county in which the road is located~~ 13446  
at least ten days prior to the date of the first meeting using 13447  
at least one of the following methods: 13448

(1) In the print or digital edition of a newspaper of 13449  
general circulation in the county in which the road is located; 13450

(2) On the official public notice web site established 13451  
under section 125.182 of the Revised Code; 13452

(3) On the web site and social media account of the 13453  
township. If 13454

If the township maintains a web site on the internet, the 13455  
same notice also shall be posted on the web site at least ten 13456  
days prior to the date of the first meeting. Upon adoption of 13457  
such a resolution, the board is not required to cause the road 13458  
to be dragged at any time, or to cut, destroy, or remove any 13459  
brush, weeds, briers, bushes, or thistles upon or along the 13460  
road, or to remove snow from the road, or to maintain or repair 13461  
the road in any manner. The board, in its discretion, may cause 13462  
any of these actions to be performed on or to a road that it has 13463  
placed on nonmaintained status. 13464

(B) Prior to adopting a resolution under division (A) of 13465  
this section, the board shall request the county engineer to 13466  
issue an advisory opinion regarding the consequences of placing 13467  
the road on nonmaintained status, including any impact such 13468  
action would have on adjoining property owners. A board may 13469  
adopt a resolution under division (A) of this section only after 13470  
the county engineer issues the advisory opinion and the county 13471  
engineer, in the advisory opinion, finds that placing the road 13472  
on nonmaintained status will not unduly adversely affect the 13473  
flow of motor vehicle traffic on that road or on any adjacent 13474

road. 13475

(C) (1) A board may terminate the nonmaintained status of a 13476  
township road by adopting a resolution to that effect. If the 13477  
owner of land adjoining a road that has been placed on 13478  
nonmaintained status requests the board to terminate the 13479  
nonmaintained status of the road, the board, in its resolution 13480  
that terminates that nonmaintained status, may require the owner 13481  
to pay the costs of upgrading the road to locally adopted 13482  
township standards. 13483

(2) If the owner of land adjoining a road that has been 13484  
placed on nonmaintained status upgrades the road to the 13485  
standards most recently certified by the county engineer for the 13486  
road, the board shall terminate the nonmaintained status of the 13487  
road and then shall maintain and repair the road according to 13488  
such standards. However, division (C) (2) of this section does 13489  
not apply to a road or portion of a road that, prior to being 13490  
placed on nonmaintained status, was not certified by the board 13491  
of township trustees to the director of transportation in 13492  
accordance with division (E) of section 4501.04 of the Revised 13493  
Code as mileage in the township used by and maintained for the 13494  
public. 13495

(3) The owner of land adjoining a road that was placed on 13496  
nonmaintained status prior to April 7, 2009, or land owner of 13497  
land whose only access to such a road is by easement may 13498  
petition the board for review of the nonmaintained status of the 13499  
road if the road provides the exclusive means for obtaining 13500  
access to the land. Upon receipt of a petition, the board shall 13501  
review the status of the road and shall terminate the 13502  
nonmaintained status if the board finds that the road provides 13503  
such exclusive means for obtaining access to the land. After 13504



completing the review, the board shall adopt a resolution either 13505  
retaining or terminating the nonmaintained status of the road. 13506  
If the board terminates the nonmaintained status of a road under 13507  
division (C) (3) of this section, the board shall not require the 13508  
owner to pay the costs of upgrading, maintaining, or repairing 13509  
the road. However, division (C) (3) of this section does not 13510  
apply to a road or portion of a road that, prior to being placed 13511  
on nonmaintained status, was not certified by the board of 13512  
township trustees to the director in accordance with division 13513  
(E) of section 4501.04 of the Revised Code as mileage in the 13514  
township used by and maintained for the public. 13515

(D) A graveled or unimproved road may not be placed on 13516  
nonmaintained status if the road is the exclusive means for 13517  
obtaining access to land that adjoins that road and the road is 13518  
passable year-round. 13519

(E) For purposes of this section, a road is passable year- 13520  
round if a four-wheeled, two-wheel drive passenger motor vehicle 13521  
can be driven on the road year-round, apart from seasonal 13522  
conditions caused by weather-related events. 13523

**Sec. 5573.02.** Upon the completion of the surveys, plans, 13524  
profiles, cross sections, estimates, and specifications for a 13525  
road improvement by the county engineer, the engineer shall 13526  
transmit to the board of township trustees copies of the same. 13527  
Except in cases of reconstruction or repair of roads, where no 13528  
land or property is taken, the board shall then ~~cause to be~~ 13529  
~~published in a newspaper of general circulation within the~~ 13530  
~~township~~ publish, once a week for two consecutive weeks ~~or as~~ 13531  
~~provided in section 7.16 of the Revised Code~~, a notice using at 13532  
least one of the following methods: 13533

(A) In the print or digital edition of a newspaper of 13534

general circulation within the township; 13535

(B) On the official public notice web site established 13536  
under section 125.182 of the Revised Code; 13537

(C) On the web site and social media account of the 13538  
township. 13539

The notice shall state that such improvement is to be made 13540  
and that copies of the surveys, plans, profiles, cross sections, 13541  
estimates, and specifications for it are on file with the board 13542  
for the inspection and examination of all persons interested. 13543

In the event that land or property is to be taken for such 13544  
improvement, proceedings shall be had in accordance with 13545  
sections 163.01 to 163.22 of the Revised Code. 13546

**Sec. 5573.10.** As soon as all questions of compensation and 13547  
damages have been determined for any road improvement, the 13548  
county engineer shall make, upon actual view, an estimated 13549  
assessment, upon the real estate to be charged, of such part of 13550  
the compensation, damages, and costs of such improvement as is 13551  
to be specially assessed. Such assessment shall be according to 13552  
the benefits which will result to the real estate. In making 13553  
such assessment the engineer may take into consideration any 13554  
previous special assessment made upon such real estate for road 13555  
improvements. 13556

The schedule for such assessments shall be filed with the 13557  
board of township trustees for the inspection of the persons 13558  
interested. Before adopting the estimated assessment, the board 13559  
shall publish a notice once each week for two consecutive weeks,~~—~~ 13560  
~~in~~ using at least one of the following methods: 13561

(A) In the print or digital edition of a newspaper of 13562  
general circulation within such township ~~or as provided in~~ 13563

~~section 7.16 of the Revised Code, ;~~ 13564

(B) On the official public notice web site established 13565  
under section 125.182 of the Revised Code; 13566

(C) On the web site and social media account of the 13567  
township. 13568

The notice shall state that such assessment has been made 13569  
and is on file with the board, and the date when objections will 13570  
be heard to such assessment. 13571

If any owner of property affected desires to make 13572  
objections, the owner may file objections to such assessments, 13573  
in writing, with the board, before the time of such hearing. If 13574  
any objections are filed the board shall hear them and act as an 13575  
equalizing board, and may change assessments if, in its opinion, 13576  
any changes are necessary to make them just and equitable. The 13577  
board shall approve and confirm assessments as reported by the 13578  
engineer or modified by the board. Such assessments, when 13579  
approved and confirmed, shall be a lien on the land chargeable 13580  
therewith. 13581

**Sec. 5575.01.** (A) In the maintenance and repair of roads, 13582  
the board of township trustees may proceed either by contract or 13583  
force account, but, unless the exemption specified in division 13584  
(C) of this section applies, if the board wishes to proceed by 13585  
force account, it first shall cause the county engineer to 13586  
complete the force account assessment form developed by the 13587  
auditor of state under section 117.16 of the Revised Code. 13588  
Except as otherwise provided in sections 505.08 and 505.101 of 13589  
the Revised Code, when the board proceeds by contract, the 13590  
contract shall, if the amount involved exceeds one hundred five 13591  
thousand dollars, be let by the board to the lowest responsible 13592

bidder after advertisement for bids once, not later than two 13593  
weeks, prior to the date fixed for the letting of the contract, 13594  
~~in~~ using at least one of the following methods: 13595

(1) In the print or digital edition of a newspaper of 13596  
general circulation within the township; 13597

(2) On the official public notice web site established 13598  
under section 125.182 of the Revised Code; 13599

(3) On the web site and social media account of the 13600  
township. ~~If~~ 13601

If the amount involved is one hundred five thousand 13602  
dollars or less, a contract may be let without competitive 13603  
bidding, or the work may be done by force account. Such a 13604  
contract shall be performed under the supervision of a member of 13605  
the board or the township road superintendent. 13606

(B) Before undertaking the construction or reconstruction 13607  
of a township road, the board shall cause to be made by the 13608  
county engineer an estimate of the cost of the work, which 13609  
estimate shall include labor, material, freight, fuel, hauling, 13610  
use of machinery and equipment, and all other items of cost. If 13611  
the board finds it in the best interest of the public, it may, 13612  
in lieu of constructing the road by contract, proceed to 13613  
construct the road by force account. Except as otherwise 13614  
provided under sections 505.08 and 505.101 of the Revised Code, 13615  
where the total estimated cost of the work exceeds thirty-five 13616  
thousand dollars per mile, the board shall invite and receive 13617  
competitive bids for furnishing all the labor, materials, and 13618  
equipment and doing the work, as provided in section 5575.02 of 13619  
the Revised Code, and shall consider and reject them before 13620  
ordering the work done by force account. When such bids are 13621

received, considered, and rejected, and the work is done by 13622  
force account, the work shall be performed in compliance with 13623  
the plans and specifications upon which the bids were based. 13624

(C) Force account assessment forms are not required under 13625  
division (A) of this section for road maintenance or repair 13626  
projects or under division (B) of this section for road 13627  
construction or reconstruction projects of less than one-third 13628  
of the applicable force account limit. 13629

(D) On the first day of July of every year beginning in 13630  
2024, the threshold amounts established in divisions (A) and (B) 13631  
of this section shall increase by an amount not to exceed the 13632  
lesser of five per cent, or the percentage amount of any 13633  
increase in the department of transportation's construction cost 13634  
index as annualized and totaled for the prior calendar year. The 13635  
director of transportation shall notify each appropriate county 13636  
engineer of the increased amount. 13637

(E) All force account work under this section shall be 13638  
done under the direction of a member of the board or the 13639  
township road superintendent. 13640

**Sec. 5575.02.** After the board of township trustees has 13641  
decided to proceed with a road improvement, it shall advertise 13642  
for bids once, not later than two weeks prior to the date fixed 13643  
for the letting of contracts, in using at least one of the 13644  
following methods: 13645

(A) In the print or digital edition of a newspaper of 13646  
general circulation within the township; 13647

(B) On the official public notice web site established 13648  
under section 125.182 of the Revised Code; 13649

(C) On the web site and social media account of the 13650

township. ~~Such~~ 13651

Such notice shall state that copies of the surveys, plans, 13652  
profiles, cross sections, and specifications for such 13653  
improvement are on file with the board, and the time within 13654  
which bids will be received. The board may let the work as a 13655  
whole or in convenient sections, as it determines. The contract 13656  
shall be awarded to the lowest and best bidder who meets the 13657  
requirements of section 153.54 of the Revised Code, and shall be 13658  
let upon the basis of lump sum bids, unless the board orders 13659  
that it be let upon the basis of unit price bids, in which event 13660  
it shall be let upon such basis. 13661

The board is not required to provide notice of the project 13662  
cost estimate when advertising for bids under this section. 13663

**Sec. 5579.05.** (A) Upon receiving written information that 13664  
noxious weeds, wild parsnip, wild carrot, oxeye daisy, wild 13665  
mustard, or other harmful weeds are growing on land in a 13666  
township, other than land owned or managed by the department of 13667  
natural resources, or park land owned or managed by the state or 13668  
a political subdivision, the board of township trustees shall 13669  
notify the owner, lessee, agent, or tenant having charge of the 13670  
land of the receipt of the information and of the obligations 13671  
imposed by this section. Within five days after the notification 13672  
is given, the person notified shall cut or destroy the weeds or 13673  
show the board why there is no need for doing so. 13674

If the person in charge of the land is a resident of the 13675  
township or a nonresident whose address is known, the notice 13676  
shall be sent to ~~his~~ the resident's or nonresident's address by 13677  
certified mail. If the person's address is unknown, it is 13678  
sufficient to publish the notice once ~~in~~ using at least one of 13679  
the following methods: 13680

(1) In the print or digital edition of a newspaper of 13681  
general circulation in the county; 13682

(2) On the official public notice web site established 13683  
under section 125.182 of the Revised Code; 13684

(3) On the web site and social media account of the 13685  
township. 13686

(B) Upon receiving information that wild parsnip, wild 13687  
carrot, oxeye daisy, wild mustard, or noxious weeds are growing 13688  
in a township on land owned or managed by the department of 13689  
natural resources, or on park land owned or managed by the state 13690  
or a political subdivision, the board of township trustees shall 13691  
notify the county extension agent for the county in which the 13692  
township is located of the receipt of the information. Within 13693  
five days after the notification is given, the extension agent 13694  
shall meet in committee with a person designated for this 13695  
purpose by the governing authority of the land and, if the land 13696  
is within a soil and water conservation district, with a 13697  
supervisor of the district designated by the district 13698  
supervisors, to consider ways to deal with the problem, and 13699  
shall, within such five days, report the committee's findings 13700  
and recommendations to the board of township trustees. 13701

This section and sections 5579.06 and 5579.07 of the 13702  
Revised Code do not apply to persons subject to section 4959.11 13703  
of the Revised Code. 13704

**Sec. 5709.73.** (A) As used in this section and section 13705  
5709.74 of the Revised Code: 13706

(1) "Business day" means a day of the week excluding 13707  
Saturday, Sunday, and a legal holiday as defined in section 1.14 13708  
of the Revised Code. 13709

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(7) "Urban township" has the same meaning as in section 504.01 of the Revised Code.

(8) "Nonperforming parcel" means a parcel to which all of the following apply:

- (a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created



under division (C) of this section. 13739

(b) The parcel's owner is required to make payments in 13740  
lieu of taxes in accordance with section 5709.74 of the Revised 13741  
Code. 13742

(c) No such payments have been remitted to the county 13743  
treasurer since the inception of the exemption or district. 13744

(B) A board of township trustees may adopt a resolution 13745  
that declares to be a public purpose any public infrastructure 13746  
improvements made that are necessary for the development of 13747  
certain parcels of land located in the unincorporated area of 13748  
the township. Except for a resolution adopted by the board of an 13749  
urban township, the resolution shall be adopted by a unanimous 13750  
vote of the board. Except as otherwise provided under division 13751  
(D) of this section or section 5709.51 of the Revised Code, the 13752  
resolution may exempt from real property taxation not more than 13753  
seventy-five per cent of further improvements to a parcel of 13754  
land that directly benefits from the public infrastructure 13755  
improvements, for a period of not more than ten years. The 13756  
resolution shall specify the percentage of the further 13757  
improvements to be exempted and the life of the exemption. 13758

(C) (1) A board of township trustees may adopt a resolution 13759  
creating an incentive district and declaring improvements to 13760  
parcels within the district to be a public purpose and, except 13761  
as provided in division (C) (2) of this section, exempt from 13762  
taxation as provided in this section. Except for a resolution 13763  
adopted by the board of an urban township, the resolution shall 13764  
be adopted by a unanimous vote of the board. A board of township 13765  
trustees of a township that has a population that exceeds 13766  
twenty-five thousand, as shown by the most recent federal 13767  
decennial census, may not adopt a resolution that creates an 13768

incentive district if the sum of the taxable value of real 13769  
property in the proposed district for the preceding tax year and 13770  
the taxable value of all real property in the township that 13771  
would have been taxable in the preceding year were it not for 13772  
the fact that the property was in an existing incentive district 13773  
and therefore exempt from taxation exceeds twenty-five per cent 13774  
of the taxable value of real property in the township for the 13775  
preceding tax year. The district shall be located within the 13776  
unincorporated area of the township and shall not include any 13777  
territory that is included within a district created under 13778  
division (B) of section 5709.78 of the Revised Code. The 13779  
resolution shall delineate the boundary of the proposed district 13780  
and specifically identify each parcel within the district. A 13781  
proposed district may not include any parcel, other than a 13782  
nonperforming parcel, that is or has been exempted from taxation 13783  
under division (B) of this section or that is or has been within 13784  
another district created under this division. On and after the 13785  
effective date of the district, a nonperforming parcel within 13786  
the district is no longer exempted from taxation under division 13787  
(B) of this section or included within an incentive district 13788  
under any previous resolution, and the parcel's owner is no 13789  
longer required to make payments in lieu of taxes under such a 13790  
previous resolution in accordance with section 5709.74 of the 13791  
Revised Code. Any exemption application filed with the tax 13792  
commissioner under section 5715.27 of the Revised Code under the 13793  
second resolution shall identify the nonperforming parcels 13794  
included in the second district, the original resolution under 13795  
which the nonperforming parcels were originally exempted, and 13796  
the value history of each nonperforming parcel since the 13797  
enactment of the original resolution. A resolution may create 13798  
more than one such district, and more than one resolution may be 13799  
adopted under division (C) (1) of this section. 13800

(2) (a) Not later than thirty days prior to adopting a resolution under division (C) (1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The notice shall include a map of the proposed incentive district on which the board of township trustees shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C) (2) (b) of this section. The notice also shall include information detailing the required contents of the response, the address to

which the response may be mailed, and the deadline for 13831  
submitting the response. 13832

(b) Any owner of real property located within the 13833  
boundaries of an incentive district proposed under division (C) 13834  
(1) of this section who meets the conditions specified in 13835  
divisions (C) (2) (a) (i) and (ii) of this section may exclude the 13836  
property from the proposed incentive district by submitting a 13837  
written response to the board not later than forty-five days 13838  
after the postmark date on the notice required under division 13839  
(C) (2) (a) of this section. The response shall include a copy of 13840  
the statement submitted under division (C) (2) (a) (ii) of this 13841  
section. The response shall be sent by first class mail or 13842  
delivered in person at a public hearing held by the board under 13843  
division (C) (2) (a) of this section. The response shall conform 13844  
to any content requirements that may be established by the board 13845  
and included in the notice provided under division (C) (2) (a) of 13846  
this section. In the response, property owners may identify a 13847  
parcel by street address, by the manner in which it is 13848  
identified in the resolution, or by other means allowing the 13849  
identity of the parcel to be ascertained. 13850

(c) Before adopting a resolution under division (C) (1) of 13851  
this section, the board shall amend the resolution to exclude 13852  
any parcel for which a written response has been submitted under 13853  
division (C) (2) (b) of this section. A township shall not apply 13854  
for exemptions from taxation under section 5709.911 of the 13855  
Revised Code for any such parcel, and service payments may not 13856  
be required from the owner of the parcel. Improvements to a 13857  
parcel excluded from an incentive district under this division 13858  
may be exempted from taxation under division (B) of this section 13859  
pursuant to a resolution adopted under that division or under 13860  
any other section of the Revised Code under which the parcel 13861

qualifies. 13862

(3) (a) A resolution adopted under division (C) (1) of this 13863  
section shall specify the life of the incentive district and the 13864  
percentage of the improvements to be exempted, shall designate 13865  
the public infrastructure improvements made, to be made, or in 13866  
the process of being made, that benefit or serve, or, once made, 13867  
will benefit or serve parcels in the district. The resolution 13868  
also shall identify one or more specific projects being, or to 13869  
be, undertaken in the district that place additional demand on 13870  
the public infrastructure improvements designated in the 13871  
resolution. The project identified may, but need not be, the 13872  
project under division (C) (3) (b) of this section that places 13873  
real property in use for commercial or industrial purposes. 13874

A resolution adopted under division (C) (1) of this section 13875  
on or after March 30, 2006, shall not designate police or fire 13876  
equipment as public infrastructure improvements, and, except as 13877  
provided in division (F) of this section, no service payment 13878  
provided for in section 5709.74 of the Revised Code and received 13879  
by the township under the resolution shall be used for police or 13880  
fire equipment. 13881

(b) A resolution adopted under division (C) (1) of this 13882  
section may authorize the use of service payments provided for 13883  
in section 5709.74 of the Revised Code for the purpose of 13884  
housing renovations within the incentive district, provided that 13885  
the resolution also designates public infrastructure 13886  
improvements that benefit or serve the district, and that a 13887  
project within the district places real property in use for 13888  
commercial or industrial purposes. Service payments may be used 13889  
to finance or support loans, deferred loans, and grants to 13890  
persons for the purpose of housing renovations within the 13891

district. The resolution shall designate the parcels within the 13892  
district that are eligible for housing renovations. The 13893  
resolution shall state separately the amount or the percentages 13894  
of the expected aggregate service payments that are designated 13895  
for each public infrastructure improvement and for the purpose 13896  
of housing renovations. 13897

(4) Except with the approval of the board of education of 13898  
each city, local, or exempted village school district within the 13899  
territory of which the incentive district is or will be located, 13900  
and subject to division (E) of this section, the life of an 13901  
incentive district shall not exceed ten years, and the 13902  
percentage of improvements to be exempted shall not exceed 13903  
seventy-five per cent. With approval of the board of education, 13904  
the life of a district may be not more than thirty years, and 13905  
the percentage of improvements to be exempted may be not more 13906  
than one hundred per cent. The approval of a board of education 13907  
shall be obtained in the manner provided in division (D) of this 13908  
section. 13909

(D) Improvements with respect to a parcel may be exempted 13910  
from taxation under division (B) of this section, and 13911  
improvements to parcels within an incentive district may be 13912  
exempted from taxation under division (C) of this section, for 13913  
up to ten years or, with the approval of the board of education 13914  
of the city, local, or exempted village school district within 13915  
which the parcel or district is located, for up to thirty years. 13916  
The percentage of the improvements exempted from taxation may, 13917  
with such approval, exceed seventy-five per cent, but shall not 13918  
exceed one hundred per cent. Not later than forty-five business 13919  
days prior to adopting a resolution under this section declaring 13920  
improvements to be a public purpose that is subject to approval 13921  
by a board of education under this division, the board of 13922

township trustees shall deliver to the board of education a 13923  
notice stating its intent to adopt a resolution making that 13924  
declaration. The notice regarding improvements with respect to a 13925  
parcel under division (B) of this section shall identify the 13926  
parcels for which improvements are to be exempted from taxation, 13927  
provide an estimate of the true value in money of the 13928  
improvements, specify the period for which the improvements 13929  
would be exempted from taxation and the percentage of the 13930  
improvements that would be exempted, and indicate the date on 13931  
which the board of township trustees intends to adopt the 13932  
resolution. The notice regarding improvements made under 13933  
division (C) of this section to parcels within an incentive 13934  
district shall delineate the boundaries of the district, 13935  
specifically identify each parcel within the district, identify 13936  
each anticipated improvement in the district, provide an 13937  
estimate of the true value in money of each such improvement, 13938  
specify the life of the district and the percentage of 13939  
improvements that would be exempted, and indicate the date on 13940  
which the board of township trustees intends to adopt the 13941  
resolution. The board of education, by resolution adopted by a 13942  
majority of the board, may approve the exemption for the period 13943  
or for the exemption percentage specified in the notice; may 13944  
disapprove the exemption for the number of years in excess of 13945  
ten, may disapprove the exemption for the percentage of the 13946  
improvements to be exempted in excess of seventy-five per cent, 13947  
or both; or may approve the exemption on the condition that the 13948  
board of township trustees and the board of education negotiate 13949  
an agreement providing for compensation to the school district 13950  
equal in value to a percentage of the amount of taxes exempted 13951  
in the eleventh and subsequent years of the exemption period or, 13952  
in the case of exemption percentages in excess of seventy-five 13953  
per cent, compensation equal in value to a percentage of the 13954

taxes that would be payable on the portion of the improvements 13955  
in excess of seventy-five per cent were that portion to be 13956  
subject to taxation, or other mutually agreeable compensation. 13957

The board of education shall certify its resolution to the 13958  
board of township trustees not later than fourteen days prior to 13959  
the date the board of township trustees intends to adopt the 13960  
resolution as indicated in the notice. If the board of education 13961  
and the board of township trustees negotiate a mutually 13962  
acceptable compensation agreement, the resolution may declare 13963  
the improvements a public purpose for the number of years 13964  
specified in the resolution or, in the case of exemption 13965  
percentages in excess of seventy-five per cent, for the 13966  
exemption percentage specified in the resolution. In either 13967  
case, if the board of education and the board of township 13968  
trustees fail to negotiate a mutually acceptable compensation 13969  
agreement, the resolution may declare the improvements a public 13970  
purpose for not more than ten years, and shall not exempt more 13971  
than seventy-five per cent of the improvements from taxation. If 13972  
the board of education fails to certify a resolution to the 13973  
board of township trustees within the time prescribed by this 13974  
section, the board of township trustees thereupon may adopt the 13975  
resolution and may declare the improvements a public purpose for 13976  
up to thirty years or, in the case of exemption percentages 13977  
proposed in excess of seventy-five per cent, for the exemption 13978  
percentage specified in the resolution. The board of township 13979  
trustees may adopt the resolution at any time after the board of 13980  
education certifies its resolution approving the exemption to 13981  
the board of township trustees, or, if the board of education 13982  
approves the exemption on the condition that a mutually 13983  
acceptable compensation agreement be negotiated, at any time 13984  
after the compensation agreement is agreed to by the board of 13985



education and the board of township trustees. If a mutually 13986  
acceptable compensation agreement is negotiated between the 13987  
board of township trustees and the board of education, including 13988  
agreements for payments in lieu of taxes under section 5709.74 13989  
of the Revised Code, the board of township trustees shall 13990  
compensate the joint vocational school district within which the 13991  
parcel or district is located at the same rate and under the 13992  
same terms received by the city, local, or exempted village 13993  
school district. 13994

If a board of education has adopted a resolution waiving 13995  
its right to approve exemptions from taxation under this section 13996  
and the resolution remains in effect, approval of such 13997  
exemptions by the board of education is not required under 13998  
division (D) of this section. If a board of education has 13999  
adopted a resolution allowing a board of township trustees to 14000  
deliver the notice required under division (D) of this section 14001  
fewer than forty-five business days prior to adoption of the 14002  
resolution by the board of township trustees, the board of 14003  
township trustees shall deliver the notice to the board of 14004  
education not later than the number of days prior to the 14005  
adoption as prescribed by the board of education in its 14006  
resolution. If a board of education adopts a resolution waiving 14007  
its right to approve exemptions or shortening the notification 14008  
period, the board of education shall certify a copy of the 14009  
resolution to the board of township trustees. If the board of 14010  
education rescinds the resolution, it shall certify notice of 14011  
the rescission to the board of township trustees. 14012

If the board of township trustees is not required by 14013  
division (D) of this section to notify the board of education of 14014  
the board of township trustees' intent to declare improvements 14015  
to be a public purpose, the board of township trustees shall 14016

comply with the notice requirements imposed under section 14017  
5709.83 of the Revised Code before taking formal action to adopt 14018  
the resolution making that declaration, unless the board of 14019  
education has adopted a resolution under that section waiving 14020  
its right to receive the notice. 14021

Nothing in this division prohibits the board of township 14022  
trustees from amending the resolution under section 5709.51 of 14023  
the Revised Code to extend the term of the exemption. 14024

(E) (1) If a proposed resolution under division (C) (1) of 14025  
this section exempts improvements with respect to a parcel 14026  
within an incentive district for more than ten years, or the 14027  
percentage of the improvement exempted from taxation exceeds 14028  
seventy-five per cent, not later than forty-five business days 14029  
prior to adopting the resolution the board of township trustees 14030  
shall deliver to the board of county commissioners of the county 14031  
within which the incentive district is or will be located a 14032  
notice that states its intent to adopt a resolution creating an 14033  
incentive district. The notice shall include a copy of the 14034  
proposed resolution, identify the parcels for which improvements 14035  
are to be exempted from taxation, provide an estimate of the 14036  
true value in money of the improvements, specify the period of 14037  
time for which the improvements would be exempted from taxation, 14038  
specify the percentage of the improvements that would be 14039  
exempted from taxation, and indicate the date on which the board 14040  
of township trustees intends to adopt the resolution. 14041

(2) The board of county commissioners, by resolution 14042  
adopted by a majority of the board, may object to the exemption 14043  
for the number of years in excess of ten, may object to the 14044  
exemption for the percentage of the improvement to be exempted 14045  
in excess of seventy-five per cent, or both. If the board of 14046

county commissioners objects, the board may negotiate a mutually 14047  
acceptable compensation agreement with the board of township 14048  
trustees. In no case shall the compensation provided to the 14049  
board of county commissioners exceed the property taxes foregone 14050  
due to the exemption. If the board of county commissioners 14051  
objects, and the board of county commissioners and board of 14052  
township trustees fail to negotiate a mutually acceptable 14053  
compensation agreement, the resolution adopted under division 14054  
(C) (1) of this section shall provide to the board of county 14055  
commissioners compensation in the eleventh and subsequent years 14056  
of the exemption period equal in value to not more than fifty 14057  
per cent of the taxes that would be payable to the county or, if 14058  
the board of county commissioner's objection includes an 14059  
objection to an exemption percentage in excess of seventy-five 14060  
per cent, compensation equal in value to not more than fifty per 14061  
cent of the taxes that would be payable to the county, on the 14062  
portion of the improvement in excess of seventy-five per cent, 14063  
were that portion to be subject to taxation. The board of county 14064  
commissioners shall certify its resolution to the board of 14065  
township trustees not later than thirty days after receipt of 14066  
the notice. 14067

(3) If the board of county commissioners does not object 14068  
or fails to certify its resolution objecting to an exemption 14069  
within thirty days after receipt of the notice, the board of 14070  
township trustees may adopt its resolution, and no compensation 14071  
shall be provided to the board of county commissioners. If the 14072  
board of county commissioners timely certifies its resolution 14073  
objecting to the trustees' resolution, the board of township 14074  
trustees may adopt its resolution at any time after a mutually 14075  
acceptable compensation agreement is agreed to by the board of 14076  
county commissioners and the board of township trustees, or, if 14077

no compensation agreement is negotiated, at any time after the 14078  
board of township trustees agrees in the proposed resolution to 14079  
provide compensation to the board of county commissioners of 14080  
fifty per cent of the taxes that would be payable to the county 14081  
in the eleventh and subsequent years of the exemption period or 14082  
on the portion of the improvement in excess of seventy-five per 14083  
cent, were that portion to be subject to taxation. 14084

(F) Service payments in lieu of taxes that are 14085  
attributable to any amount by which the effective tax rate of 14086  
either a renewal levy with an increase or a replacement levy 14087  
exceeds the effective tax rate of the levy renewed or replaced, 14088  
or that are attributable to an additional levy, for a levy 14089  
authorized by the voters for any of the following purposes on or 14090  
after January 1, 2006, and which are provided pursuant to a 14091  
resolution creating an incentive district under division (C) (1) 14092  
of this section that is adopted on or after January 1, 2006, or 14093  
a later date as specified in this division, shall be distributed 14094  
to the appropriate taxing authority as required under division 14095  
(C) of section 5709.74 of the Revised Code in an amount equal to 14096  
the amount of taxes from that additional levy or from the 14097  
increase in the effective tax rate of such renewal or 14098  
replacement levy that would have been payable to that taxing 14099  
authority from the following levies were it not for the 14100  
exemption authorized under division (C) of this section: 14101

(1) A tax levied under division (L) of section 5705.19 or 14102  
section 5705.191 or 5705.222 of the Revised Code for community 14103  
developmental disabilities programs and services pursuant to 14104  
Chapter 5126. of the Revised Code; 14105

(2) A tax levied under division (Y) of section 5705.19 of 14106  
the Revised Code for providing or maintaining senior citizens 14107

|                                                                  |       |
|------------------------------------------------------------------|-------|
| services or facilities;                                          | 14108 |
| (3) A tax levied under section 5705.22 of the Revised Code       | 14109 |
| for county hospitals;                                            | 14110 |
| (4) A tax levied by a joint-county district or by a county       | 14111 |
| under section 5705.19, 5705.191, or 5705.221 of the Revised Code | 14112 |
| for alcohol, drug addiction, and mental health services or       | 14113 |
| families;                                                        | 14114 |
| (5) A tax levied under section 5705.23 of the Revised Code       | 14115 |
| for library purposes;                                            | 14116 |
| (6) A tax levied under section 5705.24 of the Revised Code       | 14117 |
| for the support of children services and the placement and care  | 14118 |
| of children;                                                     | 14119 |
| (7) A tax levied under division (Z) of section 5705.19 of        | 14120 |
| the Revised Code for the provision and maintenance of zoological | 14121 |
| park services and facilities under section 307.76 of the Revised | 14122 |
| Code;                                                            | 14123 |
| (8) A tax levied under section 511.27 or division (H) of         | 14124 |
| section 5705.19 of the Revised Code for the support of township  | 14125 |
| park districts;                                                  | 14126 |
| (9) A tax levied under division (A), (F), or (H) of              | 14127 |
| section 5705.19 of the Revised Code for parks and recreational   | 14128 |
| purposes of a joint recreation district organized pursuant to    | 14129 |
| division (B) of section 755.14 of the Revised Code;              | 14130 |
| (10) A tax levied under section 1545.20 or 1545.21 of the        | 14131 |
| Revised Code for park district purposes;                         | 14132 |
| (11) A tax levied under section 5705.191 of the Revised          | 14133 |
| Code for the purpose of making appropriations for public         | 14134 |
| assistance; human or social services; public relief; public      | 14135 |

welfare; public health and hospitalization; and support of 14136  
general hospitals; 14137

(12) A tax levied under section 3709.29 of the Revised 14138  
Code for a general health district program; 14139

(13) A tax levied by a township under section 505.39, 14140  
505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of 14141  
the Revised Code for the purpose of funding fire, police, 14142  
emergency medical, or ambulance services as described in those 14143  
sections. Division (F)(13) of this section applies only to 14144  
incentive districts created by a resolution adopted on or after 14145  
March 22, 2019, the effective date of the amendment of this 14146  
section by H.B. 500 of the 132nd general assembly, and only if 14147  
that resolution specifies that division (F) of this section 14148  
shall apply to such a tax. 14149

(G) An exemption from taxation granted under this section 14150  
commences with the tax year specified in the resolution so long 14151  
as the year specified in the resolution commences after the 14152  
effective date of the resolution. If the resolution specifies a 14153  
year commencing before the effective date of the resolution or 14154  
specifies no year whatsoever, the exemption commences with the 14155  
tax year in which an exempted improvement first appears on the 14156  
tax list and duplicate of real and public utility property and 14157  
that commences after the effective date of the resolution. In 14158  
lieu of stating a specific year, the resolution may provide that 14159  
the exemption commences in the tax year in which the value of an 14160  
improvement exceeds a specified amount or in which the 14161  
construction of one or more improvements is completed, provided 14162  
that such tax year commences after the effective date of the 14163  
resolution. With respect to the exemption of improvements to 14164  
parcels under division (B) of this section, the resolution may 14165

allow for the exemption to commence in different tax years on a 14166  
parcel-by-parcel basis, with a separate exemption term specified 14167  
for each parcel. 14168

Except as otherwise provided in this division and section 14169  
5709.51 of the Revised Code, the exemption ends on the date 14170  
specified in the resolution as the date the improvement ceases 14171  
to be a public purpose or the incentive district expires, or 14172  
ends on the date on which the public infrastructure improvements 14173  
and housing renovations are paid in full from the township 14174  
public improvement tax increment equivalent fund established 14175  
under section 5709.75 of the Revised Code, whichever occurs 14176  
first. The exemption of an improvement with respect to a parcel 14177  
or within an incentive district may end on a later date, as 14178  
specified in the resolution, if the board of township trustees 14179  
and the board of education of the city, local, or exempted 14180  
village school district within which the parcel or district is 14181  
located have entered into a compensation agreement under section 14182  
5709.82 of the Revised Code with respect to the improvement and 14183  
the board of education has approved the term of the exemption 14184  
under division (D) of this section, but in no case shall the 14185  
improvement be exempted from taxation for more than thirty 14186  
years. The board of township trustees may, by majority vote, 14187  
adopt a resolution permitting the township to enter into such 14188  
agreements as the board finds necessary or appropriate to 14189  
provide for the construction or undertaking of public 14190  
infrastructure improvements and housing renovations. Any 14191  
exemption shall be claimed and allowed in the same or a similar 14192  
manner as in the case of other real property exemptions. If an 14193  
exemption status changes during a tax year, the procedure for 14194  
the apportionment of the taxes for that year is the same as in 14195  
the case of other changes in tax exemption status during the 14196

year. 14197

(H) The board of township trustees may issue the notes of 14198  
the township to finance all costs pertaining to the construction 14199  
or undertaking of public infrastructure improvements and housing 14200  
renovations made pursuant to this section. The notes shall be 14201  
signed by the board and attested by the signature of the 14202  
township fiscal officer, shall bear interest not to exceed the 14203  
rate provided in section 9.95 of the Revised Code, and are not 14204  
subject to Chapter 133. of the Revised Code. The resolution 14205  
authorizing the issuance of the notes shall pledge the funds of 14206  
the township public improvement tax increment equivalent fund 14207  
established pursuant to section 5709.75 of the Revised Code to 14208  
pay the interest on and principal of the notes. The notes, which 14209  
may contain a clause permitting prepayment at the option of the 14210  
board, shall be offered for sale on the open market or given to 14211  
the vendor or contractor if no sale is made. 14212

(I) The township, not later than fifteen days after the 14213  
adoption of a resolution under this section, shall submit to the 14214  
director of development a copy of the resolution. On or before 14215  
the thirty-first day of March of each year, the township shall 14216  
submit a status report to the director. The report shall 14217  
indicate, in the manner prescribed by the director, the progress 14218  
of the project during each year that the exemption remains in 14219  
effect, including a summary of the receipts from service 14220  
payments in lieu of taxes; expenditures of money from the fund 14221  
created under section 5709.75 of the Revised Code; a description 14222  
of the public infrastructure improvements and housing 14223  
renovations financed with the expenditures; and a quantitative 14224  
summary of changes in private investment resulting from each 14225  
project. 14226



(J) Nothing in this section shall be construed to prohibit 14227  
a board of township trustees from declaring to be a public 14228  
purpose improvements with respect to more than one parcel. 14229

If a parcel is located in a new community district in 14230  
which the new community authority imposes a community 14231  
development charge on the basis of rentals received from leases 14232  
of real property as described in division (L) (2) of section 14233  
349.01 of the Revised Code, the parcel may not be exempted from 14234  
taxation under this section. 14235

(K) A board of township trustees that adopted a resolution 14236  
under this section prior to July 21, 1994, may amend that 14237  
resolution to include any additional public infrastructure 14238  
improvement. A board of township trustees that seeks by the 14239  
amendment to utilize money from its township public improvement 14240  
tax increment equivalent fund for land acquisition in aid of 14241  
industry, commerce, distribution, or research, demolition on 14242  
private property, or stormwater and flood remediation projects 14243  
may do so provided that the board currently is a party to a 14244  
hold-harmless agreement with the board of education of the city, 14245  
local, or exempted village school district within the territory 14246  
of which are located the parcels that are subject to an 14247  
exemption. For the purposes of this division, a "hold-harmless 14248  
agreement" means an agreement under which the board of township 14249  
trustees agrees to compensate the school district for one 14250  
hundred per cent of the tax revenue that the school district 14251  
would have received from further improvements to parcels 14252  
designated in the resolution were it not for the exemption 14253  
granted by the resolution. 14254

~~(L)~~ (L) (1) Notwithstanding the limitation prescribed by 14255  
division (D) of this section on the number of years that 14256

improvements to a parcel or parcels may be exempted from 14257  
taxation, and subject to division (L) (3) of this section, a 14258  
board of trustees of a township with a population of fifteen 14259  
thousand or more may amend a resolution originally adopted under 14260  
this section before December 31, 1994, to extend the exemption 14261  
of improvements to the parcel or parcels included in such 14262  
resolution for an additional period not to exceed fifteen years. 14263  
The amendment shall not increase the percentage of improvements 14264  
to the parcel or parcels exempted from taxation. 14265

(2) Notwithstanding the limitations prescribed by 14266  
divisions (C) and (D) of this section on the life of an 14267  
incentive district and the number of years that improvements to 14268  
a parcel or parcels within an incentive district may be exempted 14269  
from taxation, and subject to division (L) (3) of this section, a 14270  
board of township trustees may amend a resolution originally 14271  
adopted under division (C) of this section before January 1, 14272  
2006, to extend the life of an incentive district created by 14273  
that resolution. The extension shall be for a period not to 14274  
exceed fifteen years and shall not increase the percentage of 14275  
the value of improvements exempted from taxation. 14276

(3) Before adopting an amendment authorized under ~~this~~ 14277  
division (L) (1) or (2) of this section, the board of township 14278  
trustees shall provide notice of the amendment to each board of 14279  
education of the city, local, or exempted village school 14280  
district in which the exempted parcels or incentive district are 14281  
located, in the same manner as provided under division (D) of 14282  
this section, and shall obtain the approval of each such board 14283  
of education ~~of the city, local, or exempted village school~~ 14284  
~~district within which the exempted parcels are located~~ in the 14285  
manner required under ~~that division (D) of this section,~~ except 14286  
that ~~(1)~~(a) the board of education may approve the exemption on 14287

the condition that the board of township trustees and the board 14288  
of education negotiate an agreement providing for compensation 14289  
to the school district equal in value to the amount of taxes the 14290  
district forgoes in each year the exemption is extended ~~pursuant~~ 14291  
~~to this division~~ or any other mutually agreeable compensation 14292  
and ~~(2)(b)~~ if the board of education fails to certify a 14293  
resolution approving the amendment to the board of township 14294  
trustees within the time prescribed by division (D) of this 14295  
section, the board of township trustees shall not adopt the 14296  
amendment ~~authorized under this division.~~ 14297

No approval under ~~this division~~ (L) (3) of this section 14298  
shall be required for an amendment authorized under division (L) 14299  
(2) of this section if the amendment provides for compensation 14300  
to the city, local, or exempted village school district in which 14301  
the incentive district is located equal in value to the amount 14302  
of taxes that would be payable to the school district if the 14303  
improvements exempted from taxation had not been exempted for 14304  
the additional period. Approval is also not required for an 14305  
amendment authorized under either division (L) (1) or (2) of this 14306  
section from a board of education that has adopted a resolution 14307  
waiving its right to approve exemptions from taxation pursuant 14308  
to division (D) of this section. If the board of education has 14309  
adopted such a resolution, the board of township trustees shall 14310  
comply with the notice requirements imposed under section 14311  
5709.83 of the Revised Code before taking formal action to adopt 14312  
~~an the amendment authorized under this division~~ unless the board 14313  
of education has adopted a resolution under that section waiving 14314  
its right to receive the notice. Not later than fourteen days 14315  
before adopting an amendment authorized under ~~this division~~ (L) 14316  
(1) or (2) of this section, the board of township trustees shall 14317  
deliver a notice identical to a notice required under section 14318

5709.83 of the Revised Code to the board of county commissioners 14319  
of each county in which the exempted parcels or incentive 14320  
district are located. 14321

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 14322  
5715.01 of the Revised Code: 14323

(A) "Land devoted exclusively to agricultural use" means: 14324

(1) Tracts, lots, or parcels of land totaling not less 14325  
than ten acres to which, during the three calendar years prior 14326  
to the year in which application is filed under section 5713.31 14327  
of the Revised Code, and through the last day of May of such 14328  
year, one or more of the following apply: 14329

(a) The tracts, lots, or parcels of land were devoted 14330  
exclusively to commercial animal or poultry husbandry, 14331  
aquaculture, algaculture meaning the farming of algae, 14332  
apiculture, the cultivation of hemp by a person issued a hemp 14333  
cultivation license under section 928.02 of the Revised Code, 14334  
the production for a commercial purpose of timber, field crops, 14335  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 14336  
sod, or flowers, or the growth of timber for a noncommercial 14337  
purpose, if the land on which the timber is grown is contiguous 14338  
to or part of a parcel of land under common ownership that is 14339  
otherwise devoted exclusively to agricultural use. 14340

(b) The tracts, lots, or parcels of land were devoted 14341  
exclusively to biodiesel production, biomass energy production, 14342  
electric or heat energy production, or biologically derived 14343  
methane gas production if the land on which the production 14344  
facility is located is contiguous to or part of a parcel of land 14345  
under common ownership or leasehold that is otherwise devoted 14346  
exclusively to agricultural use, provided that (i) at least 14347

fifty per cent of the feedstock used in the production is 14348  
agricultural feedstock, (ii) at least twenty per cent of the 14349  
agricultural feedstock used in the production is derived from 14350  
parcels of land under common ownership or leasehold, and (iii) 14351  
none of the feedstock used in the production consists of human 14352  
waste. As used in this division, "agricultural feedstock" means 14353  
manure and food waste, and "human waste" includes sludge as 14354  
defined in section 6111.01 of the Revised Code. 14355

(c) ~~The tracts, lots, or parcels of land were devoted to~~ 14356  
~~and qualified for payments or other compensation under a land~~ 14357  
~~retirement or conservation program under an agreement with an~~ 14358  
~~agency of the federal government~~are eligible conservation land. 14359

(2) Tracts, lots, or parcels of land totaling less than 14360  
ten acres that, during the three calendar years prior to the 14361  
year in which application is filed under section 5713.31 of the 14362  
Revised Code and through the last day of May of such year, were 14363  
devoted exclusively to commercial animal or poultry husbandry, 14364  
aquaculture, algaculture meaning the farming of algae, 14365  
apiculture, the cultivation of hemp by a person issued a hemp 14366  
cultivation license under section 928.02 of the Revised Code, 14367  
the production for a commercial purpose of field crops, tobacco, 14368  
fruits, vegetables, timber, nursery stock, ornamental trees, 14369  
sod, or flowers where such activities produced an average yearly 14370  
gross income of at least twenty-five hundred dollars during such 14371  
three-year period or where there is evidence of an anticipated 14372  
gross income of such amount from such activities during the tax 14373  
year in which application is made, or were ~~devoted to and~~ 14374  
~~qualified for payments or other compensation under a land~~ 14375  
~~retirement or conservation program under an agreement with an~~ 14376  
~~agency of the federal government~~eligible conservation land; 14377

(3) Tracts, lots, or parcels of land, or portions thereof 14378  
that, during the previous three consecutive calendar years have 14379  
been designated as land devoted exclusively to agricultural use, 14380  
but such land has been lying idle or fallow for up to one year 14381  
and no action has occurred to such land that is either 14382  
inconsistent with the return of it to agricultural production or 14383  
converts the land devoted exclusively to agricultural use as 14384  
defined in this section. Such land shall remain designated as 14385  
land devoted exclusively to agricultural use provided that 14386  
beyond one year, but less than three years, the landowner proves 14387  
good cause as determined by the board of revision. 14388

(4) Tracts, lots, or parcels of land, or portions thereof 14389  
that, during the previous three consecutive calendar years have 14390  
been designated as land devoted exclusively to agricultural use, 14391  
but such land has been lying idle or fallow because of dredged 14392  
material being stored or deposited on such land pursuant to a 14393  
contract between the land's owner and the department of natural 14394  
resources or the United States army corps of engineers and no 14395  
action has occurred to the land that is either inconsistent with 14396  
the return of it to agricultural production or converts the land 14397  
devoted exclusively to agricultural use. Such land shall remain 14398  
designated as land devoted exclusively to agricultural use until 14399  
the last year in which dredged material is stored or deposited 14400  
on the land pursuant to such a contract, but not to exceed five 14401  
years. 14402

"Land devoted exclusively to agricultural use" includes 14403  
tracts, lots, or parcels of land or portions thereof that are 14404  
used for conservation practices, provided that the tracts, lots, 14405  
or parcels of land or portions thereof comprise twenty-five per 14406  
cent or less of the total of the tracts, lots, or parcels of 14407  
land that satisfy the criteria established in division (A) (1), 14408

(2), (3), or (4) of this section together with the tracts, lots, 14409  
or parcels of land or portions thereof that are used for 14410  
conservation practices. 14411

Notwithstanding any other provision of law to the 14412  
contrary, the existence of agritourism on a tract, lot, or 14413  
parcel of land that otherwise meets the definition of "land 14414  
devoted exclusively to agricultural use" as defined in this 14415  
division does not disqualify that tract, lot, or parcel from 14416  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 14417  
Revised Code. 14418

A tract, lot, or parcel of land taxed under sections 14419  
5713.22 to 5713.26 of the Revised Code is not land devoted 14420  
exclusively to agricultural use. 14421

A tract, lot, parcel, or portion thereof on which medical 14422  
marijuana, as defined by section 3796.01 of the Revised Code, is 14423  
cultivated or processed is not land devoted exclusively to 14424  
agricultural use. 14425

(B) "Conversion of land devoted exclusively to 14426  
agricultural use" means any of the following: 14427

(1) The failure of the owner of land devoted exclusively 14428  
to agricultural use during the next preceding calendar year to 14429  
file a renewal application under section 5713.31 of the Revised 14430  
Code without good cause as determined by the board of revision; 14431

(2) The failure of the new owner of such land to file an 14432  
initial application under that section without good cause as 14433  
determined by the board of revision; 14434

(3) The failure of such land or portion thereof to qualify 14435  
as land devoted exclusively to agricultural use for the current 14436  
calendar year as requested by an application filed under such 14437

section; 14438

(4) The failure of the owner of the land described in 14439  
division (A) (3) or (4) of this section to act on such land in a 14440  
manner that is consistent with the return of the land to 14441  
agricultural production after three years. 14442

The construction or installation of an energy facility, as 14443  
defined in section 5727.01 of the Revised Code, on a portion of 14444  
a tract, lot, or parcel of land devoted exclusively to 14445  
agricultural use shall not cause the remaining portion of the 14446  
tract, lot, or parcel to be regarded as a conversion of land 14447  
devoted exclusively to agricultural use if the remaining portion 14448  
of the tract, lot, or parcel continues to be devoted exclusively 14449  
to agricultural use. 14450

(C) "Tax savings" means the difference between the dollar 14451  
amount of real property taxes levied in any year on land valued 14452  
and assessed in accordance with its current agricultural use 14453  
value and the dollar amount of real property taxes that would 14454  
have been levied upon such land if it had been valued and 14455  
assessed for such year in accordance with Section 2 of Article 14456  
XII, Ohio Constitution. 14457

(D) "Owner" includes, but is not limited to, any person 14458  
owning a fee simple, fee tail, or life estate or a buyer on a 14459  
land installment contract. 14460

(E) "Conservation practices" are practices used to abate 14461  
soil erosion as required in the management of the farming 14462  
operation, and include, but are not limited to, the 14463  
installation, construction, development, planting, or use of 14464  
grass waterways, terraces, diversions, filter strips, field 14465  
borders, windbreaks, riparian buffers, wetlands, ponds, and 14466



|                                                                                                                                                                                                                                                                                                                             |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| cover crops for that purpose.                                                                                                                                                                                                                                                                                               | 14467                                              |
| (F) "Wetlands" has the same meaning as in section 6111.02 of the Revised Code.                                                                                                                                                                                                                                              | 14468<br>14469                                     |
| (G) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats or any combination of those reagents and that meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.                      | 14470<br>14471<br>14472<br>14473<br>14474          |
| (H) "Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues.                                                                                                                                                             | 14475<br>14476<br>14477                            |
| (I) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues.                                                                                  | 14478<br>14479<br>14480<br>14481                   |
| (J) "Electric or heat energy" means electric or heat energy generated from manure, cornstalks, soybean waste, or other agricultural feedstocks.                                                                                                                                                                             | 14482<br>14483<br>14484                            |
| (K) "Dredged material" means material that is excavated or dredged from waters of this state. "Dredged material" does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products. | 14485<br>14486<br>14487<br>14488<br>14489<br>14490 |
| (L) "Agritourism" has the same meaning as in section 901.80 of the Revised Code.                                                                                                                                                                                                                                            | 14491<br>14492                                     |
| <u>(M) "Eligible conservation land" means either of the following:</u>                                                                                                                                                                                                                                                      | 14493<br>14494                                     |

(1) A tract, lot, or parcel devoted to and qualified for 14495  
payments or other compensation under a land retirement or 14496  
conservation program under an agreement with an agency of the 14497  
federal government; 14498

(2) A tract, lot, or parcel that meets at least one of the 14499  
conditions described in divisions (M) (2) (a) to (c) of this 14500  
section and the condition described in division (M) (2) (d) of 14501  
this section. 14502

(a) The land is subject to an agricultural water project 14503  
or nature water project that receives funding from the H2Ohio 14504  
fund created in section 126.60 of the Revised Code. 14505

(b) The land was subject to such a project during the 14506  
immediately preceding calendar year. 14507

(c) The land is or was subject to such a project for the 14508  
current or one of the two immediately preceding tax years and, 14509  
for the current tax year, is subject to either a conservation 14510  
easement held by the state or an agency of the state or a 14511  
conservation easement held by any other person if such easement 14512  
is a condition of a nature water project that is funded through 14513  
the H2Ohio fund. 14514

(d) For the tax year that includes or immediately precedes 14515  
the year in which the land became subject to the project 14516  
described in division (M) (2) (a), (b), or (c) of this section, as 14517  
applicable, the land qualified as land devoted exclusively to 14518  
agricultural use pursuant to other criteria in divisions (A) (1) 14519  
to (4) of this section. 14520

As used in division (M) (2) of this section, "conservation 14521  
easement" has the same meaning as in section 5301.67 of the 14522  
Revised Code. 14523

Sec. 5713.31. (A) At any time after the first Monday in 14524  
January and prior to the first Monday in March of any year, an 14525  
owner of agricultural land may file an application with the 14526  
county auditor of the county in which such land is located, 14527  
requesting the auditor to value the land for real property tax 14528  
purposes at the current value such land has for agricultural 14529  
use, in accordance with section 5715.01 of the Revised Code and 14530  
the rules adopted by the commissioner for the valuation of such 14531  
land. An owner's first application with respect to the owner's 14532  
land shall be in the form of an initial application. Each 14533  
application filed in ensuing consecutive years after the initial 14534  
application by that owner shall be in the form of a renewal 14535  
application. The commissioner shall prescribe the form of the 14536  
initial and the renewal application, but the renewal application 14537  
shall require no more information than is necessary to establish 14538  
the applicant's continued eligibility to have the applicant's 14539  
land valued for agricultural use, for all lots, parcels, or 14540  
tracts of land, or portions thereof, within a county, that have 14541  
been valued at the current value of such land for agricultural 14542  
use in the preceding tax year. If, on the first day of January 14543  
of the tax year, any portion of the applicant's agricultural 14544  
land is eligible conservation land or is used for a conservation 14545  
~~practice or devoted to a land retirement or conservation program~~ 14546  
~~under an agreement with an agency of the federal government,~~ the 14547  
applicant shall so indicate on the initial or renewal 14548  
application. 14549

(B) On or before the second Tuesday after the first Monday 14550  
in March, the auditor shall determine whether the current owner 14551  
of any lot, parcel, or tract of land or portion thereof 14552  
contained in the preceding tax year's agricultural land tax list 14553  
failed to file an initial or renewal application, as 14554

appropriate, for the current tax year with respect to such lot, 14555  
parcel, or tract or portion thereof. The auditor shall forthwith 14556  
notify each owner who failed to file an application that unless 14557  
application is filed with the auditor prior to the first Monday 14558  
of April of the current year, the land will be valued for real 14559  
property tax purposes in the current tax year at its true value 14560  
in money and that the recoupment required by sections 5713.34 14561  
and 5713.35 of the Revised Code will be placed on the current 14562  
year's tax list and duplicate for collection. The auditor shall 14563  
send that notice either by certified mail or, if the auditor has 14564  
record of an internet identifier of record associated with the 14565  
owner, by ordinary mail and by that internet identifier of 14566  
record. 14567

(C) Each initial application shall be accompanied by a fee 14568  
of twenty-five dollars. Application fees shall be paid into the 14569  
county treasury to the credit of the real estate assessment fund 14570  
created under section 325.31 of the Revised Code. 14571

(D) Upon receipt of an application and payment of the 14572  
required fee the auditor shall determine whether the information 14573  
contained therein is correct and the application complete. 14574

(E) If the auditor determines the information is incorrect 14575  
or the application is incomplete, the auditor shall return the 14576  
application to the applicant with an enumeration of the items 14577  
which are incorrect or incomplete. The auditor shall return the 14578  
application or a copy of the application either by certified 14579  
mail or, if the auditor has record of an internet identifier of 14580  
record associated with the applicant, by ordinary mail and by 14581  
that internet identifier of record. An applicant may file an 14582  
amended application, without charge, within fifteen days of the 14583  
receipt of the returned application. 14584

(F) If the auditor determines the application or amended application is complete and the information therein is correct, the auditor shall, prior to the first Monday in August, view or cause to be viewed the land described in the application and determine whether the land is land devoted exclusively to agricultural use.

(G) If the auditor determines, which determination shall be made as of the first Monday of August, annually, that the land is land devoted exclusively to agricultural use, the auditor shall appraise it for real property tax purposes in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of land devoted exclusively to agricultural use and such appraised value shall be the value used by the auditor in determining the taxable value of such land for the current tax year under section 5713.03 of the Revised Code and as shown on the general tax list compiled under section 319.28 of the Revised Code.

(H) The auditor shall enter on the real property record required under section 5713.03 of the Revised Code for the tract, lot, or parcel of land so appraised, in addition to the other information required to be recorded thereon, its value as land devoted exclusively to agricultural use based on the values determined by the commissioner for each soil type present in the tract, lot, or parcel. Subject to division (A)(1) of section 5713.34 of the Revised Code, tracts, lots, or parcels of land or portions thereof that were eligible conservation land or were used for a conservation practice ~~or devoted to a land retirement or conservation program under an agreement with an agency of the federal government~~ on the first day of January of the tax year shall be valued at the lowest valued of all soil types listed in the commissioner's annual publication of the per-acre

agricultural use values for each soil type in the state. 14616

(I) As used in this section, "internet identifier of 14617  
record" has the same meaning as in section 9.312 of the Revised 14618  
Code. 14619

**Sec. 5713.34.** (A) (1) Upon the conversion of all or any 14620  
portion of a tract, lot, or parcel of land devoted exclusively 14621  
to agricultural use a portion of the tax savings upon such 14622  
converted land shall be recouped as provided for by Section 36, 14623  
Article II, Ohio Constitution by levying a charge on such land 14624  
in an amount equal to the amount of the tax savings on the 14625  
converted land during the three tax years immediately preceding 14626  
the year in which the conversion occurs. If the auditor 14627  
discovers that agricultural land valued at the lowest valued 14628  
soil type, pursuant to section 5713.31 of the Revised Code, 14629  
because of its use for a conservation practice or ~~devotion to a~~ 14630  
~~land retirement or conservation program designation as eligible~~ 14631  
~~conservation land~~ ceases to be used or devoted to such purposes 14632  
~~meet that criteria~~ sooner than thirty-six months after the 14633  
initial certification, the auditor shall levy a charge on such 14634  
agricultural land in an amount equal to the reduction in taxes 14635  
resulting from the land's valuation at the lowest valued soil 14636  
type, rather than valuation at its actual soil type, in all 14637  
preceding years the land was so valued, not to exceed the most 14638  
recent three years. The charges levied under this section shall 14639  
constitute a lien of the state upon such converted land as of 14640  
the first day of January of the tax year in which the charge is 14641  
levied and shall continue until discharged as provided by law. 14642

(2) Upon the conversion of an adequately described portion 14643  
of a tract, lot, or parcel of land, the county auditor shall 14644  
divide any numbered permanent parcel into economic units and 14645

value each unit individually for the purpose of levying the 14646  
charge under division (A) (1) of this section against only the 14647  
converted portion. 14648

(3) A charge shall not be levied under this section for 14649  
the conversion of a portion of a tract, lot, or parcel of land 14650  
devoted exclusively to agricultural use if the conversion is 14651  
incident to the construction or installation of an energy 14652  
facility, as defined in section 5727.01 of the Revised Code, and 14653  
if the remaining portion of the tract, lot, or parcel continues 14654  
to be devoted exclusively to agricultural use. 14655

(B) Except as otherwise provided in division (C) or (D) of 14656  
this section, a public entity that acquires by any means and 14657  
converts land devoted exclusively to agricultural use and a 14658  
private entity granted the power of eminent domain that acquires 14659  
by any means and converts land devoted exclusively to 14660  
agricultural use shall pay the charge levied by division (A) of 14661  
this section and shall not, directly or indirectly, transfer the 14662  
charge to the person from whom the land is acquired. A person 14663  
injured by a violation of this division may recover, in a civil 14664  
action, any damages resulting from the violation. 14665

(C) The charge levied by division (A) (1) of this section 14666  
does not apply to the conversion of land acquired by a public 14667  
entity by means other than eminent domain and thereafter used 14668  
exclusively for a public purpose that leaves the land 14669  
principally undeveloped when either of the following conditions 14670  
applies: 14671

(1) In the case of land so acquired and converted by a 14672  
park district created under Chapter 1545. of the Revised Code, 14673  
the land is located within the boundaries of the park district. 14674

(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located within the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

If all or any portion of a tract, lot, or parcel of such land is later developed or otherwise converted to a purpose other than one of the purposes enumerated under division (E) (1) of this section, the charge levied by division (A) (1) of this section shall be levied against such developed or converted land as otherwise required by that division.

The county auditor of the county in which the land is located shall determine annually whether all or any portion of a tract, lot, or parcel of land formerly converted to a purpose enumerated under division (E) (1) of this section has been developed in such a way or converted to such a purpose as to require the charge levied by division (A) (1) of this section to be levied against the land so developed or converted.

(D) Division (B) of this section does not apply to a public entity that acquires by means other than eminent domain and converts land devoted exclusively to agricultural use to use for public, active or passive, outdoor education, recreation, or similar open space uses when either of the following conditions applies:

(1) In the case of land so acquired and converted by a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of the park district.



(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

(E) As used in divisions (C) and (D) of this section:

(1) "Principally undeveloped" means a parcel of real property that is used for public, active or passive, outdoor education, recreation, or similar open space uses and contains only the structures, roadways, and other facilities that are necessary for such uses.

(2) "Public entity" means any political subdivision of this state or any agency or instrumentality of a political subdivision.

**Sec. 5721.20.** ~~Except in cases where the~~ This section does not apply to transfers of property is transferred without sale to a municipal corporation, township, county, community development organization, or county land reutilization corporation pursuant to the alternative redemption period procedures contained in section 323.78 of the Revised Code, except as provided in division (D) of that section.

When land is sold pursuant to a foreclosure proceeding as provided in this chapter or Chapter 323. of the Revised Code, both of the following apply:

(A) If the officer who makes the sale receives from the sale more money than is necessary to satisfy the writ of execution, with interest and costs, the officer who made the

sale shall deliver any balance remaining after satisfying the 14733  
writ of execution, with interest and costs, to the clerk of the 14734  
court that issued the writ of execution not later than forty- 14735  
five days after confirmation of sale; 14736

(B) The clerk of the court that issued the writ of 14737  
execution shall notify the owner of any residue of moneys from 14738  
the sale or foreclosure of lands remaining to the owner on the 14739  
order of distribution, in a manner consistent with division (A) 14740  
of section 2329.44 of the Revised Code. Any residue of moneys 14741  
from the sale or foreclosure of lands remaining to the owner and 14742  
unclaimed by such owner within ~~sixty-ninety~~ days from ~~its~~  
~~receipt~~ the day the final notice is provided in accordance with 14743  
division (A) of section 2329.44 of the Revised Code, shall be 14744  
paid into the county treasury and shall be charged separately to 14745  
the county treasurer by the county auditor, in the name of the 14746  
supposed owner. The treasurer shall retain such excess in the 14747  
treasury for the proper owner of such lands upon which the 14748  
foreclosure was had, and upon demand by such owner, within three 14749  
years from the date of receipt, shall pay such excess to the 14750  
owner. If the owner does not demand payment of the excess within 14751  
three years, then the excess shall be forfeited to the 14752  
delinquent tax and assessment collection fund created under 14753  
section ~~323.261~~ 321.261 of the Revised Code, or in counties that 14754  
have established a county land reutilization corporation fund 14755  
under section ~~323.263~~ 321.263 of the Revised Code, to the county 14756  
land reutilization corporation fund. 14757  
14758

Sec. 5725.38. Terms used in this section have the same 14759  
meanings as in section 122.84 of the Revised Code. 14760

There is allowed a nonrefundable credit against the tax 14761  
imposed by section 5725.18 of the Revised Code for a domestic 14762

insurance company that is issued, or to which is transferred, a 14763  
tax credit certificate under section 122.84 of the Revised Code. 14764  
The credit equals the amount stated on the certificate and may 14765  
be claimed for the calendar year that includes the investment 14766  
period that was the subject of the application for the 14767  
certificate under that section or for the ensuing calendar year. 14768

The credit authorized in this section shall be claimed in 14769  
the order required under section 5725.98 of the Revised Code. If 14770  
the amount of a credit exceeds the tax otherwise due under 14771  
section 5725.18 of the Revised Code after deducting all other 14772  
credits preceding the credit in that order, the excess may be 14773  
carried forward for not more than five ensuing calendar years. 14774  
The amount of the excess credit claimed in any such year shall 14775  
be deducted from the balance carried forward to the next 14776  
calendar year. 14777

No credit shall be claimed under this section to the 14778  
extent the credit was claimed under section 5726.61, 5729.21, or 14779  
5747.86 of the Revised Code. 14780

**Sec. 5725.98.** (A) To provide a uniform procedure for 14781  
calculating the amount of tax imposed by section 5725.18 of the 14782  
Revised Code that is due under this chapter, a taxpayer shall 14783  
claim any credits and offsets against tax liability to which it 14784  
is entitled in the following order: 14785

The credit for an insurance company or insurance company 14786  
group under section 5729.031 of the Revised Code; 14787

The credit for eligible employee training costs under 14788  
section 5725.31 of the Revised Code; 14789

The credit for purchasers of qualified low-income 14790  
community investments under section 5725.33 of the Revised Code; 14791

|                                                                   |       |
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| The nonrefundable job retention credit under division (B)         | 14792 |
| of section 122.171 of the Revised Code;                           | 14793 |
| The nonrefundable credit for investments in rural business        | 14794 |
| growth funds under section 122.152 of the Revised Code;           | 14795 |
| The nonrefundable Ohio low-income housing tax credit under        | 14796 |
| section 5725.36 of the Revised Code;                              | 14797 |
| The nonrefundable affordable single-family home credit            | 14798 |
| under section 5725.37 of the Revised Code;                        | 14799 |
| The nonrefundable credit for contributing capital to a            | 14800 |
| transformational mixed use development project under section      | 14801 |
| 5725.35 of the Revised Code;                                      | 14802 |
| <u>The nonrefundable opportunity zone investment credit under</u> | 14803 |
| <u>section 5725.38 of the Revised Code;</u>                       | 14804 |
| The offset of assessments by the Ohio life and health             | 14805 |
| insurance guaranty association permitted by section 3956.20 of    | 14806 |
| the Revised Code;                                                 | 14807 |
| The refundable credit for rehabilitating a historic               | 14808 |
| building under section 5725.34 of the Revised Code;               | 14809 |
| The refundable credit for Ohio job retention under former         | 14810 |
| division (B) (2) or (3) of section 122.171 of the Revised Code as | 14811 |
| those divisions existed before September 29, 2015, the effective  | 14812 |
| date of the amendment of this section by H.B. 64 of the 131st     | 14813 |
| general assembly;                                                 | 14814 |
| The refundable credit for Ohio job creation under section         | 14815 |
| 5725.32 of the Revised Code;                                      | 14816 |
| The refundable credit under section 5725.19 of the Revised        | 14817 |
| Code for losses on loans made under the Ohio venture capital      | 14818 |

program under sections 150.01 to 150.10 of the Revised Code. 14819

(B) For any credit except the refundable credits 14820  
enumerated in this section, the amount of the credit for a 14821  
taxable year shall not exceed the tax due after allowing for any 14822  
other credit that precedes it in the order required under this 14823  
section. Any excess amount of a particular credit may be carried 14824  
forward if authorized under the section creating that credit. 14825  
Nothing in this chapter shall be construed to allow a taxpayer 14826  
to claim, directly or indirectly, a credit more than once for a 14827  
taxable year. 14828

Sec. 5726.61. Terms used in this section have the same 14829  
meanings as in section 122.84 of the Revised Code. 14830

A taxpayer may claim a nonrefundable credit against the 14831  
tax imposed under section 5726.02 of the Revised Code for each 14832  
person included in the annual report of the taxpayer to whom a 14833  
certificate is issued under section 122.84 of the Revised Code 14834  
or is transferred pursuant to that section. The credit equals 14835  
the amount stated on the certificate and may be claimed for the 14836  
taxable year that aligns with the calendar year that includes 14837  
the investment period that was the subject of the application 14838  
for the certificate under that section or for the ensuing 14839  
calendar year. 14840

The credit authorized in this section shall be claimed in 14841  
the order required under section 5726.98 of the Revised Code. If 14842  
the amount of a credit exceeds the tax otherwise due under 14843  
section 5726.02 of the Revised Code after deducting all other 14844  
credits preceding the credit in that order, the excess may be 14845  
carried forward for not more than five ensuing taxable years. 14846  
The amount of the excess credit claimed in any such year shall 14847  
be deducted from the balance carried forward to the next taxable 14848

|                                                                         |       |
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| <u>year.</u>                                                            | 14849 |
| <u>No credit shall be claimed under this section to the</u>             | 14850 |
| <u>extent the credit was claimed under section 5725.38, 5729.21, or</u> | 14851 |
| <u>5747.86 of the Revised Code.</u>                                     | 14852 |
| <b>Sec. 5726.98.</b> (A) To provide a uniform procedure for             | 14853 |
| calculating the amount of tax due under section 5726.02 of the          | 14854 |
| Revised Code, a taxpayer shall claim any credits to which the           | 14855 |
| taxpayer is entitled under this chapter in the following order:         | 14856 |
| The nonrefundable job retention credit under division (B)               | 14857 |
| of section 5726.50 of the Revised Code;                                 | 14858 |
| The nonrefundable credit for purchases of qualified low-                | 14859 |
| income community investments under section 5726.54 of the               | 14860 |
| Revised Code;                                                           | 14861 |
| The nonrefundable credit for qualified research expenses                | 14862 |
| under section 5726.56 of the Revised Code;                              | 14863 |
| The nonrefundable credit for qualifying dealer in                       | 14864 |
| intangibles taxes under section 5726.57 of the Revised Code;            | 14865 |
| The nonrefundable Ohio low-income housing tax credit under              | 14866 |
| section 5726.58 of the Revised Code;                                    | 14867 |
| The nonrefundable affordable single-family home credit                  | 14868 |
| under section 5726.60 of the Revised Code;                              | 14869 |
| The nonrefundable welcome home Ohio (WHO) program credit                | 14870 |
| under section 122.633 of the Revised Code;                              | 14871 |
| <u>The nonrefundable opportunity zone investment credit under</u>       | 14872 |
| <u>section 5726.61 of the Revised Code;</u>                             | 14873 |
| The refundable credit for rehabilitating an historic                    | 14874 |
| building under section 5726.52 of the Revised Code;                     | 14875 |

The refundable job retention or job creation credit under 14876  
division (A) of section 5726.50 of the Revised Code; 14877

The refundable credit under section 5726.53 of the Revised 14878  
Code for losses on loans made under the Ohio venture capital 14879  
program under sections 150.01 to 150.10 of the Revised Code; 14880

The refundable motion picture and Broadway theatrical 14881  
production credit under section 5726.55 of the Revised Code; 14882

The refundable credit for film and theater capital 14883  
improvement projects under section 5726.59 of the Revised Code. 14884

(B) For any credit except the refundable credits 14885  
enumerated in this section, the amount of the credit for a 14886  
taxable year shall not exceed the tax due after allowing for any 14887  
other credit that precedes it in the order required under this 14888  
section. Any excess amount of a particular credit may be carried 14889  
forward if authorized under the section creating that credit. 14890  
Nothing in this chapter shall be construed to allow a taxpayer 14891  
to claim, directly or indirectly, a credit more than once for a 14892  
taxable year. 14893

Sec. 5729.21. Terms used in this section have the same 14894  
meanings as in section 122.84 of the Revised Code. 14895

There is allowed a nonrefundable credit against the tax 14896  
imposed by section 5729.03 of the Revised Code for a foreign 14897  
insurance company that is issued, or to which is transferred, a 14898  
tax credit certificate under section 122.84 of the Revised Code. 14899  
The credit equals the amount stated on the certificate and may 14900  
be claimed for the calendar year that includes the investment 14901  
period that was the subject of the application for the 14902  
certificate under that section or for the ensuing calendar year. 14903

The credit authorized in this section shall be claimed in 14904

the order required under section 5729.98 of the Revised Code. If 14905  
the amount of a credit exceeds the tax otherwise due under 14906  
section 5729.03 of the Revised Code after deducting all other 14907  
credits preceding the credit in that order, the excess may be 14908  
carried forward for not more than five ensuing calendar years. 14909  
The amount of the excess credit claimed in any such year shall 14910  
be deducted from the balance carried forward to the next 14911  
calendar year. 14912

No credit shall be claimed under this section to the 14913  
extent the credit was claimed under section 5725.38, 5726.61, or 14914  
5747.86 of the Revised Code. 14915

A foreign insurance company shall not be required to pay 14916  
any additional tax levied under section 5729.06 of the Revised 14917  
Code as a result of claiming the tax credit authorized by this 14918  
section. 14919

**Sec. 5729.98.** (A) To provide a uniform procedure for 14920  
calculating the amount of tax due under this chapter, a taxpayer 14921  
shall claim any credits and offsets against tax liability to 14922  
which it is entitled in the following order: 14923

The credit for an insurance company or insurance company 14924  
group under section 5729.031 of the Revised Code; 14925

The credit for eligible employee training costs under 14926  
section 5729.07 of the Revised Code; 14927

The credit for purchases of qualified low-income community 14928  
investments under section 5729.16 of the Revised Code; 14929

The nonrefundable job retention credit under division (B) 14930  
of section 122.171 of the Revised Code; 14931

The nonrefundable credit for investments in rural business 14932



|                                                                   |       |
|-------------------------------------------------------------------|-------|
| growth funds under section 122.152 of the Revised Code;           | 14933 |
| The nonrefundable Ohio low-income housing tax credit under        | 14934 |
| section 5729.19 of the Revised Code;                              | 14935 |
| The nonrefundable affordable single-family home credit            | 14936 |
| under section 5729.20 of the Revised Code;                        | 14937 |
| The nonrefundable credit for contributing capital to a            | 14938 |
| transformational mixed use development project under section      | 14939 |
| 5729.18 of the Revised Code;                                      | 14940 |
| <u>The nonrefundable opportunity zone investment credit under</u> | 14941 |
| <u>section 5729.21 of the Revised Code;</u>                       | 14942 |
| The offset of assessments by the Ohio life and health             | 14943 |
| insurance guaranty association against tax liability permitted    | 14944 |
| by section 3956.20 of the Revised Code;                           | 14945 |
| The refundable credit for rehabilitating a historic               | 14946 |
| building under section 5729.17 of the Revised Code;               | 14947 |
| The refundable credit for Ohio job retention under former         | 14948 |
| division (B) (2) or (3) of section 122.171 of the Revised Code as | 14949 |
| those divisions existed before September 29, 2015, the effective  | 14950 |
| date of the amendment of this section by H.B. 64 of the 131st     | 14951 |
| general assembly;                                                 | 14952 |
| The refundable credit for Ohio job creation under section         | 14953 |
| 5729.032 of the Revised Code;                                     | 14954 |
| The refundable credit under section 5729.08 of the Revised        | 14955 |
| Code for losses on loans made under the Ohio venture capital      | 14956 |
| program under sections 150.01 to 150.10 of the Revised Code.      | 14957 |
| (B) For any credit except the refundable credits                  | 14958 |
| enumerated in this section, the amount of the credit for a        | 14959 |

taxable year shall not exceed the tax due after allowing for any 14960  
other credit that precedes it in the order required under this 14961  
section. Any excess amount of a particular credit may be carried 14962  
forward if authorized under the section creating that credit. 14963  
Nothing in this chapter shall be construed to allow a taxpayer 14964  
to claim, directly or indirectly, a credit more than once for a 14965  
taxable year. 14966

**Sec. 5739.01.** As used in this chapter: 14967

(A) "Person" includes individuals, receivers, assignees, 14968  
trustees in bankruptcy, estates, firms, partnerships, 14969  
associations, joint-stock companies, joint ventures, clubs, 14970  
societies, corporations, the state and its political 14971  
subdivisions, and combinations of individuals of any form. 14972

(B) "Sale" and "selling" include all of the following 14973  
transactions for a consideration in any manner, whether 14974  
absolutely or conditionally, whether for a price or rental, in 14975  
money or by exchange, and by any means whatsoever: 14976

(1) All transactions by which title or possession, or 14977  
both, of tangible personal property, is or is to be transferred, 14978  
or a license to use or consume tangible personal property is or 14979  
is to be granted; 14980

(2) All transactions by which lodging by a hotel is or is 14981  
to be furnished to transient guests; 14982

(3) All transactions by which: 14983

(a) An item of tangible personal property is or is to be 14984  
repaired, except property, the purchase of which would not be 14985  
subject to the tax imposed by section 5739.02 of the Revised 14986  
Code; 14987

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| (b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 14988<br>14989<br>14990<br>14991<br>14992<br>14993<br>14994                                                                                  |
| (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 14995<br>14996                                                                                                                               |
| (d) Laundry and dry cleaning services are or are to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 14997<br>14998                                                                                                                               |
| (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. | 14999<br>15000<br>15001<br>15002<br>15003<br>15004<br>15005<br>15006<br>15007<br>15008<br>15009<br>15010<br>15011<br>15012<br>15013<br>15014 |
| (f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 15015<br>15016<br>15017                                                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| telephone service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15018                                                                |
| (g) Landscaping and lawn care service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                       | 15019<br>15020                                                       |
| (h) Private investigation and security service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                              | 15021<br>15022                                                       |
| (i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;                                                                                                                                                                                                                                                                                                                                                             | 15023<br>15024                                                       |
| (j) Building maintenance and janitorial service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                             | 15025<br>15026                                                       |
| (k) Exterminating service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15027                                                                |
| (l) Physical fitness facility service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                       | 15028<br>15029                                                       |
| (m) Recreation and sports club service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                      | 15030<br>15031                                                       |
| (n) Satellite broadcasting service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                          | 15032<br>15033                                                       |
| (o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. | 15034<br>15035<br>15036<br>15037<br>15038<br>15039<br>15040<br>15041 |
| (p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided                                                                                                                                                                                                                                                                                                    | 15042<br>15043<br>15044                                              |

by an ambulance service, by a transit bus, as defined in section 15045  
5735.01 of the Revised Code, and transportation provided by a 15046  
citizen of the United States holding a certificate of public 15047  
convenience and necessity issued under 49 U.S.C. 41102; 15048

(q) Motor vehicle towing service is or is to be provided. 15049  
As used in this division, "motor vehicle towing service" means 15050  
the towing or conveyance of a wrecked, disabled, or illegally 15051  
parked motor vehicle. 15052

(r) Snow removal service is or is to be provided. As used 15053  
in this division, "snow removal service" means the removal of 15054  
snow by any mechanized means, but does not include the providing 15055  
of such service by a person that has less than five thousand 15056  
dollars in sales of such service during the calendar year. 15057

(s) Electronic publishing service is or is to be provided 15058  
to a consumer for use in business, except that such transactions 15059  
occurring between members of an affiliated group, as defined in 15060  
division (B) (3) (e) of this section, are not sales. 15061

(4) All transactions by which printed, imprinted, 15062  
overprinted, lithographic, multilithic, blueprinted, 15063  
photostatic, or other productions or reproductions of written or 15064  
graphic matter are or are to be furnished or transferred; 15065

(5) The production or fabrication of tangible personal 15066  
property for a consideration for consumers who furnish either 15067  
directly or indirectly the materials used in the production of 15068  
fabrication work; and include the furnishing, preparing, or 15069  
serving for a consideration of any tangible personal property 15070  
consumed on the premises of the person furnishing, preparing, or 15071  
serving such tangible personal property. Except as provided in 15072  
section 5739.03 of the Revised Code, a construction contract 15073

pursuant to which tangible personal property is or is to be 15074  
incorporated into a structure or improvement on and becoming a 15075  
part of real property is not a sale of such tangible personal 15076  
property. The construction contractor is the consumer of such 15077  
tangible personal property, provided that the sale and 15078  
installation of carpeting, the sale and installation of 15079  
agricultural land tile, the sale and erection or installation of 15080  
portable grain bins, or the provision of landscaping and lawn 15081  
care service and the transfer of property as part of such 15082  
service is never a construction contract. 15083

As used in division (B) (5) of this section: 15084

(a) "Agricultural land tile" means fired clay or concrete 15085  
tile, or flexible or rigid perforated plastic pipe or tubing, 15086  
incorporated or to be incorporated into a subsurface drainage 15087  
system appurtenant to land used or to be used primarily in 15088  
production by farming, agriculture, horticulture, or 15089  
floriculture. The term does not include such materials when they 15090  
are or are to be incorporated into a drainage system appurtenant 15091  
to a building or structure even if the building or structure is 15092  
used or to be used in such production. 15093

(b) "Portable grain bin" means a structure that is used or 15094  
to be used by a person engaged in farming or agriculture to 15095  
shelter the person's grain and that is designed to be 15096  
disassembled without significant damage to its component parts. 15097

(6) All transactions in which all of the shares of stock 15098  
of a closely held corporation are transferred, or an ownership 15099  
interest in a pass-through entity, as defined in section 5733.04 15100  
of the Revised Code, is transferred, if the corporation or pass- 15101  
through entity is not engaging in business and its entire assets 15102  
consist of boats, planes, motor vehicles, or other tangible 15103

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| personal property operated primarily for the use and enjoyment   | 15104 |
| of the shareholders or owners;                                   | 15105 |
| (7) All transactions in which a warranty, maintenance or         | 15106 |
| service contract, or similar agreement by which the vendor of    | 15107 |
| the warranty, contract, or agreement agrees to repair or         | 15108 |
| maintain the tangible personal property of the consumer is or is | 15109 |
| to be provided;                                                  | 15110 |
| (8) The transfer of copyrighted motion picture films used        | 15111 |
| solely for advertising purposes, except that the transfer of     | 15112 |
| such films for exhibition purposes is not a sale;                | 15113 |
| (9) All transactions by which tangible personal property         | 15114 |
| is or is to be stored, except such property that the consumer of | 15115 |
| the storage holds for sale in the regular course of business;    | 15116 |
| (10) All transactions in which "guaranteed auto                  | 15117 |
| protection" is provided whereby a person promises to pay to the  | 15118 |
| consumer the difference between the amount the consumer receives | 15119 |
| from motor vehicle insurance and the amount the consumer owes to | 15120 |
| a person holding title to or a lien on the consumer's motor      | 15121 |
| vehicle in the event the consumer's motor vehicle suffers a      | 15122 |
| total loss under the terms of the motor vehicle insurance policy | 15123 |
| or is stolen and not recovered, if the protection and its price  | 15124 |
| are included in the purchase or lease agreement;                 | 15125 |
| (11) (a) Except as provided in division (B) (11) (b) of this     | 15126 |
| section, all transactions by which health care services are paid | 15127 |
| for, reimbursed, provided, delivered, arranged for, or otherwise | 15128 |
| made available by a medicaid health insuring corporation         | 15129 |
| pursuant to the corporation's contract with the state.           | 15130 |
| (b) If the centers for medicare and medicaid services of         | 15131 |
| the United States department of health and human services        | 15132 |

determines that the taxation of transactions described in 15133  
division (B) (11) (a) of this section constitutes an impermissible 15134  
health care-related tax under the "Social Security Act," section 15135  
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 15136  
the medicaid director shall notify the tax commissioner of that 15137  
determination. Beginning with the first day of the month 15138  
following that notification, the transactions described in 15139  
division (B) (11) (a) of this section are not sales for the 15140  
purposes of this chapter or Chapter 5741. of the Revised Code. 15141  
The tax commissioner shall order that the collection of taxes 15142  
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 15143  
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 15144  
for transactions occurring on or after that date. 15145

(12) All transactions by which a specified digital product 15146  
is provided for permanent use or less than permanent use, 15147  
regardless of whether continued payment is required. 15148

(13) All transactions by a delivery network company for 15149  
the company's delivery network services, provided the company 15150  
has a waiver issued under section 5741.072 of the Revised Code. 15151

Except as provided in this section, "sale" and "selling" 15152  
do not include transfers of interest in leased property where 15153  
the original lessee and the terms of the original lease 15154  
agreement remain unchanged, or professional, insurance, or 15155  
personal service transactions that involve the transfer of 15156  
tangible personal property as an inconsequential element, for 15157  
which no separate charges are made. 15158

(C) "Vendor" means the person providing the service or by 15159  
whom the transfer effected or license given by a sale is or is 15160  
to be made or given and, for sales described in division (B) (3) 15161  
(i) of this section, the telecommunications service vendor that 15162



provides the nine hundred telephone service; if two or more 15163  
persons are engaged in business at the same place of business 15164  
under a single trade name in which all collections on account of 15165  
sales by each are made, such persons shall constitute a single 15166  
vendor. 15167

Physicians, dentists, hospitals, and veterinarians who are 15168  
engaged in selling tangible personal property as received from 15169  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 15170  
articles, are vendors. Veterinarians who are engaged in 15171  
transferring to others for a consideration drugs, the dispensing 15172  
of which does not require an order of a licensed veterinarian or 15173  
physician under federal law, are vendors. 15174

The operator of any peer-to-peer car sharing program shall 15175  
be considered to be the vendor. 15176

(D) (1) "Consumer" means the person for whom the service is 15177  
provided, to whom the transfer effected or license given by a 15178  
sale is or is to be made or given, to whom the service described 15179  
in division (B) (3) (f) or (i) of this section is charged, or to 15180  
whom the admission is granted. 15181

(2) Physicians, dentists, hospitals, and blood banks 15182  
operated by nonprofit institutions and persons licensed to 15183  
practice veterinary medicine, surgery, and dentistry are 15184  
consumers of all tangible personal property and services 15185  
purchased by them in connection with the practice of medicine, 15186  
dentistry, the rendition of hospital or blood bank service, or 15187  
the practice of veterinary medicine, surgery, and dentistry. In 15188  
addition to being consumers of drugs administered by them or by 15189  
their assistants according to their direction, veterinarians 15190  
also are consumers of drugs that under federal law may be 15191  
dispensed only by or upon the order of a licensed veterinarian 15192

or physician, when transferred by them to others for a 15193  
consideration to provide treatment to animals as directed by the 15194  
veterinarian. 15195

(3) A person who performs a facility management, or 15196  
similar service contract for a contractee is a consumer of all 15197  
tangible personal property and services purchased for use in 15198  
connection with the performance of such contract, regardless of 15199  
whether title to any such property vests in the contractee. The 15200  
purchase of such property and services is not subject to the 15201  
exception for resale under division (E) of this section. 15202

(4) (a) In the case of a person who purchases printed 15203  
matter for the purpose of distributing it or having it 15204  
distributed to the public or to a designated segment of the 15205  
public, free of charge, that person is the consumer of that 15206  
printed matter, and the purchase of that printed matter for that 15207  
purpose is a sale. 15208

(b) In the case of a person who produces, rather than 15209  
purchases, printed matter for the purpose of distributing it or 15210  
having it distributed to the public or to a designated segment 15211  
of the public, free of charge, that person is the consumer of 15212  
all tangible personal property and services purchased for use or 15213  
consumption in the production of that printed matter. That 15214  
person is not entitled to claim exemption under division (B) (42) 15215  
(f) of section 5739.02 of the Revised Code for any material 15216  
incorporated into the printed matter or any equipment, supplies, 15217  
or services primarily used to produce the printed matter. 15218

(c) The distribution of printed matter to the public or to 15219  
a designated segment of the public, free of charge, is not a 15220  
sale to the members of the public to whom the printed matter is 15221  
distributed or to any persons who purchase space in the printed 15222

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| matter for advertising or other purposes.                        | 15223 |
| (5) A person who makes sales of any of the services listed       | 15224 |
| in division (B) (3) of this section is the consumer of any       | 15225 |
| tangible personal property used in performing the service. The   | 15226 |
| purchase of that property is not subject to the resale exception | 15227 |
| under division (E) of this section.                              | 15228 |
| (6) A person who engages in highway transportation for           | 15229 |
| hire is the consumer of all packaging materials purchased by     | 15230 |
| that person and used in performing the service, except for       | 15231 |
| packaging materials sold by such person in a transaction         | 15232 |
| separate from the service.                                       | 15233 |
| (7) In the case of a transaction for health care services        | 15234 |
| under division (B) (11) of this section, a medicaid health       | 15235 |
| insuring corporation is the consumer of such services. The       | 15236 |
| purchase of such services by a medicaid health insuring          | 15237 |
| corporation is not subject to the exception for resale under     | 15238 |
| division (E) of this section or to the exemptions provided under | 15239 |
| divisions (B) (12), (18), (19), and (22) of section 5739.02 of   | 15240 |
| the Revised Code.                                                | 15241 |
| (E) "Retail sale" and "sales at retail" include all sales,       | 15242 |
| except those in which the purpose of the consumer is to resell   | 15243 |
| the thing transferred or benefit of the service provided, by a   | 15244 |
| person engaging in business, in the form in which the same is,   | 15245 |
| or is to be, received by the person.                             | 15246 |
| (F) "Business" includes any activity engaged in by any           | 15247 |
| person with the object of gain, benefit, or advantage, either    | 15248 |
| direct or indirect. "Business" does not include the activity of  | 15249 |
| a person in managing and investing the person's own funds.       | 15250 |
| (G) "Engaging in business" means commencing, conducting,         | 15251 |

or continuing in business, and liquidating a business when the 15252  
liquidator thereof holds itself out to the public as conducting 15253  
such business. Making a casual sale is not engaging in business. 15254

(H) (1) (a) "Price," except as provided in divisions (H) (2), 15255  
(3), and (4) of this section, means the total amount of 15256  
consideration, including cash, credit, property, and services, 15257  
for which tangible personal property or services are sold, 15258  
leased, or rented, valued in money, whether received in money or 15259  
otherwise, without any deduction for any of the following: 15260

(i) The vendor's cost of the property sold; 15261

(ii) The cost of materials used, labor or service costs, 15262  
interest, losses, all costs of transportation to the vendor, all 15263  
taxes imposed on the vendor, including the tax imposed under 15264  
Chapter 5751. of the Revised Code, and any other expense of the 15265  
vendor; 15266

(iii) Charges by the vendor for any services necessary to 15267  
complete the sale; 15268

(iv) Delivery charges. As used in this division, "delivery 15269  
charges" means charges by the vendor for preparation and 15270  
delivery to a location designated by the consumer of tangible 15271  
personal property or a service, including transportation, 15272  
shipping, postage, handling, crating, and packing. 15273

(v) Installation charges; 15274

(vi) Credit for any trade-in. 15275

(b) "Price" includes consideration received by the vendor 15276  
from a third party, if the vendor actually receives the 15277  
consideration from a party other than the consumer, and the 15278  
consideration is directly related to a price reduction or 15279

discount on the sale; the vendor has an obligation to pass the 15280  
price reduction or discount through to the consumer; the amount 15281  
of the consideration attributable to the sale is fixed and 15282  
determinable by the vendor at the time of the sale of the item 15283  
to the consumer; and one of the following criteria is met: 15284

(i) The consumer presents a coupon, certificate, or other 15285  
document to the vendor to claim a price reduction or discount 15286  
where the coupon, certificate, or document is authorized, 15287  
distributed, or granted by a third party with the understanding 15288  
that the third party will reimburse any vendor to whom the 15289  
coupon, certificate, or document is presented; 15290

(ii) The consumer identifies the consumer's self to the 15291  
seller as a member of a group or organization entitled to a 15292  
price reduction or discount. A preferred customer card that is 15293  
available to any patron does not constitute membership in such a 15294  
group or organization. 15295

(iii) The price reduction or discount is identified as a 15296  
third party price reduction or discount on the invoice received 15297  
by the consumer, or on a coupon, certificate, or other document 15298  
presented by the consumer. 15299

(c) "Price" does not include any of the following: 15300

(i) Discounts, including cash, term, or coupons that are 15301  
not reimbursed by a third party that are allowed by a vendor and 15302  
taken by a consumer on a sale; 15303

(ii) Interest, financing, and carrying charges from credit 15304  
extended on the sale of tangible personal property or services, 15305  
if the amount is separately stated on the invoice, bill of sale, 15306  
or similar document given to the purchaser; 15307

(iii) Any taxes legally imposed directly on the consumer 15308

that are separately stated on the invoice, bill of sale, or 15309  
similar document given to the consumer. For the purpose of this 15310  
division, the tax imposed under Chapter 5751. of the Revised 15311  
Code is not a tax directly on the consumer, even if the tax or a 15312  
portion thereof is separately stated. 15313

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 15314  
this section, any discount allowed by an automobile manufacturer 15315  
to its employee, or to the employee of a supplier, on the 15316  
purchase of a new motor vehicle from a new motor vehicle dealer 15317  
in this state. 15318

(v) The dollar value of a gift card that is not sold by a 15319  
vendor or purchased by a consumer and that is redeemed by the 15320  
consumer in purchasing tangible personal property or services if 15321  
the vendor is not reimbursed and does not receive compensation 15322  
from a third party to cover all or part of the gift card value. 15323  
For the purposes of this division, a gift card is not sold by a 15324  
vendor or purchased by a consumer if it is distributed pursuant 15325  
to an awards, loyalty, or promotional program. Past and present 15326  
purchases of tangible personal property or services by the 15327  
consumer shall not be treated as consideration exchanged for a 15328  
gift card. 15329

(2) In the case of a sale of any new motor vehicle by a 15330  
new motor vehicle dealer, as defined in section 4517.01 of the 15331  
Revised Code, in which another motor vehicle is accepted by the 15332  
dealer as part of the consideration received, "price" has the 15333  
same meaning as in division (H) (1) of this section, reduced by 15334  
the credit afforded the consumer by the dealer for the motor 15335  
vehicle received in trade. 15336

(3) In the case of a sale of any watercraft or outboard 15337  
motor by a watercraft dealer licensed in accordance with section 15338

1547.543 of the Revised Code, in which another watercraft, 15339  
watercraft and trailer, or outboard motor is accepted by the 15340  
dealer as part of the consideration received, "price" has the 15341  
same meaning as in division (H) (1) of this section, reduced by 15342  
the credit afforded the consumer by the dealer for the 15343  
watercraft, watercraft and trailer, or outboard motor received 15344  
in trade. As used in this division, "watercraft" includes an 15345  
outdrive unit attached to the watercraft. 15346

(4) In the case of transactions for health care services 15347  
under division (B) (11) of this section, "price" means the amount 15348  
of managed care premiums received each month by a medicaid 15349  
health insuring corporation. 15350

(I) "Receipts" means the total amount of the prices of the 15351  
sales of vendors, provided that the dollar value of gift cards 15352  
distributed pursuant to an awards, loyalty, or promotional 15353  
program, and cash discounts allowed and taken on sales at the 15354  
time they are consummated are not included, minus any amount 15355  
deducted as a bad debt pursuant to section 5739.121 of the 15356  
Revised Code. "Receipts" does not include the sale price of 15357  
property returned or services rejected by consumers when the 15358  
full sale price and tax are refunded either in cash or by 15359  
credit. 15360

(J) "Place of business" means any location at which a 15361  
person engages in business. 15362

(K) "Premises" includes any real property or portion 15363  
thereof upon which any person engages in selling tangible 15364  
personal property at retail or making retail sales and also 15365  
includes any real property or portion thereof designated for, or 15366  
devoted to, use in conjunction with the business engaged in by 15367  
such person. 15368

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in section 5739.091 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or



personnel to or from a place where a service is performed. 15399

(P) "Used directly in the rendition of a public utility 15400  
service" means that property that is to be incorporated into and 15401  
will become a part of the consumer's production, transmission, 15402  
transportation, or distribution system and that retains its 15403  
classification as tangible personal property after such 15404  
incorporation; fuel or power used in the production, 15405  
transmission, transportation, or distribution system; and 15406  
tangible personal property used in the repair and maintenance of 15407  
the production, transmission, transportation, or distribution 15408  
system, including only such motor vehicles as are specially 15409  
designed and equipped for such use. Tangible personal property 15410  
and services used primarily in providing highway transportation 15411  
for hire are not used directly in the rendition of a public 15412  
utility service. In this definition, "public utility" includes a 15413  
citizen of the United States holding, and required to hold, a 15414  
certificate of public convenience and necessity issued under 49 15415  
U.S.C. 41102. 15416

(Q) "Refining" means removing or separating a desirable 15417  
product from raw or contaminated materials by distillation or 15418  
physical, mechanical, or chemical processes. 15419

(R) "Assembly" and "assembling" mean attaching or fitting 15420  
together parts to form a product, but do not include packaging a 15421  
product. 15422

(S) "Manufacturing operation" means a process in which 15423  
materials are changed, converted, or transformed into a 15424  
different state or form from which they previously existed and 15425  
includes refining materials, assembling parts, and preparing raw 15426  
materials and parts by mixing, measuring, blending, or otherwise 15427  
committing such materials or parts to the manufacturing process. 15428

"Manufacturing operation" does not include packaging. 15429

(T) "Fiscal officer" means, with respect to a regional 15430  
transit authority, the secretary-treasurer thereof, and with 15431  
respect to a county that is a transit authority, the fiscal 15432  
officer of the county transit board if one is appointed pursuant 15433  
to section 306.03 of the Revised Code or the county auditor if 15434  
the board of county commissioners operates the county transit 15435  
system. 15436

(U) "Transit authority" means a regional transit authority 15437  
created pursuant to section 306.31 of the Revised Code or a 15438  
county in which a county transit system is created pursuant to 15439  
section 306.01 of the Revised Code. For the purposes of this 15440  
chapter, a transit authority must extend to at least the entire 15441  
area of a single county. A transit authority that includes 15442  
territory in more than one county must include all the area of 15443  
the most populous county that is a part of such transit 15444  
authority. County population shall be measured by the most 15445  
recent census taken by the United States census bureau. 15446

(V) "Legislative authority" means, with respect to a 15447  
regional transit authority, the board of trustees thereof, and 15448  
with respect to a county that is a transit authority, the board 15449  
of county commissioners. 15450

(W) "Territory of the transit authority" means all of the 15451  
area included within the territorial boundaries of a transit 15452  
authority as they from time to time exist. Such territorial 15453  
boundaries must at all times include all the area of a single 15454  
county or all the area of the most populous county that is a 15455  
part of such transit authority. County population shall be 15456  
measured by the most recent census taken by the United States 15457  
census bureau. 15458

(X) "Providing a service" means providing or furnishing 15459  
anything described in division (B) (3) of this section for 15460  
consideration. 15461

(Y) (1) (a) "Automatic data processing" means processing of 15462  
others' data, including keypunching or similar data entry 15463  
services together with verification thereof, or providing access 15464  
to computer equipment for the purpose of processing data. 15465

(b) "Computer services" means providing services 15466  
consisting of specifying computer hardware configurations and 15467  
evaluating technical processing characteristics, computer 15468  
programming, and training of computer programmers and operators, 15469  
provided in conjunction with and to support the sale, lease, or 15470  
operation of taxable computer equipment or systems. 15471

(c) "Electronic information services" means providing 15472  
access to computer equipment by means of telecommunications 15473  
equipment for the purpose of either of the following: 15474

(i) Examining or acquiring data stored in or accessible to 15475  
the computer equipment; 15476

(ii) Placing data into the computer equipment to be 15477  
retrieved by designated recipients with access to the computer 15478  
equipment. 15479

"Electronic information services" does not include 15480  
electronic publishing. 15481

(d) "Automatic data processing, computer services, or 15482  
electronic information services" shall not include personal or 15483  
professional services. 15484

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 15485  
section, "personal and professional services" means all services 15486

|                                                                  |       |
|------------------------------------------------------------------|-------|
| other than automatic data processing, computer services, or      | 15487 |
| electronic information services, including but not limited to:   | 15488 |
| (a) Accounting and legal services such as advice on tax          | 15489 |
| matters, asset management, budgetary matters, quality control,   | 15490 |
| information security, and auditing and any other situation where | 15491 |
| the service provider receives data or information and studies,   | 15492 |
| alters, analyzes, interprets, or adjusts such material;          | 15493 |
| (b) Analyzing business policies and procedures;                  | 15494 |
| (c) Identifying management information needs;                    | 15495 |
| (d) Feasibility studies, including economic and technical        | 15496 |
| analysis of existing or potential computer hardware or software  | 15497 |
| needs and alternatives;                                          | 15498 |
| (e) Designing policies, procedures, and custom software          | 15499 |
| for collecting business information, and determining how data    | 15500 |
| should be summarized, sequenced, formatted, processed,           | 15501 |
| controlled, and reported so that it will be meaningful to        | 15502 |
| management;                                                      | 15503 |
| (f) Developing policies and procedures that document how         | 15504 |
| business events and transactions are to be authorized, executed, | 15505 |
| and controlled;                                                  | 15506 |
| (g) Testing of business procedures;                              | 15507 |
| (h) Training personnel in business procedure applications;       | 15508 |
| (i) Providing credit information to users of such                | 15509 |
| information by a consumer reporting agency, as defined in the    | 15510 |
| "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15      | 15511 |
| U.S.C. 1681a(f), or as hereafter amended, including but not      | 15512 |
| limited to gathering, organizing, analyzing, recording, and      | 15513 |
| furnishing such information by any oral, written, graphic, or    | 15514 |

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| electronic medium;                                                | 15515 |
| (j) Providing debt collection services by any oral,               | 15516 |
| written, graphic, or electronic means;                            | 15517 |
| (k) Providing digital advertising services;                       | 15518 |
| (l) Providing services to electronically file any federal,        | 15519 |
| state, or local individual income tax return, report, or other    | 15520 |
| related document or schedule with a federal, state, or local      | 15521 |
| government entity or to electronically remit a payment of any     | 15522 |
| such individual income tax to such an entity. For the purpose of  | 15523 |
| this division, "individual income tax" does not include federal,  | 15524 |
| state, or local taxes withheld by an employer from an employee's  | 15525 |
| compensation.                                                     | 15526 |
| The services listed in divisions (Y) (2) (a) to (l) of this       | 15527 |
| section are not automatic data processing or computer services.   | 15528 |
| (Z) "Highway transportation for hire" means the                   | 15529 |
| transportation of personal property belonging to others for       | 15530 |
| consideration by any of the following:                            | 15531 |
| (1) The holder of a permit or certificate issued by this          | 15532 |
| state or the United States authorizing the holder to engage in    | 15533 |
| transportation of personal property belonging to others for       | 15534 |
| consideration over or on highways, roadways, streets, or any      | 15535 |
| similar public thoroughfare;                                      | 15536 |
| (2) A person who engages in the transportation of personal        | 15537 |
| property belonging to others for consideration over or on         | 15538 |
| highways, roadways, streets, or any similar public thoroughfare   | 15539 |
| but who could not have engaged in such transportation on          | 15540 |
| December 11, 1985, unless the person was the holder of a permit   | 15541 |
| or certificate of the types described in division (Z) (1) of this | 15542 |
| section;                                                          | 15543 |

(3) A person who leases a motor vehicle to and operates it 15544  
for a person described by division (Z) (1) or (2) of this 15545  
section. 15546

"Highway transportation for hire" does not include 15547  
delivery network services. 15548

(AA) (1) "Telecommunications service" means the electronic 15549  
transmission, conveyance, or routing of voice, data, audio, 15550  
video, or any other information or signals to a point, or 15551  
between or among points. "Telecommunications service" includes 15552  
such transmission, conveyance, or routing in which computer 15553  
processing applications are used to act on the form, code, or 15554  
protocol of the content for purposes of transmission, 15555  
conveyance, or routing without regard to whether the service is 15556  
referred to as voice-over internet protocol service or is 15557  
classified by the federal communications commission as enhanced 15558  
or value-added. "Telecommunications service" does not include 15559  
any of the following: 15560

(a) Data processing and information services that allow 15561  
data to be generated, acquired, stored, processed, or retrieved 15562  
and delivered by an electronic transmission to a consumer where 15563  
the consumer's primary purpose for the underlying transaction is 15564  
the processed data or information; 15565

(b) Installation or maintenance of wiring or equipment on 15566  
a customer's premises; 15567

(c) Tangible personal property; 15568

(d) Advertising, including directory advertising; 15569

(e) Billing and collection services provided to third 15570  
parties; 15571

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (f) Internet access service;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 15572                                                                |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 15573<br>15574<br>15575<br>15576<br>15577<br>15578<br>15579<br>15580 |
| (h) Ancillary service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 15581                                                                |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.                                                                                                                                                                                                                                                                                                                                                                        | 15582<br>15583                                                       |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:                                                                                                                                                                               | 15584<br>15585<br>15586<br>15587<br>15588<br>15589                   |
| (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.                                                                                                                                                                                            | 15590<br>15591<br>15592<br>15593<br>15594                            |
| (b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.                                                                                                                                                                                                                                                                                                          | 15595<br>15596<br>15597                                              |
| (c) "Directory assistance" means an ancillary service of providing telephone number or address information.                                                                                                                                                                                                                                                                                                                                                                               | 15598<br>15599                                                       |

(d) "Vertical service" means an ancillary service that is 15600  
offered in connection with one or more telecommunications 15601  
services, which offers advanced calling features that allow 15602  
customers to identify callers and manage multiple calls and call 15603  
connections, including conference bridging service. 15604

(e) "Voice mail service" means an ancillary service that 15605  
enables the customer to store, send, or receive recorded 15606  
messages. "Voice mail service" does not include any vertical 15607  
services that the customer may be required to have in order to 15608  
utilize the voice mail service. 15609

(3) "900 service" means an inbound toll telecommunications 15610  
service purchased by a subscriber that allows the subscriber's 15611  
customers to call in to the subscriber's prerecorded 15612  
announcement or live service, and which is typically marketed 15613  
under the name "900 service" and any subsequent numbers 15614  
designated by the federal communications commission. "900 15615  
service" does not include the charge for collection services 15616  
provided by the seller of the telecommunications service to the 15617  
subscriber, or services or products sold by the subscriber to 15618  
the subscriber's customer. 15619

(4) "Prepaid calling service" means the right to access 15620  
exclusively telecommunications services, which must be paid for 15621  
in advance and which enables the origination of calls using an 15622  
access number or authorization code, whether manually or 15623  
electronically dialed, and that is sold in predetermined units 15624  
or dollars of which the number declines with use in a known 15625  
amount. 15626

(5) "Prepaid wireless calling service" means a 15627  
telecommunications service that provides the right to utilize 15628  
mobile telecommunications service as well as other non- 15629



telecommunications services, including the download of digital 15630  
products delivered electronically, and content and ancillary 15631  
services, that must be paid for in advance and that is sold in 15632  
predetermined units or dollars of which the number declines with 15633  
use in a known amount. 15634

(6) "Value-added non-voice data service" means a 15635  
telecommunications service in which computer processing 15636  
applications are used to act on the form, content, code, or 15637  
protocol of the information or data primarily for a purpose 15638  
other than transmission, conveyance, or routing. 15639

(7) "Coin-operated telephone service" means a 15640  
telecommunications service paid for by inserting money into a 15641  
telephone accepting direct deposits of money to operate. 15642

(8) "Customer" has the same meaning as in section 5739.034 15643  
of the Revised Code. 15644

(BB) "Laundry and dry cleaning services" means removing 15645  
soil or dirt from towels, linens, articles of clothing, or other 15646  
fabric items that belong to others and supplying towels, linens, 15647  
articles of clothing, or other fabric items. "Laundry and dry 15648  
cleaning services" does not include the provision of self- 15649  
service facilities for use by consumers to remove soil or dirt 15650  
from towels, linens, articles of clothing, or other fabric 15651  
items. 15652

(CC) "Magazines distributed as controlled circulation 15653  
publications" means magazines containing at least twenty-four 15654  
pages, at least twenty-five per cent editorial content, issued 15655  
at regular intervals four or more times a year, and circulated 15656  
without charge to the recipient, provided that such magazines 15657  
are not owned or controlled by individuals or business concerns 15658

which conduct such publications as an auxiliary to, and 15659  
essentially for the advancement of the main business or calling 15660  
of, those who own or control them. 15661

(DD) "Landscaping and lawn care service" means the 15662  
services of planting, seeding, sodding, removing, cutting, 15663  
trimming, pruning, mulching, aerating, applying chemicals, 15664  
watering, fertilizing, and providing similar services to 15665  
establish, promote, or control the growth of trees, shrubs, 15666  
flowers, grass, ground cover, and other flora, or otherwise 15667  
maintaining a lawn or landscape grown or maintained by the owner 15668  
for ornamentation or other nonagricultural purpose. However, 15669  
"landscaping and lawn care service" does not include the 15670  
providing of such services by a person who has less than five 15671  
thousand dollars in sales of such services during the calendar 15672  
year. 15673

(EE) "Private investigation and security service" means 15674  
the performance of any activity for which the provider of such 15675  
service is required to be licensed pursuant to Chapter 4749. of 15676  
the Revised Code, or would be required to be so licensed in 15677  
performing such services in this state, and also includes the 15678  
services of conducting polygraph examinations and of monitoring 15679  
or overseeing the activities on or in, or the condition of, the 15680  
consumer's home, business, or other facility by means of 15681  
electronic or similar monitoring devices. "Private investigation 15682  
and security service" does not include special duty services 15683  
provided by off-duty police officers, deputy sheriffs, and other 15684  
peace officers regularly employed by the state or a political 15685  
subdivision. 15686

(FF) "Information services" means providing conversation, 15687  
giving consultation or advice, playing or making a voice or 15688

other recording, making or keeping a record of the number of 15689  
callers, and any other service provided to a consumer by means 15690  
of a nine hundred telephone call, except when the nine hundred 15691  
telephone call is the means by which the consumer makes a 15692  
contribution to a recognized charity. 15693

(GG) "Research and development" means designing, creating, 15694  
or formulating new or enhanced products, equipment, or 15695  
manufacturing processes, and also means conducting scientific or 15696  
technological inquiry and experimentation in the physical 15697  
sciences with the goal of increasing scientific knowledge which 15698  
may reveal the bases for new or enhanced products, equipment, or 15699  
manufacturing processes. 15700

(HH) "Qualified research and development equipment" means 15701  
either of the following: 15702

(1) Capitalized tangible personal property, and leased 15703  
personal property that would be capitalized if purchased, used 15704  
by a person primarily to perform research and development; 15705

(2) Any tangible personal property used by a megaproject 15706  
operator primarily to perform research and development at the 15707  
site of a megaproject that satisfies the criteria described in 15708  
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 15709  
during the period that the megaproject operator has an agreement 15710  
for such megaproject with the tax credit authority under 15711  
division (D) of that section that remains in effect and has not 15712  
expired or been terminated. 15713

"Qualified research and development equipment" does not 15714  
include tangible personal property primarily used in testing, as 15715  
defined in division (A) (4) of section 5739.011 of the Revised 15716  
Code, or used for recording or storing test results, unless such 15717

property is primarily used by the consumer in testing the 15718  
product, equipment, or manufacturing process being created, 15719  
designed, or formulated by the consumer in the research and 15720  
development activity or in recording or storing such test 15721  
results. 15722

(II) "Building maintenance and janitorial service" means 15723  
cleaning the interior or exterior of a building and any tangible 15724  
personal property located therein or thereon, including any 15725  
services incidental to such cleaning for which no separate 15726  
charge is made. However, "building maintenance and janitorial 15727  
service" does not include the providing of such service by a 15728  
person who has less than five thousand dollars in sales of such 15729  
service during the calendar year. As used in this division, 15730  
"cleaning" does not include sanitation services necessary for an 15731  
establishment described in 21 U.S.C. 608 to comply with rules 15732  
and regulations adopted pursuant to that section. 15733

(JJ) "Exterminating service" means eradicating or 15734  
attempting to eradicate vermin infestations from a building or 15735  
structure, or the area surrounding a building or structure, and 15736  
includes activities to inspect, detect, or prevent vermin 15737  
infestation of a building or structure. 15738

(KK) "Physical fitness facility service" means all 15739  
transactions by which a membership is granted, maintained, or 15740  
renewed, including initiation fees, membership dues, renewal 15741  
fees, monthly minimum fees, and other similar fees and dues, by 15742  
a physical fitness facility such as an athletic club, health 15743  
spa, or gymnasium, which entitles the member to use the facility 15744  
for physical exercise. 15745

(LL) "Recreation and sports club service" means all 15746  
transactions by which a membership is granted, maintained, or 15747

renewed, including initiation fees, membership dues, renewal 15748  
fees, monthly minimum fees, and other similar fees and dues, by 15749  
a recreation and sports club, which entitles the member to use 15750  
the facilities of the organization. "Recreation and sports club" 15751  
means an organization that has ownership of, or controls or 15752  
leases on a continuing, long-term basis, the facilities used by 15753  
its members and includes an aviation club, gun or shooting club, 15754  
yacht club, card club, swimming club, tennis club, golf club, 15755  
country club, riding club, amateur sports club, or similar 15756  
organization. 15757

(MM) "Livestock" means farm animals commonly raised for 15758  
food, food production, or other agricultural purposes, 15759  
including, but not limited to, cattle, sheep, goats, swine, 15760  
poultry, and captive deer. "Livestock" does not include 15761  
invertebrates, amphibians, reptiles, domestic pets, animals for 15762  
use in laboratories or for exhibition, or other animals not 15763  
commonly raised for food or food production. 15764

(NN) "Livestock structure" means a building or structure 15765  
used exclusively for the housing, raising, feeding, or 15766  
sheltering of livestock, and includes feed storage or handling 15767  
structures and structures for livestock waste handling. 15768

(OO) "Horticulture" means the growing, cultivation, and 15769  
production of flowers, fruits, herbs, vegetables, sod, 15770  
mushrooms, and nursery stock. As used in this division, "nursery 15771  
stock" has the same meaning as in section 927.51 of the Revised 15772  
Code. 15773

(PP) "Horticulture structure" means a building or 15774  
structure used exclusively for the commercial growing, raising, 15775  
or overwintering of horticultural products, and includes the 15776  
area used for stocking, storing, and packing horticultural 15777

products when done in conjunction with the production of those 15778  
products. 15779

(QQ) "Newspaper" means an unbound publication bearing a 15780  
title or name that is regularly published, at least as 15781  
frequently as biweekly, and distributed from a fixed place of 15782  
business to the public in a specific geographic area, and that 15783  
contains a substantial amount of news matter of international, 15784  
national, or local events of interest to the general public. 15785

(RR) (1) "Feminine hygiene products" means tampons, panty 15786  
liners, menstrual cups, sanitary napkins, and other similar 15787  
tangible personal property designed for feminine hygiene in 15788  
connection with the human menstrual cycle, but does not include 15789  
grooming and hygiene products. 15790

(2) "Grooming and hygiene products" means soaps and 15791  
cleaning solutions, shampoo, toothpaste, mouthwash, 15792  
antiperspirants, and sun tan lotions and screens, regardless of 15793  
whether any of these products are over-the-counter drugs. 15794

(3) "Over-the-counter drugs" means a drug that contains a 15795  
label that identifies the product as a drug as required by 21 15796  
C.F.R. 201.66, which label includes a drug facts panel or a 15797  
statement of the active ingredients with a list of those 15798  
ingredients contained in the compound, substance, or 15799  
preparation. 15800

(SS) (1) "Lease" or "rental" means any transfer of the 15801  
possession or control of tangible personal property for a fixed 15802  
or indefinite term, for consideration. "Lease" or "rental" 15803  
includes future options to purchase or extend, and agreements 15804  
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 15805  
trailers where the amount of consideration may be increased or 15806

decreased by reference to the amount realized upon the sale or 15807  
disposition of the property. "Lease" or "rental" does not 15808  
include: 15809

(a) A transfer of possession or control of tangible 15810  
personal property under a security agreement or a deferred 15811  
payment plan that requires the transfer of title upon completion 15812  
of the required payments; 15813

(b) A transfer of possession or control of tangible 15814  
personal property under an agreement that requires the transfer 15815  
of title upon completion of required payments and payment of an 15816  
option price that does not exceed the greater of one hundred 15817  
dollars or one per cent of the total required payments; 15818

(c) Providing tangible personal property along with an 15819  
operator for a fixed or indefinite period of time, if the 15820  
operator is necessary for the property to perform as designed. 15821  
For purposes of this division, the operator must do more than 15822  
maintain, inspect, or set up the tangible personal property. 15823

(2) "Lease" and "rental," as defined in division (SS) of 15824  
this section, shall not apply to leases or rentals that exist 15825  
before June 26, 2003. 15826

(3) "Lease" and "rental" have the same meaning as in 15827  
division (SS) (1) of this section regardless of whether a 15828  
transaction is characterized as a lease or rental under 15829  
generally accepted accounting principles, the Internal Revenue 15830  
Code, Title XIII of the Revised Code, or other federal, state, 15831  
or local laws. 15832

(TT) "Mobile telecommunications service" has the same 15833  
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 15834  
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 15835

amended, and, on and after August 1, 2003, includes related fees 15836  
and ancillary services, including universal service fees, 15837  
detailed billing service, directory assistance, service 15838  
initiation, voice mail service, and vertical services, such as 15839  
caller ID and three-way calling. 15840

(UU) "Certified service provider" has the same meaning as 15841  
in section 5740.01 of the Revised Code. 15842

(VV) "Satellite broadcasting service" means the 15843  
distribution or broadcasting of programming or services by 15844  
satellite directly to the subscriber's receiving equipment 15845  
without the use of ground receiving or distribution equipment, 15846  
except the subscriber's receiving equipment or equipment used in 15847  
the uplink process to the satellite, and includes all service 15848  
and rental charges, premium channels or other special services, 15849  
installation and repair service charges, and any other charges 15850  
having any connection with the provision of the satellite 15851  
broadcasting service. 15852

(WW) "Tangible personal property" means personal property 15853  
that can be seen, weighed, measured, felt, or touched, or that 15854  
is in any other manner perceptible to the senses. For purposes 15855  
of this chapter and Chapter 5741. of the Revised Code, "tangible 15856  
personal property" includes motor vehicles, electricity, water, 15857  
gas, steam, and prewritten computer software. 15858

(XX) "Municipal gas utility" means a municipal corporation 15859  
that owns or operates a system for the distribution of natural 15860  
gas. 15861

(YY) "Computer" means an electronic device that accepts 15862  
information in digital or similar form and manipulates it for a 15863  
result based on a sequence of instructions. 15864



(ZZ) "Computer software" means a set of coded instructions 15865  
designed to cause a computer or automatic data processing 15866  
equipment to perform a task. 15867

(AAA) "Delivered electronically" means delivery of 15868  
computer software from the seller to the purchaser by means 15869  
other than tangible storage media. 15870

(BBB) "Prewritten computer software" means computer 15871  
software, including prewritten upgrades, that is not designed 15872  
and developed by the author or other creator to the 15873  
specifications of a specific purchaser. The combining of two or 15874  
more prewritten computer software programs or prewritten 15875  
portions thereof does not cause the combination to be other than 15876  
prewritten computer software. "Prewritten computer software" 15877  
includes software designed and developed by the author or other 15878  
creator to the specifications of a specific purchaser when it is 15879  
sold to a person other than the purchaser. If a person modifies 15880  
or enhances computer software of which the person is not the 15881  
author or creator, the person shall be deemed to be the author 15882  
or creator only of such person's modifications or enhancements. 15883  
Prewritten computer software or a prewritten portion thereof 15884  
that is modified or enhanced to any degree, where such 15885  
modification or enhancement is designed and developed to the 15886  
specifications of a specific purchaser, remains prewritten 15887  
computer software; provided, however, that where there is a 15888  
reasonable, separately stated charge or an invoice or other 15889  
statement of the price given to the purchaser for the 15890  
modification or enhancement, the modification or enhancement 15891  
shall not constitute prewritten computer software. 15892

(CCC) (1) "Food" means substances, whether in liquid, 15893  
concentrated, solid, frozen, dried, or dehydrated form, that are 15894

sold for ingestion or chewing by humans and are consumed for 15895  
their taste or nutritional value. "Food" does not include 15896  
alcoholic beverages, dietary supplements, soft drinks, or 15897  
tobacco. 15898

(2) As used in division (CCC) (1) of this section: 15899

(a) "Dietary supplements" means any product, other than 15900  
tobacco, that is intended to supplement the diet and that is 15901  
intended for ingestion in tablet, capsule, powder, softgel, 15902  
gelcap, or liquid form, or, if not intended for ingestion in 15903  
such a form, is not represented as conventional food for use as 15904  
a sole item of a meal or of the diet; that is required to be 15905  
labeled as a dietary supplement, identifiable by the "supplement 15906  
facts" box found on the label, as required by 21 C.F.R. 101.36; 15907  
and that contains one or more of the following dietary 15908  
ingredients: 15909

(i) A vitamin; 15910

(ii) A mineral; 15911

(iii) An herb or other botanical; 15912

(iv) An amino acid; 15913

(v) A dietary substance for use by humans to supplement 15914  
the diet by increasing the total dietary intake; 15915

(vi) A concentrate, metabolite, constituent, extract, or 15916  
combination of any ingredient described in divisions (CCC) (2) (a) 15917  
(i) to (v) of this section. 15918

(b) "Soft drinks" means nonalcoholic beverages that 15919  
contain natural or artificial sweeteners. "Soft drinks" does not 15920  
include beverages that contain milk or milk products, soy, rice, 15921  
or similar milk substitutes, or that contains greater than fifty 15922

per cent vegetable or fruit juice by volume. 15923

(DDD) "Drug" means a compound, substance, or preparation, 15924  
and any component of a compound, substance, or preparation, 15925  
other than food, dietary supplements, or alcoholic beverages 15926  
that is recognized in the official United States pharmacopoeia, 15927  
official homeopathic pharmacopoeia of the United States, or 15928  
official national formulary, and supplements to them; is 15929  
intended for use in the diagnosis, cure, mitigation, treatment, 15930  
or prevention of disease; or is intended to affect the structure 15931  
or any function of the body. 15932

(EEE) "Prescription" means an order, formula, or recipe 15933  
issued in any form of oral, written, electronic, or other means 15934  
of transmission by a duly licensed practitioner authorized by 15935  
the laws of this state to issue a prescription. 15936

(FFF) "Durable medical equipment" means equipment, 15937  
including repair and replacement parts for such equipment, that 15938  
can withstand repeated use, is primarily and customarily used to 15939  
serve a medical purpose, generally is not useful to a person in 15940  
the absence of illness or injury, and is not worn in or on the 15941  
body. "Durable medical equipment" does not include mobility 15942  
enhancing equipment. 15943

(GGG) "Mobility enhancing equipment" means equipment, 15944  
including repair and replacement parts for such equipment, that 15945  
is primarily and customarily used to provide or increase the 15946  
ability to move from one place to another and is appropriate for 15947  
use either in a home or a motor vehicle, that is not generally 15948  
used by persons with normal mobility, and that does not include 15949  
any motor vehicle or equipment on a motor vehicle normally 15950  
provided by a motor vehicle manufacturer. "Mobility enhancing 15951  
equipment" does not include durable medical equipment. 15952

(HHH) "Prosthetic device" means a replacement, corrective, 15953  
or supportive device, including repair and replacement parts for 15954  
the device, worn on or in the human body to artificially replace 15955  
a missing portion of the body, prevent or correct physical 15956  
deformity or malfunction, or support a weak or deformed portion 15957  
of the body. As used in this division, before July 1, 2019, 15958  
"prosthetic device" does not include corrective eyeglasses, 15959  
contact lenses, or dental prosthesis. On or after July 1, 2019, 15960  
"prosthetic device" does not include dental prosthesis but does 15961  
include corrective eyeglasses or contact lenses. 15962

(III) (1) "Fractional aircraft ownership program" means a 15963  
program in which persons within an affiliated group sell and 15964  
manage fractional ownership program aircraft, provided that at 15965  
least one hundred airworthy aircraft are operated in the program 15966  
and the program meets all of the following criteria: 15967

(a) Management services are provided by at least one 15968  
program manager within an affiliated group on behalf of the 15969  
fractional owners. 15970

(b) Each program aircraft is owned or possessed by at 15971  
least one fractional owner. 15972

(c) Each fractional owner owns or possesses at least a 15973  
one-sixteenth interest in at least one fixed-wing program 15974  
aircraft. 15975

(d) A dry-lease aircraft interchange arrangement is in 15976  
effect among all of the fractional owners. 15977

(e) Multi-year program agreements are in effect regarding 15978  
the fractional ownership, management services, and dry-lease 15979  
aircraft interchange arrangement aspects of the program. 15980

(2) As used in division (III) (1) of this section: 15981

(a) "Affiliated group" has the same meaning as in division 15982  
(B) (3) (e) of this section. 15983

(b) "Fractional owner" means a person that owns or 15984  
possesses at least a one-sixteenth interest in a program 15985  
aircraft and has entered into the agreements described in 15986  
division (III) (1) (e) of this section. 15987

(c) "Fractional ownership program aircraft" or "program 15988  
aircraft" means a turbojet aircraft that is owned or possessed 15989  
by a fractional owner and that has been included in a dry-lease 15990  
aircraft interchange arrangement and agreement under divisions 15991  
(III) (1) (d) and (e) of this section, or an aircraft a program 15992  
manager owns or possesses primarily for use in a fractional 15993  
aircraft ownership program. 15994

(d) "Management services" means administrative and 15995  
aviation support services furnished under a fractional aircraft 15996  
ownership program in accordance with a management services 15997  
agreement under division (III) (1) (e) of this section, and 15998  
offered by the program manager to the fractional owners, 15999  
including, at a minimum, the establishment and implementation of 16000  
safety guidelines; the coordination of the scheduling of the 16001  
program aircraft and crews; program aircraft maintenance; 16002  
program aircraft insurance; crew training for crews employed, 16003  
furnished, or contracted by the program manager or the 16004  
fractional owner; the satisfaction of record-keeping 16005  
requirements; and the development and use of an operations 16006  
manual and a maintenance manual for the fractional aircraft 16007  
ownership program. 16008

(e) "Program manager" means the person that offers 16009  
management services to fractional owners pursuant to a 16010  
management services agreement under division (III) (1) (e) of this 16011

section. 16012

(JJJ) "Electronic publishing" means providing access to 16013  
one or more of the following primarily for business customers, 16014  
including the federal government or a state government or a 16015  
political subdivision thereof, to conduct research: news; 16016  
business, financial, legal, consumer, or credit materials; 16017  
editorials, columns, reader commentary, or features; photos or 16018  
images; archival or research material; legal notices, identity 16019  
verification, or public records; scientific, educational, 16020  
instructional, technical, professional, trade, or other literary 16021  
materials; or other similar information which has been gathered 16022  
and made available by the provider to the consumer in an 16023  
electronic format. Providing electronic publishing includes the 16024  
functions necessary for the acquisition, formatting, editing, 16025  
storage, and dissemination of data or information that is the 16026  
subject of a sale. 16027

(KKK) "Medicaid health insuring corporation" means a 16028  
health insuring corporation that holds a certificate of 16029  
authority under Chapter 1751. of the Revised Code and is under 16030  
contract with the department of medicaid pursuant to section 16031  
5167.10 of the Revised Code. 16032

(LLL) "Managed care premium" means any premium, 16033  
capitation, or other payment a medicaid health insuring 16034  
corporation receives for providing or arranging for the 16035  
provision of health care services to its members or enrollees 16036  
residing in this state. 16037

(MMM) "Captive deer" means deer and other cervidae that 16038  
have been legally acquired, or their offspring, that are 16039  
privately owned for agricultural or farming purposes. 16040

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same

meaning as in section 4516.01 of the Revised Code. 16069

(RRR) "Megaproject" and "megaproject operator" have the 16070  
same meanings as in section 122.17 of the Revised Code. 16071

(SSS) (1) "Diaper" means an absorbent garment worn by 16072  
humans who are incapable of, or have difficulty, controlling 16073  
their bladder or bowel movements. 16074

(2) "Children's diaper" means a diaper marketed to be worn 16075  
by children. 16076

(3) "Adult diaper" means a diaper other than a children's 16077  
diaper. 16078

(TTT) "Sales tax holiday" means three or more dates on 16079  
which sales of all eligible tangible personal property are 16080  
exempt from the taxes levied under sections 5739.02, 5739.021, 16081  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 16082  
the Revised Code. 16083

(UUU) "Eligible tangible personal property" means any item 16084  
of tangible personal property that meets both of the following 16085  
requirements: 16086

(1) The price of the item does not exceed five hundred 16087  
dollars; 16088

(2) The item is not a watercraft or outboard motor 16089  
required to be titled pursuant to Chapter 1548. of the Revised 16090  
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 16091  
product as defined in section 5743.01 of the Revised Code, or an 16092  
item that contains marijuana as defined in section 3796.01 of 16093  
the Revised Code. 16094

(VVV) "Alcoholic beverages" means beverages that are 16095  
suitable for human consumption and contain one-half of one per 16096



cent or more of alcohol by volume. 16097

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 16098  
tobacco, or any other item that contains tobacco. 16099

(XXX) (1) "Delivery network company" means a person that 16100  
operates a business platform, including a web site or mobile 16101  
application, to facilitate delivery network services. 16102

(2) "Delivery network courier" means an individual 16103  
connected to a consumer through a delivery network company and 16104  
who provides delivery network services to that consumer. 16105

(3) "Delivery network services" means both of the 16106  
following when performed as part of a single transaction: 16107

(a) Pickup of a local product by a delivery network 16108  
courier from a local merchant that is not under common ownership 16109  
or control of the delivery network company through which the 16110  
transaction was initiated, and which may include selection, 16111  
collection, and purchase of the local product; 16112

(b) Delivery by the delivery network courier of that local 16113  
product to a location designated by the consumer that is not 16114  
more than seventy-five miles from the local merchant's place of 16115  
business where the pickup described in division (XXX) (3) (a) of 16116  
this section occurs. 16117

(4) "Local merchant" means a person engaged in selling 16118  
local products from a temporary or fixed place of business in 16119  
this state, including a kitchen, restaurant, grocery store, 16120  
retail store, or convenience store. 16121

(5) "Local product" means any tangible personal property, 16122  
including food, but excluding freight, mail, or a package to 16123  
which postage is affixed. 16124

**Sec. 5739.02.** For the purpose of providing revenue with 16125  
which to meet the needs of the state, for the use of the general 16126  
revenue fund of the state, for the purpose of securing a 16127  
thorough and efficient system of common schools throughout the 16128  
state, for the purpose of affording revenues, in addition to 16129  
those from general property taxes, permitted under 16130  
constitutional limitations, and from other sources, for the 16131  
support of local governmental functions, and for the purpose of 16132  
reimbursing the state for the expense of administering this 16133  
chapter, an excise tax is hereby levied on each retail sale made 16134  
in this state. 16135

(A) (1) The tax shall be collected as provided in section 16136  
5739.025 of the Revised Code. The rate of the tax shall be five 16137  
and three-fourths per cent. The tax applies and is collectible 16138  
when the sale is made, regardless of the time when the price is 16139  
paid or delivered. 16140

(2) In the case of the lease or rental, with a fixed term 16141  
of more than thirty days or an indefinite term with a minimum 16142  
period of more than thirty days, of any motor vehicles designed 16143  
by the manufacturer to carry a load of not more than one ton, 16144  
watercraft, outboard motor, or aircraft, or of any tangible 16145  
personal property, other than motor vehicles designed by the 16146  
manufacturer to carry a load of more than one ton, to be used by 16147  
the lessee or renter primarily for business purposes, the tax 16148  
shall be collected by the vendor at the time the lease or rental 16149  
is consummated and shall be calculated by the vendor on the 16150  
basis of the total amount to be paid by the lessee or renter 16151  
under the lease agreement. If the total amount of the 16152  
consideration for the lease or rental includes amounts that are 16153  
not calculated at the time the lease or rental is executed, the 16154  
tax shall be calculated and collected by the vendor at the time 16155

such amounts are billed to the lessee or renter. In the case of 16156  
an open-end lease or rental, the tax shall be calculated by the 16157  
vendor on the basis of the total amount to be paid during the 16158  
initial fixed term of the lease or rental, and for each 16159  
subsequent renewal period as it comes due. As used in this 16160  
division, "motor vehicle" has the same meaning as in section 16161  
4501.01 of the Revised Code, and "watercraft" includes an 16162  
outdrive unit attached to the watercraft. 16163

A lease with a renewal clause and a termination penalty or 16164  
similar provision that applies if the renewal clause is not 16165  
exercised is presumed to be a sham transaction. In such a case, 16166  
the tax shall be calculated and paid on the basis of the entire 16167  
length of the lease period, including any renewal periods, until 16168  
the termination penalty or similar provision no longer applies. 16169  
The taxpayer shall bear the burden, by a preponderance of the 16170  
evidence, that the transaction or series of transactions is not 16171  
a sham transaction. 16172

(3) Except as provided in division (A) (2) of this section, 16173  
in the case of a sale, the price of which consists in whole or 16174  
in part of the lease or rental of tangible personal property, 16175  
the tax shall be measured by the installments of that lease or 16176  
rental. 16177

(4) In the case of a sale of a physical fitness facility 16178  
service or recreation and sports club service, the price of 16179  
which consists in whole or in part of a membership for the 16180  
receipt of the benefit of the service, the tax applicable to the 16181  
sale shall be measured by the installments thereof. 16182

(B) The tax does not apply to the following: 16183

(1) Sales to the state or any of its political 16184

subdivisions, or to any other state or its political 16185  
subdivisions if the laws of that state exempt from taxation 16186  
sales made to this state and its political subdivisions 16187  
including either of the following: 16188

(a) Sales or rentals of tangible personal property by 16189  
construction contractors or subcontractors to provide temporary 16190  
traffic control or temporary structures, including material and 16191  
equipment used to comply with the Ohio manual of uniform traffic 16192  
control devices adopted pursuant to section 4511.09 of the 16193  
Revised Code, whereby the state or any of its political 16194  
subdivisions take title to, or permanent or temporary possession 16195  
of, such tangible personal property for use by the state or any 16196  
of its political subdivisions, including for use by the general 16197  
public thereof; 16198

(b) Sales of services by construction contractors or 16199  
subcontractors to provide temporary traffic control or 16200  
structures, including labor used to comply with the Ohio manual 16201  
of uniform traffic control devices adopted pursuant to section 16202  
4511.09 of the Revised Code, whereby the state or any of its 16203  
political subdivisions, including the general public thereof, 16204  
receive the benefit of such services. 16205

As used in divisions (B) (1) (a) and (b) of this section, 16206  
"temporary structures" include temporary roads, bridges, drains, 16207  
and pavement. 16208

(2) Sales of food for human consumption off the premises 16209  
where sold; 16210

(3) Sales of food sold to students only in a cafeteria, 16211  
dormitory, fraternity, or sorority maintained in a private, 16212  
public, or parochial school, college, or university; 16213

|                                                                  |       |
|------------------------------------------------------------------|-------|
| (4) Sales of newspapers and sales or transfers of                | 16214 |
| magazines distributed as controlled circulation publications;    | 16215 |
| (5) The furnishing, preparing, or serving of meals without       | 16216 |
| charge by an employer to an employee provided the employer       | 16217 |
| records the meals as part compensation for services performed or | 16218 |
| work done;                                                       | 16219 |
| (6) (a) Sales of motor fuel upon receipt, use,                   | 16220 |
| distribution, or sale of which in this state a tax is imposed by | 16221 |
| the law of this state, but this exemption shall not apply to the | 16222 |
| sale of motor fuel on which a refund of the tax is allowable     | 16223 |
| under division (A) of section 5735.14 of the Revised Code; and   | 16224 |
| the tax commissioner may deduct the amount of tax levied by this | 16225 |
| section applicable to the price of motor fuel when granting a    | 16226 |
| refund of motor fuel tax pursuant to division (A) of section     | 16227 |
| 5735.14 of the Revised Code and shall cause the amount deducted  | 16228 |
| to be paid into the general revenue fund of this state;          | 16229 |
| (b) Sales of motor fuel other than that described in             | 16230 |
| division (B) (6) (a) of this section and used for powering a     | 16231 |
| refrigeration unit on a vehicle other than one used primarily to | 16232 |
| provide comfort to the operator or occupants of the vehicle.     | 16233 |
| (7) Sales of natural gas by a natural gas company or             | 16234 |
| municipal gas utility, of water by a water-works company, or of  | 16235 |
| steam by a heating company, if in each case the thing sold is    | 16236 |
| delivered to consumers through pipes or conduits, and all sales  | 16237 |
| of communications services by a telegraph company, all terms as  | 16238 |
| defined in section 5727.01 of the Revised Code, and sales of     | 16239 |
| electricity delivered through wires;                             | 16240 |
| (8) Casual sales by a person, or auctioneer employed             | 16241 |
| directly by the person to conduct such sales, except as to such  | 16242 |

sales of motor vehicles, watercraft or outboard motors required 16243  
to be titled under section 1548.06 of the Revised Code, 16244  
watercraft documented with the United States coast guard, 16245  
snowmobiles, and all-purpose vehicles as defined in section 16246  
4519.01 of the Revised Code; 16247

(9) (a) Sales of services or tangible personal property, 16248  
other than motor vehicles, mobile homes, and manufactured homes, 16249  
by churches, organizations exempt from taxation under section 16250  
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 16251  
organizations operated exclusively for charitable purposes as 16252  
defined in division (B) (12) of this section, provided that the 16253  
number of days on which such tangible personal property or 16254  
services, other than items never subject to the tax, are sold 16255  
does not exceed six in any calendar year, except as otherwise 16256  
provided in division (B) (9) (b) of this section. If the number of 16257  
days on which such sales are made exceeds six in any calendar 16258  
year, the church or organization shall be considered to be 16259  
engaged in business and all subsequent sales by it shall be 16260  
subject to the tax. In counting the number of days, all sales by 16261  
groups within a church or within an organization shall be 16262  
considered to be sales of that church or organization. 16263

(b) The limitation on the number of days on which tax- 16264  
exempt sales may be made by a church or organization under 16265  
division (B) (9) (a) of this section does not apply to sales made 16266  
by student clubs and other groups of students of a primary or 16267  
secondary school, or a parent-teacher association, booster 16268  
group, or similar organization that raises money to support or 16269  
fund curricular or extracurricular activities of a primary or 16270  
secondary school. 16271

(c) Divisions (B) (9) (a) and (b) of this section do not 16272

apply to sales by a noncommercial educational radio or 16273  
television broadcasting station. 16274

(10) Sales not within the taxing power of this state under 16275  
the Constitution or laws of the United States or the 16276  
Constitution of this state including either of the following: 16277

(a) Sales or rentals of tangible personal property by 16278  
construction contractors or subcontractors to provide temporary 16279  
traffic control or temporary structures, including material and 16280  
equipment used to comply with the Ohio manual of uniform traffic 16281  
control devices adopted pursuant to section 4511.09 of the 16282  
Revised Code, whereby the United States takes title to, or 16283  
permanent or temporary possession of, such tangible personal 16284  
property for use by the United States including for use by the 16285  
general public thereof; 16286

(b) Sales of services by construction contractors or 16287  
subcontractors to provide temporary traffic control or 16288  
structures, including labor used to comply with the Ohio manual 16289  
of uniform traffic control devices adopted pursuant to section 16290  
4511.09 of the Revised Code, whereby the United States, 16291  
including the general public thereof, receives the benefit of 16292  
such services. 16293

As used in divisions (B) (10) (a) and (b) of this section, 16294  
"temporary structures" include temporary roads, bridges, drains, 16295  
and pavement. 16296

(11) Except for transactions that are sales under division 16297  
(B) (3) (p) of section 5739.01 of the Revised Code, the 16298  
transportation of persons or property, unless the transportation 16299  
is by a private investigation and security service; 16300

(12) Sales of tangible personal property or services to 16301

churches, to organizations exempt from taxation under section 16302  
501(c) (3) of the Internal Revenue Code of 1986, and to any other 16303  
nonprofit organizations operated exclusively for charitable 16304  
purposes in this state, no part of the net income of which 16305  
inures to the benefit of any private shareholder or individual, 16306  
and no substantial part of the activities of which consists of 16307  
carrying on propaganda or otherwise attempting to influence 16308  
legislation; sales to offices administering one or more homes 16309  
for the aged or one or more hospital facilities exempt under 16310  
section 140.08 of the Revised Code; and sales to organizations 16311  
described in division (D) of section 5709.12 of the Revised 16312  
Code. 16313

"Charitable purposes" means the relief of poverty; the 16314  
improvement of health through the alleviation of illness, 16315  
disease, or injury; the operation of an organization exclusively 16316  
for the provision of professional, laundry, printing, and 16317  
purchasing services to hospitals or charitable institutions; the 16318  
operation of a home for the aged, as defined in section 5701.13 16319  
of the Revised Code; the operation of a radio or television 16320  
broadcasting station that is licensed by the federal 16321  
communications commission as a noncommercial educational radio 16322  
or television station; the operation of a nonprofit animal 16323  
adoption service or a county humane society; the promotion of 16324  
education by an institution of learning that maintains a faculty 16325  
of qualified instructors, teaches regular continuous courses of 16326  
study, and confers a recognized diploma upon completion of a 16327  
specific curriculum; the operation of a parent-teacher 16328  
association, booster group, or similar organization primarily 16329  
engaged in the promotion and support of the curricular or 16330  
extracurricular activities of a primary or secondary school; the 16331  
operation of a community or area center in which presentations 16332



in music, dramatics, the arts, and related fields are made in 16333  
order to foster public interest and education therein; the 16334  
production of performances in music, dramatics, and the arts; or 16335  
the promotion of education by an organization engaged in 16336  
carrying on research in, or the dissemination of, scientific and 16337  
technological knowledge and information primarily for the 16338  
public. 16339

Nothing in this division shall be deemed to exempt sales 16340  
to any organization for use in the operation or carrying on of a 16341  
trade or business, or sales to a home for the aged for use in 16342  
the operation of independent living facilities as defined in 16343  
division (A) of section 5709.12 of the Revised Code. 16344

(13) Building and construction materials and services sold 16345  
to construction contractors for incorporation into a structure 16346  
or improvement to real property under a construction contract 16347  
with this state or a political subdivision of this state, or 16348  
with the United States government or any of its agencies; 16349  
building and construction materials and services sold to 16350  
construction contractors for incorporation into a structure or 16351  
improvement to real property that are accepted for ownership by 16352  
this state or any of its political subdivisions, or by the 16353  
United States government or any of its agencies at the time of 16354  
completion of the structures or improvements; building and 16355  
construction materials sold to construction contractors for 16356  
incorporation into a horticulture structure or livestock 16357  
structure for a person engaged in the business of horticulture 16358  
or producing livestock; building materials and services sold to 16359  
a construction contractor for incorporation into a house of 16360  
public worship or religious education, or a building used 16361  
exclusively for charitable purposes under a construction 16362  
contract with an organization whose purpose is as described in 16363

division (B) (12) of this section; building materials and 16364  
services sold to a construction contractor for incorporation 16365  
into a building under a construction contract with an 16366  
organization exempt from taxation under section 501(c) (3) of the 16367  
Internal Revenue Code of 1986 when the building is to be used 16368  
exclusively for the organization's exempt purposes; ~~building and~~ 16369  
~~construction materials~~ tangible personal property sold for 16370  
incorporation into the ~~original~~ construction of a sports 16371  
facility under section 307.696 of the Revised Code; building and 16372  
construction materials and services sold to a construction 16373  
contractor for incorporation into real property outside this 16374  
state if such materials and services, when sold to a 16375  
construction contractor in the state in which the real property 16376  
is located for incorporation into real property in that state, 16377  
would be exempt from a tax on sales levied by that state; 16378  
building and construction materials for incorporation into a 16379  
transportation facility pursuant to a public-private agreement 16380  
entered into under sections 5501.70 to 5501.83 of the Revised 16381  
Code; until one calendar year after the construction of a 16382  
convention center that qualifies for property tax exemption 16383  
under section 5709.084 of the Revised Code is completed, 16384  
building and construction materials and services sold to a 16385  
construction contractor for incorporation into the real property 16386  
comprising that convention center; and building and construction 16387  
materials sold for incorporation into a structure or improvement 16388  
to real property that is used primarily as, or primarily in 16389  
support of, a manufacturing facility or research and development 16390  
facility and that is to be owned by a megaproject operator upon 16391  
completion and located at the site of a megaproject that 16392  
satisfies the criteria described in division (A) (11) (a) (ii) of 16393  
section 122.17 of the Revised Code, provided that the sale 16394  
occurs during the period that the megaproject operator has an 16395

agreement for such megaproject with the tax credit authority 16396  
under division (D) of section 122.17 of the Revised Code that 16397  
remains in effect and has not expired or been terminated. 16398

(14) Sales of ships or vessels or rail rolling stock used 16399  
or to be used principally in interstate or foreign commerce, and 16400  
repairs, alterations, fuel, and lubricants for such ships or 16401  
vessels or rail rolling stock; 16402

(15) Sales to persons primarily engaged in any of the 16403  
activities mentioned in division (B) (42) (a), (g), or (h) of this 16404  
section, to persons engaged in making retail sales, or to 16405  
persons who purchase for sale from a manufacturer tangible 16406  
personal property that was produced by the manufacturer in 16407  
accordance with specific designs provided by the purchaser, of 16408  
packages, including material, labels, and parts for packages, 16409  
and of machinery, equipment, and material for use primarily in 16410  
packaging tangible personal property produced for sale, 16411  
including any machinery, equipment, and supplies used to make 16412  
labels or packages, to prepare packages or products for 16413  
labeling, or to label packages or products, by or on the order 16414  
of the person doing the packaging, or sold at retail. "Packages" 16415  
includes bags, baskets, cartons, crates, boxes, cans, bottles, 16416  
bindings, wrappings, and other similar devices and containers, 16417  
but does not include motor vehicles or bulk tanks, trailers, or 16418  
similar devices attached to motor vehicles. "Packaging" means 16419  
placing in a package. Division (B) (15) of this section does not 16420  
apply to persons engaged in highway transportation for hire. 16421

(16) Sales of food to persons using supplemental nutrition 16422  
assistance program benefits to purchase the food. As used in 16423  
this division, "food" has the same meaning as in 7 U.S.C. 2012 16424  
and federal regulations adopted pursuant to the Food and 16425

|                                                                  |       |
|------------------------------------------------------------------|-------|
| Nutrition Act of 2008.                                           | 16426 |
| (17) Sales to persons engaged in farming, agriculture,           | 16427 |
| horticulture, or floriculture, of tangible personal property for | 16428 |
| use or consumption primarily in the production by farming,       | 16429 |
| agriculture, horticulture, or floriculture of other tangible     | 16430 |
| personal property for use or consumption primarily in the        | 16431 |
| production of tangible personal property for sale by farming,    | 16432 |
| agriculture, horticulture, or floriculture; or material and      | 16433 |
| parts for incorporation into any such tangible personal property | 16434 |
| for use or consumption in production; and of tangible personal   | 16435 |
| property for such use or consumption in the conditioning or      | 16436 |
| holding of products produced by and for such use, consumption,   | 16437 |
| or sale by persons engaged in farming, agriculture,              | 16438 |
| horticulture, or floriculture, except where such property is     | 16439 |
| incorporated into real property;                                 | 16440 |
| (18) Sales of drugs for a human being that may be                | 16441 |
| dispensed only pursuant to a prescription; insulin as recognized | 16442 |
| in the official United States pharmacopoeia; urine and blood     | 16443 |
| testing materials when used by diabetics or persons with         | 16444 |
| hypoglycemia to test for glucose or acetone; hypodermic syringes | 16445 |
| and needles when used by diabetics for insulin injections;       | 16446 |
| epoetin alfa when purchased for use in the treatment of persons  | 16447 |
| with medical disease; hospital beds when purchased by hospitals, | 16448 |
| nursing homes, or other medical facilities; and medical oxygen   | 16449 |
| and medical oxygen-dispensing equipment when purchased by        | 16450 |
| hospitals, nursing homes, or other medical facilities;           | 16451 |
| (19) Sales of prosthetic devices, durable medical                | 16452 |
| equipment for home use, or mobility enhancing equipment, when    | 16453 |
| made pursuant to a prescription and when such devices or         | 16454 |
| equipment are for use by a human being.                          | 16455 |

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for

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| sale, when the plant or plants within or between which such      | 16486 |
| transfers or shipments occur are operated by the same person.    | 16487 |
| "Packages" includes containers, cases, baskets, flats, fillers,  | 16488 |
| filler flats, cartons, closure materials, labels, and labeling   | 16489 |
| materials, and "packaging" means placing therein.                | 16490 |
| (25) (a) Sales of water to a consumer for residential use;       | 16491 |
| (b) Sales of water by a nonprofit corporation engaged            | 16492 |
| exclusively in the treatment, distribution, and sale of water to | 16493 |
| consumers, if such water is delivered to consumers through pipes | 16494 |
| or tubing.                                                       | 16495 |
| (26) Fees charged for inspection or reinspection of motor        | 16496 |
| vehicles under section 3704.14 of the Revised Code;              | 16497 |
| (27) Sales to persons licensed to conduct a food service         | 16498 |
| operation pursuant to section 3717.43 of the Revised Code, of    | 16499 |
| tangible personal property primarily used directly for the       | 16500 |
| following:                                                       | 16501 |
| (a) To prepare food for human consumption for sale;              | 16502 |
| (b) To preserve food that has been or will be prepared for       | 16503 |
| human consumption for sale by the food service operator, not     | 16504 |
| including tangible personal property used to display food for    | 16505 |
| selection by the consumer;                                       | 16506 |
| (c) To clean tangible personal property used to prepare or       | 16507 |
| serve food for human consumption for sale.                       | 16508 |
| (28) Sales of animals by nonprofit animal adoption               | 16509 |
| services or county humane societies;                             | 16510 |
| (29) Sales of services to a corporation described in             | 16511 |
| division (A) of section 5709.72 of the Revised Code, and sales   | 16512 |
| of tangible personal property that qualifies for exemption from  | 16513 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                 |
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| taxation under section 5709.72 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 16514                                                                                           |
| (30) Sales and installation of agricultural land tile, as defined in division (B) (5) (a) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 16515<br>16516<br>16517                                                                         |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B) (5) (b) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 16518<br>16519<br>16520                                                                         |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;                                                                                                                                                                                                                                                                                                                                                  | 16521<br>16522<br>16523<br>16524<br>16525<br>16526                                              |
| (33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 16527<br>16528<br>16529<br>16530<br>16531                                                       |
| (34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B) (42) (a) or | 16532<br>16533<br>16534<br>16535<br>16536<br>16537<br>16538<br>16539<br>16540<br>16541<br>16542 |

(n) of this section to which the vendor may otherwise be 16543  
entitled, based upon the use of the thing purchased in providing 16544  
the telecommunications, mobile telecommunications, or satellite 16545  
broadcasting service. 16546

(35) (a) Sales where the purpose of the consumer is to use 16547  
or consume the things transferred in making retail sales and 16548  
consisting of newspaper inserts, catalogues, coupons, flyers, 16549  
gift certificates, or other advertising material that prices and 16550  
describes tangible personal property offered for retail sale. 16551

(b) Sales to direct marketing vendors of preliminary 16552  
materials such as photographs, artwork, and typesetting that 16553  
will be used in printing advertising material; and of printed 16554  
matter that offers free merchandise or chances to win sweepstake 16555  
prizes and that is mailed to potential customers with 16556  
advertising material described in division (B) (35) (a) of this 16557  
section; 16558

(c) Sales of equipment such as telephones, computers, 16559  
facsimile machines, and similar tangible personal property 16560  
primarily used to accept orders for direct marketing retail 16561  
sales. 16562

(d) Sales of automatic food vending machines that preserve 16563  
food with a shelf life of forty-five days or less by 16564  
refrigeration and dispense it to the consumer. 16565

For purposes of division (B) (35) of this section, "direct 16566  
marketing" means the method of selling where consumers order 16567  
tangible personal property by United States mail, delivery 16568  
service, or telecommunication and the vendor delivers or ships 16569  
the tangible personal property sold to the consumer from a 16570  
warehouse, catalogue distribution center, or similar fulfillment 16571



facility by means of the United States mail, delivery service, 16572  
or common carrier. 16573

(36) Sales to a person engaged in the business of 16574  
horticulture or producing livestock of materials to be 16575  
incorporated into a horticulture structure or livestock 16576  
structure; 16577

(37) Sales of personal computers, computer monitors, 16578  
computer keyboards, modems, and other peripheral computer 16579  
equipment to an individual who is licensed or certified to teach 16580  
in an elementary or a secondary school in this state for use by 16581  
that individual in preparation for teaching elementary or 16582  
secondary school students; 16583

(38) Sales of tangible personal property that is not 16584  
required to be registered or licensed under the laws of this 16585  
state to a citizen of a foreign nation that is not a citizen of 16586  
the United States, provided the property is delivered to a 16587  
person in this state that is not a related member of the 16588  
purchaser, is physically present in this state for the sole 16589  
purpose of temporary storage and package consolidation, and is 16590  
subsequently delivered to the purchaser at a delivery address in 16591  
a foreign nation. As used in division (B)(38) of this section, 16592  
"related member" has the same meaning as in section 5733.042 of 16593  
the Revised Code, and "temporary storage" means the storage of 16594  
tangible personal property for a period of not more than sixty 16595  
days. 16596

(39) Sales of used manufactured homes and used mobile 16597  
homes, as defined in section 5739.0210 of the Revised Code, made 16598  
on or after January 1, 2000; 16599

(40) Sales of tangible personal property and services to a 16600

provider of electricity used or consumed directly and primarily 16601  
in generating, transmitting, or distributing electricity for use 16602  
by others, including property that is or is to be incorporated 16603  
into and will become a part of the consumer's production, 16604  
transmission, or distribution system and that retains its 16605  
classification as tangible personal property after 16606  
incorporation; fuel or power used in the production, 16607  
transmission, or distribution of electricity; energy conversion 16608  
equipment as defined in section 5727.01 of the Revised Code; and 16609  
tangible personal property and services used in the repair and 16610  
maintenance of the production, transmission, or distribution 16611  
system, including only those motor vehicles as are specially 16612  
designed and equipped for such use. The exemption provided in 16613  
this division shall be in lieu of all other exemptions in 16614  
division (B) (42) (a) or (n) of this section to which a provider 16615  
of electricity may otherwise be entitled based on the use of the 16616  
tangible personal property or service purchased in generating, 16617  
transmitting, or distributing electricity. 16618

(41) Sales to a person providing services under division 16619  
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 16620  
personal property and services used directly and primarily in 16621  
providing taxable services under that section. 16622

(42) Sales where the purpose of the purchaser is to do any 16623  
of the following: 16624

(a) To incorporate the thing transferred as a material or 16625  
a part into tangible personal property to be produced for sale 16626  
by manufacturing, assembling, processing, or refining; or to use 16627  
or consume the thing transferred directly in producing tangible 16628  
personal property for sale by mining, including, without 16629  
limitation, the extraction from the earth of all substances that 16630

are classed geologically as minerals, or directly in the 16631  
rendition of a public utility service, except that the sales tax 16632  
levied by this section shall be collected upon all meals, 16633  
drinks, and food for human consumption sold when transporting 16634  
persons. This paragraph does not exempt from "retail sale" or 16635  
"sales at retail" the sale of tangible personal property that is 16636  
to be incorporated into a structure or improvement to real 16637  
property. 16638

(b) To hold the thing transferred as security for the 16639  
performance of an obligation of the vendor; 16640

(c) To resell, hold, use, or consume the thing transferred 16641  
as evidence of a contract of insurance; 16642

(d) To use or consume the thing directly in commercial 16643  
fishing; 16644

(e) To incorporate the thing transferred as a material or 16645  
a part into, or to use or consume the thing transferred directly 16646  
in the production of, magazines distributed as controlled 16647  
circulation publications; 16648

(f) To use or consume the thing transferred in the 16649  
production and preparation in suitable condition for market and 16650  
sale of printed, imprinted, overprinted, lithographic, 16651  
multilithic, blueprinted, photostatic, or other productions or 16652  
reproductions of written or graphic matter; 16653

(g) To use the thing transferred, as described in section 16654  
5739.011 of the Revised Code, primarily in a manufacturing 16655  
operation to produce tangible personal property for sale; 16656

(h) To use the benefit of a warranty, maintenance or 16657  
service contract, or similar agreement, as described in division 16658  
(B) (7) of section 5739.01 of the Revised Code, to repair or 16659

maintain tangible personal property, if all of the property that 16660  
is the subject of the warranty, contract, or agreement would not 16661  
be subject to the tax imposed by this section; 16662

(i) To use the thing transferred as qualified research and 16663  
development equipment; 16664

(j) To use or consume the thing transferred primarily in 16665  
storing, transporting, mailing, or otherwise handling purchased 16666  
sales inventory in a warehouse, distribution center, or similar 16667  
facility when the inventory is primarily distributed outside 16668  
this state to retail stores of the person who owns or controls 16669  
the warehouse, distribution center, or similar facility, to 16670  
retail stores of an affiliated group of which that person is a 16671  
member, or by means of direct marketing. This division does not 16672  
apply to motor vehicles registered for operation on the public 16673  
highways. As used in this division, "affiliated group" has the 16674  
same meaning as in division (B) (3) (e) of section 5739.01 of the 16675  
Revised Code and "direct marketing" has the same meaning as in 16676  
division (B) (35) of this section. 16677

(k) To use or consume the thing transferred to fulfill a 16678  
contractual obligation incurred by a warrantor pursuant to a 16679  
warranty provided as a part of the price of the tangible 16680  
personal property sold or by a vendor of a warranty, maintenance 16681  
or service contract, or similar agreement the provision of which 16682  
is defined as a sale under division (B) (7) of section 5739.01 of 16683  
the Revised Code; 16684

(l) To use or consume the thing transferred in the 16685  
production of a newspaper for distribution to the public; 16686

(m) To use tangible personal property to perform a service 16687  
listed in division (B) (3) of section 5739.01 of the Revised 16688

Code, if the property is or is to be permanently transferred to 16689  
the consumer of the service as an integral part of the 16690  
performance of the service; 16691

(n) To use or consume the thing transferred primarily in 16692  
producing tangible personal property for sale by farming, 16693  
agriculture, horticulture, or floriculture. Persons engaged in 16694  
rendering farming, agriculture, horticulture, or floriculture 16695  
services for others are deemed engaged primarily in farming, 16696  
agriculture, horticulture, or floriculture. This paragraph does 16697  
not exempt from "retail sale" or "sales at retail" the sale of 16698  
tangible personal property that is to be incorporated into a 16699  
structure or improvement to real property. 16700

(o) To use or consume the thing transferred in acquiring, 16701  
formatting, editing, storing, and disseminating data or 16702  
information by electronic publishing; 16703

(p) To provide the thing transferred to the owner or 16704  
lessee of a motor vehicle that is being repaired or serviced, if 16705  
the thing transferred is a rented motor vehicle and the 16706  
purchaser is reimbursed for the cost of the rented motor vehicle 16707  
by a manufacturer, warrantor, or provider of a maintenance, 16708  
service, or other similar contract or agreement, with respect to 16709  
the motor vehicle that is being repaired or serviced; 16710

(q) To use or consume the thing transferred directly in 16711  
production of crude oil and natural gas for sale. Persons 16712  
engaged in rendering production services for others are deemed 16713  
engaged in production. 16714

As used in division (B) (42) (q) of this section, 16715  
"production" means operations and tangible personal property 16716  
directly used to expose and evaluate an underground reservoir 16717

that may contain hydrocarbon resources, prepare the wellbore for 16718  
production, and lift and control all substances yielded by the 16719  
reservoir to the surface of the earth. 16720

(i) For the purposes of division (B) (42) (q) of this 16721  
section, the "thing transferred" includes, but is not limited 16722  
to, any of the following: 16723

(I) Services provided in the construction of permanent 16724  
access roads, services provided in the construction of the well 16725  
site, and services provided in the construction of temporary 16726  
impoundments; 16727

(II) Equipment and rigging used for the specific purpose 16728  
of creating with integrity a wellbore pathway to underground 16729  
reservoirs; 16730

(III) Drilling and workover services used to work within a 16731  
subsurface wellbore, and tangible personal property directly 16732  
used in providing such services; 16733

(IV) Casing, tubulars, and float and centralizing 16734  
equipment; 16735

(V) Trailers to which production equipment is attached; 16736

(VI) Well completion services, including cementing of 16737  
casing, and tangible personal property directly used in 16738  
providing such services; 16739

(VII) Wireline evaluation, mud logging, and perforation 16740  
services, and tangible personal property directly used in 16741  
providing such services; 16742

(VIII) Reservoir stimulation, hydraulic fracturing, and 16743  
acidizing services, and tangible personal property directly used 16744  
in providing such services, including all material pumped 16745

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| downhole;                                                                                                                                                                                      | 16746                            |
| (IX) Pressure pumping equipment;                                                                                                                                                               | 16747                            |
| (X) Artificial lift systems equipment;                                                                                                                                                         | 16748                            |
| (XI) Wellhead equipment and well site equipment used to<br>separate, stabilize, and control hydrocarbon phases and produced<br>water;                                                          | 16749<br>16750<br>16751          |
| (XII) Tangible personal property directly used to control<br>production equipment.                                                                                                             | 16752<br>16753                   |
| (ii) For the purposes of division (B) (42) (q) of this<br>section, the "thing transferred" does not include any of the<br>following:                                                           | 16754<br>16755<br>16756          |
| (I) Tangible personal property used primarily in the<br>exploration and production of any mineral resource regulated<br>under Chapter 1509. of the Revised Code other than oil or gas;         | 16757<br>16758<br>16759          |
| (II) Tangible personal property used primarily in storing,<br>holding, or delivering solutions or chemicals used in well<br>stimulation as defined in section 1509.01 of the Revised Code;     | 16760<br>16761<br>16762          |
| (III) Tangible personal property used primarily in<br>preparing, installing, or reclaiming foundations for drilling or<br>pumping equipment or well stimulation material tanks;                | 16763<br>16764<br>16765          |
| (IV) Tangible personal property used primarily in<br>transporting, delivering, or removing equipment to or from the<br>well site or storing such equipment before its use at the well<br>site; | 16766<br>16767<br>16768<br>16769 |
| (V) Tangible personal property used primarily in gathering<br>operations occurring off the well site, including gathering<br>pipelines transporting hydrocarbon gas or liquids away from a     | 16770<br>16771<br>16772          |

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| crude oil or natural gas production facility;                                                                                                                                                                                                                                                                | 16773                                     |
| (VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;                                                                                                                                                                                                 | 16774<br>16775                            |
| (VII) Well site fencing, lighting, or security systems;                                                                                                                                                                                                                                                      | 16776                                     |
| (VIII) Communication devices or services;                                                                                                                                                                                                                                                                    | 16777                                     |
| (IX) Office supplies;                                                                                                                                                                                                                                                                                        | 16778                                     |
| (X) Trailers used as offices or lodging;                                                                                                                                                                                                                                                                     | 16779                                     |
| (XI) Motor vehicles of any kind;                                                                                                                                                                                                                                                                             | 16780                                     |
| (XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;                                                                                                                                                                                     | 16781<br>16782                            |
| (XIII) Tangible personal property used primarily as a safety device;                                                                                                                                                                                                                                         | 16783<br>16784                            |
| (XIV) Data collection or monitoring devices;                                                                                                                                                                                                                                                                 | 16785                                     |
| (XV) Access ladders, stairs, or platforms attached to storage tanks.                                                                                                                                                                                                                                         | 16786<br>16787                            |
| The enumeration of tangible personal property in division (B) (42) (q) (ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B) (42) (q) of this section. | 16788<br>16789<br>16790<br>16791<br>16792 |
| The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B) (42) (q) of this section.                                                                                                             | 16793<br>16794<br>16795<br>16796          |
| As used in division (B) (42) of this section, "thing" includes all transactions included in divisions (B) (3) (a), (b),                                                                                                                                                                                      | 16797<br>16798                            |



and (e) of section 5739.01 of the Revised Code. 16799

(43) Sales conducted through a coin operated device that 16800  
activates vacuum equipment or equipment that dispenses water, 16801  
whether or not in combination with soap or other cleaning agents 16802  
or wax, to the consumer for the consumer's use on the premises 16803  
in washing, cleaning, or waxing a motor vehicle, provided no 16804  
other personal property or personal service is provided as part 16805  
of the transaction. 16806

(44) Sales of replacement and modification parts for 16807  
engines, airframes, instruments, and interiors in, and paint 16808  
for, aircraft used primarily in a fractional aircraft ownership 16809  
program, and sales of services for the repair, modification, and 16810  
maintenance of such aircraft, and machinery, equipment, and 16811  
supplies primarily used to provide those services. 16812

(45) Sales of telecommunications service that is used 16813  
directly and primarily to perform the functions of a call 16814  
center. As used in this division, "call center" means any 16815  
physical location where telephone calls are placed or received 16816  
in high volume for the purpose of making sales, marketing, 16817  
customer service, technical support, or other specialized 16818  
business activity, and that employs at least fifty individuals 16819  
that engage in call center activities on a full-time basis, or 16820  
sufficient individuals to fill fifty full-time equivalent 16821  
positions. 16822

(46) Sales by a telecommunications service vendor of 900 16823  
service to a subscriber. This division does not apply to 16824  
information services. 16825

(47) Sales of value-added non-voice data service. This 16826  
division does not apply to any similar service that is not 16827

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| otherwise a telecommunications service.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 16828                                                                                                             |
| (48) Sales of feminine hygiene products.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 16829                                                                                                             |
| (49) Sales of materials, parts, equipment, or engines used<br>in the repair or maintenance of aircraft or avionics systems of<br>such aircraft, and sales of repair, remodeling, replacement, or<br>maintenance services in this state performed on aircraft or on<br>an aircraft's avionics, engine, or component materials or parts.<br>As used in division (B) (49) of this section, "aircraft" means<br>aircraft of more than six thousand pounds maximum certified<br>takeoff weight or used exclusively in general aviation.                                                                                                                                                                                                                                                                                                                                        | 16830<br>16831<br>16832<br>16833<br>16834<br>16835<br>16836<br>16837                                              |
| (50) Sales of full flight simulators that are used for<br>pilot or flight-crew training, sales of repair or replacement<br>parts or components, and sales of repair or maintenance services<br>for such full flight simulators. "Full flight simulator" means a<br>replica of a specific type, or make, model, and series of<br>aircraft cockpit. It includes the assemblage of equipment and<br>computer programs necessary to represent aircraft operations in<br>ground and flight conditions, a visual system providing an out-<br>of-the-cockpit view, and a system that provides cues at least<br>equivalent to those of a three-degree-of-freedom motion system,<br>and has the full range of capabilities of the systems installed<br>in the device as described in appendices A and B of part 60 of<br>chapter 1 of title 14 of the Code of Federal Regulations. | 16838<br>16839<br>16840<br>16841<br>16842<br>16843<br>16844<br>16845<br>16846<br>16847<br>16848<br>16849<br>16850 |
| (51) Any transfer or lease of tangible personal property<br>between the state and JobsOhio in accordance with section<br>4313.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 16851<br>16852<br>16853                                                                                           |
| (52) (a) Sales to a qualifying corporation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 16854                                                                                                             |
| (b) As used in division (B) (52) of this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 16855                                                                                                             |
| (i) "Qualifying corporation" means a nonprofit corporation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 16856                                                                                                             |

organized in this state that leases from an eligible county 16857  
land, buildings, structures, fixtures, and improvements to the 16858  
land that are part of or used in a public recreational facility 16859  
used by a major league professional athletic team or a class A 16860  
to class AAA minor league affiliate of a major league 16861  
professional athletic team for a significant portion of the 16862  
team's home schedule, provided the following apply: 16863

(I) The facility is leased from the eligible county 16864  
pursuant to a lease that requires substantially all of the 16865  
revenue from the operation of the business or activity conducted 16866  
by the nonprofit corporation at the facility in excess of 16867  
operating costs, capital expenditures, and reserves to be paid 16868  
to the eligible county at least once per calendar year. 16869

(II) Upon dissolution and liquidation of the nonprofit 16870  
corporation, all of its net assets are distributable to the 16871  
board of commissioners of the eligible county from which the 16872  
corporation leases the facility. 16873

(ii) "Eligible county" has the same meaning as in section 16874  
307.695 of the Revised Code. 16875

(53) Sales to or by a cable service provider, video 16876  
service provider, or radio or television broadcast station 16877  
regulated by the federal government of cable service or 16878  
programming, video service or programming, audio service or 16879  
programming, or electronically transferred digital audiovisual 16880  
or audio work. As used in division (B) (53) of this section, 16881  
"cable service" and "cable service provider" have the same 16882  
meanings as in section 1332.01 of the Revised Code, and "video 16883  
service," "video service provider," and "video programming" have 16884  
the same meanings as in section 1332.21 of the Revised Code. 16885

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| (54) Sales of a digital audio work electronically                | 16886 |
| transferred for delivery through use of a machine, such as a     | 16887 |
| juke box, that does all of the following:                        | 16888 |
| (a) Accepts direct payments to operate;                          | 16889 |
| (b) Automatically plays a selected digital audio work for        | 16890 |
| a single play upon receipt of a payment described in division    | 16891 |
| (B) (54) (a) of this section;                                    | 16892 |
| (c) Operates exclusively for the purpose of playing              | 16893 |
| digital audio works in a commercial establishment.               | 16894 |
| (55) (a) Sales of the following occurring on the first           | 16895 |
| Friday of August and the following Saturday and Sunday of any    | 16896 |
| year, except in 2024 or any subsequent year in which a sales tax | 16897 |
| holiday is held pursuant to section 5739.41 of the Revised Code: | 16898 |
| (i) An item of clothing, the price of which is seventy-          | 16899 |
| five dollars or less;                                            | 16900 |
| (ii) An item of school supplies, the price of which is           | 16901 |
| twenty dollars or less;                                          | 16902 |
| (iii) An item of school instructional material, the price        | 16903 |
| of which is twenty dollars or less.                              | 16904 |
| (b) As used in division (B) (55) of this section:                | 16905 |
| (i) "Clothing" means all human wearing apparel suitable          | 16906 |
| for general use. "Clothing" includes, but is not limited to,     | 16907 |
| aprons, household and shop; athletic supporters; baby receiving  | 16908 |
| blankets; bathing suits and caps; beach capes and coats; belts   | 16909 |
| and suspenders; boots; coats and jackets; costumes; diapers,     | 16910 |
| children and adult, including disposable diapers; earmuffs;      | 16911 |
| footlets; formal wear; garters and garter belts; girdles; gloves | 16912 |
| and mittens for general use; hats and caps; hosiery; insoles for | 16913 |

shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 16914  
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 16915  
sneakers; socks and stockings; steel-toed shoes; underwear; 16916  
uniforms, athletic and nonathletic; and wedding apparel. 16917  
"Clothing" does not include items purchased for use in a trade 16918  
or business; clothing accessories or equipment; protective 16919  
equipment; sports or recreational equipment; belt buckles sold 16920  
separately; costume masks sold separately; patches and emblems 16921  
sold separately; sewing equipment and supplies including, but 16922  
not limited to, knitting needles, patterns, pins, scissors, 16923  
sewing machines, sewing needles, tape measures, and thimbles; 16924  
and sewing materials that become part of "clothing" including, 16925  
but not limited to, buttons, fabric, lace, thread, yarn, and 16926  
zippers. 16927

(ii) "School supplies" means items commonly used by a 16928  
student in a course of study. "School supplies" includes only 16929  
the following items: binders; book bags; calculators; cellophane 16930  
tape; blackboard chalk; compasses; composition books; crayons; 16931  
erasers; folders, expandable, pocket, plastic, and manila; glue, 16932  
paste, and paste sticks; highlighters; index cards; index card 16933  
boxes; legal pads; lunch boxes; markers; notebooks; paper, 16934  
loose-leaf ruled notebook paper, copy paper, graph paper, 16935  
tracing paper, manila paper, colored paper, poster board, and 16936  
construction paper; pencil boxes and other school supply boxes; 16937  
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 16938  
and writing tablets. "School supplies" does not include any item 16939  
purchased for use in a trade or business. 16940

(iii) "School instructional material" means written 16941  
material commonly used by a student in a course of study as a 16942  
reference and to learn the subject being taught. "School 16943  
instructional material" includes only the following items: 16944

reference books, reference maps and globes, textbooks, and 16945  
workbooks. "School instructional material" does not include any 16946  
material purchased for use in a trade or business. 16947

(56) (a) Sales of adult diapers or incontinence underpads 16948  
sold pursuant to a prescription, for the benefit of a medicaid 16949  
recipient with a diagnosis of incontinence, and by a medicaid 16950  
provider that maintains a valid provider agreement under section 16951  
5164.30 of the Revised Code with the department of medicaid, 16952  
provided that the medicaid program covers diapers or 16953  
incontinence underpads as an incontinence garment. 16954

(b) As used in division (B) (56) (a) of this section, 16955  
"incontinence underpad" means an absorbent product, not worn on 16956  
the body, designed to protect furniture or other tangible 16957  
personal property from soiling or damage due to human 16958  
incontinence. 16959

(57) Sales of investment metal bullion and investment 16960  
coins. "Investment metal bullion" means any bullion described in 16961  
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 16962  
whether that bullion is in the physical possession of a trustee. 16963  
"Investment coin" means any coin composed primarily of gold, 16964  
silver, platinum, or palladium. 16965

(58) Sales of tangible personal property used primarily 16966  
for any of the following purposes by a megaproject operator at 16967  
the site of a megaproject that satisfies the criteria described 16968  
in division (A) (11) (a) (ii) of section 122.17 of the Revised 16969  
Code, provided that the sale occurs during the period that the 16970  
megaproject operator has an agreement for such megaproject with 16971  
the tax credit authority under division (D) of section 122.17 of 16972  
the Revised Code that remains in effect and has not expired or 16973  
been terminated: 16974

|                                                                  |       |
|------------------------------------------------------------------|-------|
| (a) To store, transmit, convey, distribute, recycle,             | 16975 |
| circulate, or clean water, steam, or other gases used in or      | 16976 |
| produced as a result of manufacturing activity, including items  | 16977 |
| that support or aid in the operation of such property;           | 16978 |
| (b) To clean or prepare inventory, at any stage of storage       | 16979 |
| or production, or equipment used in a manufacturing activity,    | 16980 |
| including chemicals, solvents, catalysts, soaps, and other items | 16981 |
| that support or aid in the operation of property;                | 16982 |
| (c) To regulate, treat, filter, condition, improve, clean,       | 16983 |
| maintain, or monitor environmental conditions within areas where | 16984 |
| manufacturing activities take place;                             | 16985 |
| (d) To handle, transport, or convey inventory during             | 16986 |
| production or manufacturing.                                     | 16987 |
| (59) Documentary services charges imposed pursuant to            | 16988 |
| section 4517.261 or 4781.24 of the Revised Code.                 | 16989 |
| (60) Sales of children's diapers.                                | 16990 |
| (61) Sales of therapeutic or preventative creams and wipes       | 16991 |
| marketed primarily for use on the skin of children.              | 16992 |
| (62) Sales of a child restraint device or booster seat           | 16993 |
| that meets the national highway traffic safety administration    | 16994 |
| standard for child restraint systems under 49 C.F.R. 571.213.    | 16995 |
| (63) Sales of cribs intended to provide sleeping                 | 16996 |
| accommodations for children that comply with the United States   | 16997 |
| consumer product safety commission's safety standard for full-   | 16998 |
| size baby cribs under 16 C.F.R. 1219 or the commission's safety  | 16999 |
| standard for non-full-size baby cribs under 16 C.F.R. 1220.      | 17000 |
| (64) Sales of strollers meant for transporting children          | 17001 |
| from infancy to about thirty-six months of age that meet the     | 17002 |

United States consumer product safety commission safety standard 17003  
for carriages and strollers under 16 C.F.R. 1227.2. 17004

(65) The fee imposed by section 3743.22 of the Revised 17005  
Code, if it is separately stated on the invoice, bill of sale, 17006  
or similar document given by the vendor to the consumer for a 17007  
retail sale made in this state. 17008

(66) Sales of eligible tangible personal property 17009  
occurring during the period of a sales tax holiday held pursuant 17010  
to section 5739.41 of the Revised Code. 17011

(C) For the purpose of the proper administration of this 17012  
chapter, and to prevent the evasion of the tax, it is presumed 17013  
that all sales made in this state are subject to the tax until 17014  
the contrary is established. 17015

(D) The tax collected by the vendor from the consumer 17016  
under this chapter is not part of the price, but is a tax 17017  
collection for the benefit of the state, and of counties levying 17018  
an additional sales tax pursuant to section 5739.021 or 5739.026 17019  
of the Revised Code and of transit authorities levying an 17020  
additional sales tax pursuant to section 5739.023 of the Revised 17021  
Code. Except for the discount authorized under section 5739.12 17022  
of the Revised Code and the effects of any rounding pursuant to 17023  
section 5703.055 of the Revised Code, no person other than the 17024  
state or such a county or transit authority shall derive any 17025  
benefit from the collection or payment of the tax levied by this 17026  
section or section 5739.021, 5739.023, or 5739.026 of the 17027  
Revised Code. 17028

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 17029  
section 5739.051 of the Revised Code, the tax imposed by or 17030  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 17031



the Revised Code shall be paid by the consumer to the vendor, 17032  
and each vendor shall collect from the consumer, as a trustee 17033  
for the state of Ohio, the full and exact amount of the tax 17034  
payable on each taxable sale, in the manner and at the times 17035  
provided as follows: 17036

(1) If the price is, at or prior to the provision of the 17037  
service or the delivery of possession of the thing sold to the 17038  
consumer, paid in currency passed from hand to hand by the 17039  
consumer or the consumer's agent to the vendor or the vendor's 17040  
agent, the vendor or the vendor's agent shall collect the tax 17041  
with and at the same time as the price; 17042

(2) If the price is otherwise paid or to be paid, the 17043  
vendor or the vendor's agent shall, at or prior to the provision 17044  
of the service or the delivery of possession of the thing sold 17045  
to the consumer, charge the tax imposed by or pursuant to 17046  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 17047  
Code to the account of the consumer, which amount shall be 17048  
collected by the vendor from the consumer in addition to the 17049  
price. Such sale shall be reported on and the amount of the tax 17050  
applicable thereto shall be remitted with the return for the 17051  
period in which the sale is made, and the amount of the tax 17052  
shall become a legal charge in favor of the vendor and against 17053  
the consumer. 17054

(B) (1) (a) If any sale is claimed to be exempt under 17055  
division (E) of section 5739.01 of the Revised Code or under 17056  
section 5739.02 of the Revised Code, with the exception of 17057  
divisions (B) (1) to (11), (28), (48), (55), (59), or (66) of 17058  
section 5739.02 of the Revised Code, the consumer must provide 17059  
to the vendor, and the vendor must obtain from the consumer, a 17060  
certificate specifying the reason that the sale is not legally 17061

subject to the tax. The certificate shall be in such form, and 17062  
shall be provided either in a hard copy form or electronic form, 17063  
as the tax commissioner prescribes. 17064

(b) A vendor that obtains a fully completed exemption 17065  
certificate from a consumer is relieved of liability for 17066  
collecting and remitting tax on any sale covered by that 17067  
certificate. If it is determined the exemption was improperly 17068  
claimed, the consumer shall be liable for any tax due on that 17069  
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 17070  
Chapter 5741. of the Revised Code. Relief under this division 17071  
from liability does not apply to any of the following: 17072

(i) A vendor that fraudulently fails to collect tax; 17073

(ii) A vendor that solicits consumers to participate in 17074  
the unlawful claim of an exemption; 17075

(iii) A vendor that accepts an exemption certificate from 17076  
a consumer that claims an exemption based on who purchases or 17077  
who sells property or a service, when the subject of the 17078  
transaction sought to be covered by the exemption certificate is 17079  
actually received by the consumer at a location operated by the 17080  
vendor in this state, and this state has posted to its web site 17081  
an exemption certificate form that clearly and affirmatively 17082  
indicates that the claimed exemption is not available in this 17083  
state; 17084

(iv) A vendor that accepts an exemption certificate from a 17085  
consumer who claims a multiple points of use exemption under 17086  
division (D) of section 5739.033 of the Revised Code, if the 17087  
item purchased is tangible personal property, other than 17088  
prewritten computer software. 17089

(2) The vendor shall maintain records, including exemption 17090

certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B) (13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it

is subsequently determined that the exemption is not properly 17121  
claimed. The certification shall be in such form as the tax 17122  
commissioner prescribes. 17123

(7) If a transaction is claimed to be exempt under 17124  
division (B) (13) of section 5739.02 of the Revised Code, the 17125  
person that leases a sports facility, as defined in section 17126  
307.696 of the Revised Code, wholly owned by a county may 17127  
provide and sign, on behalf of the county, an exemption 17128  
certificate required under this section for that exemption. 17129

(C) As used in this division, "contractee" means a person 17130  
who seeks to enter or enters into a contract or agreement with a 17131  
contractor or vendor for the construction of real property or 17132  
for the sale and installation onto real property of tangible 17133  
personal property. 17134

Any contractor or vendor may request from any contractee a 17135  
certification of what portion of the property to be transferred 17136  
under such contract or agreement is to be incorporated into the 17137  
realty and what portion will retain its status as tangible 17138  
personal property after installation is completed. The 17139  
contractor or vendor shall request the certification by 17140  
certified mail delivered to the contractee, return receipt 17141  
requested. Upon receipt of such request and prior to entering 17142  
into the contract or agreement, the contractee shall provide to 17143  
the contractor or vendor a certification sufficiently detailed 17144  
to enable the contractor or vendor to ascertain the resulting 17145  
classification of all materials purchased or fabricated by the 17146  
contractor or vendor and transferred to the contractee. This 17147  
requirement applies to a contractee regardless of whether the 17148  
contractee holds a direct payment permit under section 5739.031 17149  
of the Revised Code or provides to the contractor or vendor an 17150

exemption certificate as provided under this section. 17151

For the purposes of the taxes levied by this chapter and 17152  
Chapter 5741. of the Revised Code, the contractor or vendor may 17153  
in good faith rely on the contractee's certification. 17154  
Notwithstanding division (B) of section 5739.01 of the Revised 17155  
Code, if the tax commissioner determines that certain property 17156  
certified by the contractee as tangible personal property 17157  
pursuant to this division is, in fact, real property, the 17158  
contractee shall be considered to be the consumer of all 17159  
materials so incorporated into that real property and shall be 17160  
liable for the applicable tax, and the contractor or vendor 17161  
shall be excused from any liability on those materials. 17162

If a contractee fails to provide such certification upon 17163  
the request of the contractor or vendor, the contractor or 17164  
vendor shall comply with the provisions of this chapter and 17165  
Chapter 5741. of the Revised Code without the certification. If 17166  
the tax commissioner determines that such compliance has been 17167  
performed in good faith and that certain property treated as 17168  
tangible personal property by the contractor or vendor is, in 17169  
fact, real property, the contractee shall be considered to be 17170  
the consumer of all materials so incorporated into that real 17171  
property and shall be liable for the applicable tax, and the 17172  
construction contractor or vendor shall be excused from any 17173  
liability on those materials. 17174

This division does not apply to any contract or agreement 17175  
where the tax commissioner determines as a fact that a 17176  
certification under this division was made solely on the 17177  
decision or advice of the contractor or vendor. 17178

(D) Notwithstanding division (B) of section 5739.01 of the 17179  
Revised Code, whenever the total rate of tax imposed under this 17180

chapter is increased after the date after a construction 17181  
contract is entered into, the contractee shall reimburse the 17182  
construction contractor for any additional tax paid on tangible 17183  
property consumed or services received pursuant to the contract. 17184

(E) A vendor who files a petition for reassessment 17185  
contesting the assessment of tax on sales for which the vendor 17186  
obtained no valid exemption certificates and for which the 17187  
vendor failed to establish that the sales were properly not 17188  
subject to the tax during the one-hundred-twenty-day period 17189  
allowed under division (B) of this section, may present to the 17190  
tax commissioner additional evidence to prove that the sales 17191  
were properly subject to a claim of exception or exemption. The 17192  
vendor shall file such evidence within ninety days of the 17193  
receipt by the vendor of the notice of assessment, except that, 17194  
upon application and for reasonable cause, the period for 17195  
submitting such evidence shall be extended thirty days. 17196

The commissioner shall consider such additional evidence 17197  
in reaching the final determination on the assessment and 17198  
petition for reassessment. 17199

(F) Whenever a vendor refunds the price, minus any 17200  
separately stated delivery charge, of an item of tangible 17201  
personal property on which the tax imposed under this chapter 17202  
has been paid, the vendor shall also refund the amount of tax 17203  
paid, minus the amount of tax attributable to the delivery 17204  
charge. 17205

**Sec. 5741.01.** As used in this chapter: 17206

(A) "Person" includes individuals, receivers, assignees, 17207  
trustees in bankruptcy, estates, firms, partnerships, 17208  
associations, joint-stock companies, joint ventures, clubs, 17209

societies, corporations, business trusts, governments, and 17210  
combinations of individuals of any form. 17211

(B) "Storage" means and includes any keeping or retention 17212  
in this state for use or other consumption in this state. 17213

(C) "Use" means and includes the exercise of any right or 17214  
power incidental to the ownership of the thing used. A thing is 17215  
also "used" in this state if its consumer gives or otherwise 17216  
distributes it, without charge, to recipients in this state. 17217

(D) "Purchase" means acquired or received for a 17218  
consideration, whether such acquisition or receipt was effected 17219  
by a transfer of title, or of possession, or of both, or a 17220  
license to use or consume; whether such transfer was absolute or 17221  
conditional, and by whatever means the transfer was effected; 17222  
and whether the consideration was money, credit, barter, or 17223  
exchange. Purchase includes production, even though the article 17224  
produced was used, stored, or consumed by the producer. The 17225  
transfer of copyrighted motion picture films for exhibition 17226  
purposes is not a purchase, except such films as are used solely 17227  
for advertising purposes. 17228

(E) "Seller" means the person from whom a purchase is 17229  
made, and includes every person engaged in this state or 17230  
elsewhere in the business of selling tangible personal property 17231  
or providing a service for storage, use, or other consumption or 17232  
benefit in this state; and when, in the opinion of the tax 17233  
commissioner, it is necessary for the efficient administration 17234  
of this chapter, to regard any salesperson, representative, 17235  
peddler, or canvasser as the agent of a dealer, distributor, 17236  
supervisor, or employer under whom the person operates, or from 17237  
whom the person obtains tangible personal property, sold by the 17238  
person for storage, use, or other consumption in this state, 17239

irrespective of whether or not the person is making such sales 17240  
on the person's own behalf, or on behalf of such dealer, 17241  
distributor, supervisor, or employer, the commissioner may 17242  
regard the person as such agent, and may regard such dealer, 17243  
distributor, supervisor, or employer as the seller. ~~A~~ 17244

Except as provided in sections 5741.071 and 5747.072 of 17245  
the Revised Code, a marketplace facilitator shall be treated as 17246  
the "seller" with respect to all sales facilitated by the 17247  
marketplace facilitator on behalf of one or more marketplace 17248  
sellers on and after the first day of the first month that 17249  
begins at least thirty days after the marketplace facilitator 17250  
first has substantial nexus with this state. Otherwise, "seller" 17251  
does not include any person to the extent the person provides a 17252  
communications medium, such as, but not limited to, newspapers, 17253  
magazines, radio, television, or cable television, by means of 17254  
which sellers solicit purchases of their goods or services. 17255

(F) "Consumer" means any person who has purchased tangible 17256  
personal property or has been provided a service for storage, 17257  
use, or other consumption or benefit in this state. "Consumer" 17258  
does not include a person who receives, without charge, tangible 17259  
personal property or a service. 17260

A person who performs a facility management or similar 17261  
service contract for a contractee is a consumer of all tangible 17262  
personal property and services purchased for use in connection 17263  
with the performance of such contract, regardless of whether 17264  
title to any such property vests in the contractee. The purchase 17265  
of such property and services is not subject to the exception 17266  
for resale under division (E) of section 5739.01 of the Revised 17267  
Code. 17268

(G) (1) "Price," except as provided in divisions (G) (2) to 17269



|                                                                  |       |
|------------------------------------------------------------------|-------|
| (6) of this section, has the same meaning as in division (H) (1) | 17270 |
| of section 5739.01 of the Revised Code.                          | 17271 |
| (2) In the case of watercraft, outboard motors, or new           | 17272 |
| motor vehicles, "price" has the same meaning as in divisions (H) | 17273 |
| (2) and (3) of section 5739.01 of the Revised Code.              | 17274 |
| (3) In the case of a nonresident business consumer that          | 17275 |
| purchases and uses tangible personal property outside this state | 17276 |
| and subsequently temporarily stores, uses, or otherwise consumes | 17277 |
| such tangible personal property in the conduct of business in    | 17278 |
| this state, the consumer or the tax commissioner may determine   | 17279 |
| the price based on the value of the temporary storage, use, or   | 17280 |
| other consumption, in lieu of determining the price pursuant to  | 17281 |
| division (G) (1) of this section. A price determination made by  | 17282 |
| the consumer is subject to review and redetermination by the     | 17283 |
| commissioner.                                                    | 17284 |
| (4) In the case of tangible personal property held in this       | 17285 |
| state as inventory for sale or lease, and that is temporarily    | 17286 |
| stored, used, or otherwise consumed in a taxable manner, the     | 17287 |
| price is the value of the temporary use. A price determination   | 17288 |
| made by the consumer is subject to review and redetermination by | 17289 |
| the commissioner.                                                | 17290 |
| (5) In the case of tangible personal property originally         | 17291 |
| purchased and used by the consumer outside this state, and that  | 17292 |
| becomes permanently stored, used, or otherwise consumed in this  | 17293 |
| state more than six months after its acquisition by the          | 17294 |
| consumer, the consumer or the commissioner may determine the     | 17295 |
| price based on the current value of such tangible personal       | 17296 |
| property, in lieu of determining the price pursuant to division  | 17297 |
| (G) (1) of this section. A price determination made by the       | 17298 |
| consumer is subject to review and redetermination by the         | 17299 |

commissioner. 17300

(6) If a consumer produces tangible personal property for 17301  
sale and removes that property from inventory for the consumer's 17302  
own use, the price is the produced cost of that tangible 17303  
personal property. 17304

(H) "Nexus with this state" means that the seller engages 17305  
in continuous and widespread solicitation of purchases from 17306  
residents of this state or otherwise purposefully directs its 17307  
business activities at residents of this state. 17308

(I) (1) "Substantial nexus with this state" means that the 17309  
seller has sufficient contact with this state, in accordance 17310  
with Section 8 of Article I of the Constitution of the United 17311  
States, to allow the state to require the seller to collect and 17312  
remit use tax on sales of tangible personal property or services 17313  
made to consumers in this state. 17314

(2) "Substantial nexus with this state" is presumed to 17315  
exist when the seller does any of the following: 17316

(a) Uses an office, distribution facility, warehouse, 17317  
storage facility, or similar place of business within this 17318  
state, whether operated by the seller or any other person, other 17319  
than a common carrier acting in its capacity as a common 17320  
carrier. 17321

(b) Regularly uses employees, agents, representatives, 17322  
solicitors, installers, repairers, salespersons, or other 17323  
persons in this state for the purpose of conducting the business 17324  
of the seller or either to engage in a business with the same or 17325  
a similar industry classification as the seller selling a 17326  
similar product or line of products as the seller, or to use 17327  
trademarks, service marks, or trade names in this state that are 17328

the same or substantially similar to those used by the seller. 17329

(c) Uses any person, other than a common carrier acting in 17330  
its capacity as a common carrier, in this state for any of the 17331  
following purposes: 17332

(i) Receiving or processing orders of the seller's goods 17333  
or services; 17334

(ii) Using that person's employees or facilities in this 17335  
state to advertise, promote, or facilitate sales by the seller 17336  
to customers; 17337

(iii) Delivering, installing, assembling, or performing 17338  
maintenance services for the seller's customers; 17339

(iv) Facilitating the seller's delivery of tangible 17340  
personal property to customers in this state by allowing the 17341  
seller's customers to pick up property sold by the seller at an 17342  
office, distribution facility, warehouse, storage facility, or 17343  
similar place of business. 17344

(d) Makes regular deliveries of tangible personal property 17345  
into this state by means other than common carrier. 17346

(e) Has an affiliated person that has substantial nexus 17347  
with this state. 17348

(f) Owns tangible personal property that is rented or 17349  
leased to a consumer in this state, or offers tangible personal 17350  
property, on approval, to consumers in this state. 17351

(g) Has gross receipts in excess of one hundred thousand 17352  
dollars in the current or preceding calendar year from the sale 17353  
of tangible personal property for storage, use, or consumption 17354  
in this state or from providing services the benefit of which is 17355  
realized in this state. 17356

(h) Engages, in the current or preceding calendar year, in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or providing services the benefit of which is realized in this state. 17357  
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17359  
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17361

(3) A seller presumed to have substantial nexus with this state under divisions (I) (2) (a) to (f), (g), and (h) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 17362  
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17364  
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(4) A marketplace facilitator is presumed to have substantial nexus with this state if either of the following apply in the current or preceding calendar year: 17370  
17371  
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(a) The aggregate gross receipts derived from sales of tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state, including sales made by the marketplace facilitator on its own behalf and sales facilitated by the marketplace facilitator on behalf of one or more marketplace sellers, exceed one hundred thousand dollars; 17373  
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(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state. 17380  
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code.

(6) As used in division (I) of this section:

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations.

(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code.

(c) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a

part of such transit authority. County population shall be 17415  
measured by the most recent census taken by the United States 17416  
census bureau. 17417

(L) "Transit authority" means a regional transit authority 17418  
created pursuant to section 306.31 of the Revised Code or a 17419  
county in which a county transit system is created pursuant to 17420  
section 306.01 of the Revised Code. For the purposes of this 17421  
chapter, a transit authority must extend to at least the entire 17422  
area of a single county. A transit authority which includes 17423  
territory in more than one county must include all the area of 17424  
the most populous county which is a part of such transit 17425  
authority. County population shall be measured by the most 17426  
recent census taken by the United States census bureau. 17427

(M) "Providing a service" has the same meaning as in 17428  
section 5739.01 of the Revised Code. 17429

(N) "Other consumption" includes receiving the benefits of 17430  
a service. 17431

(O) "Lease" or "rental" has the same meaning as in section 17432  
5739.01 of the Revised Code. 17433

(P) "Certified service provider" has the same meaning as 17434  
in section 5740.01 of the Revised Code. 17435

(Q) "Marketplace facilitator" means a person that owns, 17436  
operates, or controls a physical or electronic marketplace 17437  
through which retail sales or delivery network services, or 17438  
both, are facilitated on behalf of one or more marketplace 17439  
sellers, or an affiliate of such a person. "Marketplace 17440  
facilitator" does not include a person that provides advertising 17441  
services, including tangible personal property or services 17442  
listed for sale, if the advertising service platform or forum 17443

does not engage directly or indirectly through one or more 17444  
affiliated persons in the activities described in division (T) 17445  
(2) of this section. 17446

(R) "Marketplace seller" means a person on behalf of which 17447  
a marketplace facilitator facilitates the sale of tangible 17448  
personal property for storage, use, or consumption in this state 17449  
or services the benefit of which are realized in this state, 17450  
regardless of whether or not the person has a substantial nexus 17451  
with this state. 17452

(S) "Electronic marketplace" includes digital distribution 17453  
services, digital distribution platforms, online portals, 17454  
application stores, computer software applications, in-app 17455  
purchase mechanisms, or other digital products. 17456

(T) A sale is "facilitated" by a marketplace facilitator 17457  
on behalf of a marketplace seller if it satisfies divisions (T) 17458  
(1), (2), and (3) of this section: 17459

(1) The marketplace facilitator, directly or indirectly, 17460  
does any of the following: 17461

(a) Lists, makes available, or advertises the tangible 17462  
personal property or services that are the subject of the sale 17463  
in a physical or electronic marketplace owned, operated, or 17464  
controlled by the marketplace facilitator; 17465

(b) Transmits or otherwise communicates an offer or 17466  
acceptance of the sale between the marketplace seller and the 17467  
purchaser in a shop, store, booth, catalog, internet site, or 17468  
other similar forum; 17469

(c) Owns, rents, licenses, makes available, or operates 17470  
any electronic or physical infrastructure or any property, 17471  
process, method, copyright, trademark, or patent that connects 17472

the marketplace seller to the purchaser for the purpose of 17473  
making sales; 17474

(d) Provides the marketplace in which the sale was made or 17475  
otherwise facilitates the sale regardless of ownership or 17476  
control of the tangible personal property or services that are 17477  
the subject of the sale; 17478

(e) Provides software development or research and 17479  
development services directly related to a physical or 17480  
electronic marketplace that is involved in one or more of the 17481  
activities described in division (T)(1) of this section; 17482

(f) Provides fulfillment or storage services for the 17483  
marketplace seller that are related to the tangible personal 17484  
property or services that are the subject of the sale; 17485

(g) Sets the price of the sale on behalf of the 17486  
marketplace seller; 17487

(h) Provides or offers customer service to the marketplace 17488  
seller or the marketplace seller's customers, or accepts or 17489  
assists with taking orders, returns, or exchanges of the 17490  
tangible personal property or services that are the subject of 17491  
the sale; 17492

(i) Brands or otherwise identifies the sale as a sale of 17493  
the marketplace facilitator. 17494

(2) The marketplace facilitator, directly or indirectly, 17495  
does any of the following: 17496

(a) Collects the price of the tangible personal property 17497  
or services sold to the consumer; 17498

(b) Provides payment processing services for the sale; 17499



(c) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service;

(d) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale.

(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests.

(U) "Delivery network company," "delivery network services," and "local merchant" have the same meanings as in section 5739.01 of the Revised Code.

**Sec. 5741.072.** (A) If all of the following conditions are met, a delivery network company that facilitates delivery network services may request a waiver from the requirement in division (E) of section 5741.01 of the Revised Code that a marketplace facilitator be treated as the seller of goods sold by marketplace sellers through the marketplace facilitator:

(1) The delivery network company is current on all taxes, fees, and charges administered by the department of taxation that are not subject to a bona fide dispute.

(2) The delivery network company has not, within the twelve months preceding the request for waiver, requested that a previously granted waiver be canceled or had a previously granted waiver revoked by the commissioner.

(3) The delivery network company has not violated division

(B) of section 5739.30 of the Revised Code. 17529

A waiver granted under this section does not affect the 17530  
delivery network company's status as the seller of its delivery 17531  
network services. 17532

(B) A delivery network company that requests a waiver 17533  
pursuant to this section shall make the request to the tax 17534  
commissioner on a form prescribed by the commissioner. A waiver 17535  
that is not affirmatively granted or denied by the commissioner 17536  
within thirty days of the date it was filed with the 17537  
commissioner is automatically granted. A waiver that is granted 17538  
by the commissioner or granted automatically is effective on and 17539  
after the first day of the first month that begins at least 17540  
thirty days after the commissioner grants the waiver or the 17541  
waiver is automatically granted. The waiver is valid until the 17542  
first day of the first month that begins at least sixty days 17543  
after it is revoked by the commissioner or canceled by the 17544  
delivery network company. 17545

(C) (1) When a waiver is granted pursuant to division (B) 17546  
of this section, the commissioner shall notify the delivery 17547  
network company, which shall then notify each local merchant 17548  
operating on the delivery network company's physical or 17549  
electronic marketplace that the local merchant shall be 17550  
considered a vendor pursuant to division (C) of section 5739.01 17551  
of the Revised Code or a seller pursuant to division (E) of 17552  
section 5741.01 of the Revised Code, as applicable, with respect 17553  
to the local products sold by the seller through the delivery 17554  
network company's physical or electronic marketplace. 17555

(2) A delivery network company that has been granted a 17556  
waiver under this section may cancel the waiver by sending 17557  
notice to the commissioner. The commissioner may revoke a waiver 17558

if the commissioner determines that any of the conditions 17559  
described in divisions (A) (1) to (3) of this section are no 17560  
longer met by the delivery network company. The commissioner 17561  
shall notify the delivery network company upon revoking a 17562  
waiver. A delivery network for which a waiver has been canceled 17563  
or revoked shall promptly notify each local merchant operating 17564  
on the delivery network company's physical or electronic 17565  
marketplace that its waiver has been canceled or revoked. 17566

(D) Notwithstanding section 5703.21 of the Revised Code, 17567  
the commissioner may divulge information related to the status 17568  
of a waiver granted to a delivery network company if requested 17569  
by a local merchant operating on the delivery network company's 17570  
physical or electronic marketplace. 17571

(E) The commissioner may adopt any rules necessary to 17572  
administer this section. 17573

**Sec. 5747.86.** Terms used in this section have the same 17574  
meanings as in section 122.84 of the Revised Code. 17575

There is hereby allowed a nonrefundable credit against a 17576  
taxpayer's aggregate tax liability under section 5747.02 of the 17577  
Revised Code for a taxpayer who is issued, or to whom is 17578  
transferred, a tax credit certificate under section 122.84 of 17579  
the Revised Code. The credit equals the amount stated on the 17580  
certificate and may be claimed for the taxable year that 17581  
includes the first day of the investment period that was the 17582  
subject of the application for the certificate under that 17583  
section or for the ensuing taxable year. If the certificate is 17584  
held by a pass-through entity, any taxpayer that is a direct or 17585  
indirect investor in the pass-through entity on the last day of 17586  
the entity's qualifying taxable year may claim the taxpayer's 17587  
proportionate or distributive share of the credit against the 17588

taxpayer's aggregate amount of tax levied under section 5747.02 17589  
of the Revised Code. 17590

The credit shall be claimed in the order required under 17591  
section 5747.98 of the Revised Code. If the credit exceeds the 17592  
taxpayer's aggregate tax due under section 5747.02 of the 17593  
Revised Code for that taxable year after allowing for credits 17594  
that precede the credit under this section in that order, such 17595  
excess shall be allowed as a credit in each of the ensuing five 17596  
taxable years, but the amount of any excess credit allowed in 17597  
any such taxable year shall be deducted from the balance carried 17598  
forward to the ensuing taxable year. 17599

No credit shall be claimed under this section to the 17600  
extent the credit was claimed under section 5725.38, 5726.61, or 17601  
5729.21 of the Revised Code. 17602

**Sec. 5747.98.** (A) To provide a uniform procedure for 17603  
calculating a taxpayer's aggregate tax liability under section 17604  
5747.02 of the Revised Code, a taxpayer shall claim any credits 17605  
to which the taxpayer is entitled in the following order: 17606

Either the retirement income credit under division (B) of 17607  
section 5747.055 of the Revised Code or the lump sum retirement 17608  
income credits under divisions (C), (D), and (E) of that 17609  
section; 17610

Either the senior citizen credit under division (F) of 17611  
section 5747.055 of the Revised Code or the lump sum 17612  
distribution credit under division (G) of that section; 17613

The dependent care credit under section 5747.054 of the 17614  
Revised Code; 17615

The credit for displaced workers who pay for job training 17616  
under section 5747.27 of the Revised Code; 17617

|                                                                                                                                               |                         |
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| The campaign contribution credit under section 5747.29 of the Revised Code;                                                                   | 17618<br>17619          |
| The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                                       | 17620<br>17621          |
| The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                                            | 17622<br>17623          |
| The earned income credit under section 5747.71 of the Revised Code;                                                                           | 17624<br>17625          |
| The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;                                                    | 17626<br>17627          |
| The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;                       | 17628<br>17629<br>17630 |
| The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;                       | 17631<br>17632<br>17633 |
| The nonrefundable vocational job credit under section 5747.057 of the Revised Code;                                                           | 17634<br>17635          |
| The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                                            | 17636<br>17637          |
| The enterprise zone credit under section 5709.66 of the Revised Code;                                                                         | 17638<br>17639          |
| The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code; | 17640<br>17641<br>17642 |
| The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;                                       | 17643<br>17644          |

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| The nonrefundable welcome home Ohio (WHO) program credit       | 17645 |
| under section 122.633 of the Revised Code;                     | 17646 |
| The credit for selling or renting agricultural assets to       | 17647 |
| beginning farmers under division (A) of section 5747.77 of the | 17648 |
| Revised Code;                                                  | 17649 |
| The credit for purchases of qualifying grape production        | 17650 |
| property under section 5747.28 of the Revised Code;            | 17651 |
| The small business investment credit under section 5747.81     | 17652 |
| of the Revised Code;                                           | 17653 |
| The nonrefundable lead abatement credit under section          | 17654 |
| 5747.26 of the Revised Code;                                   | 17655 |
| The opportunity zone investment credit under section           | 17656 |
| <del>122.84</del> <u>5747.86</u> of the Revised Code;          | 17657 |
| The enterprise zone credits under section 5709.65 of the       | 17658 |
| Revised Code;                                                  | 17659 |
| The research and development credit under section 5747.331     | 17660 |
| of the Revised Code;                                           | 17661 |
| The credit for rehabilitating a historic building under        | 17662 |
| section 5747.76 of the Revised Code;                           | 17663 |
| The nonrefundable Ohio low-income housing tax credit under     | 17664 |
| section 5747.83 of the Revised Code;                           | 17665 |
| The nonrefundable affordable single-family home credit         | 17666 |
| under section 5747.84 of the Revised Code;                     | 17667 |
| The nonresident credit under division (A) of section           | 17668 |
| 5747.05 of the Revised Code;                                   | 17669 |
| The credit for a resident's out-of-state income under          | 17670 |
| division (B) of section 5747.05 of the Revised Code;           | 17671 |

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| The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                       | 17672<br>17673                                                       |
| The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                       | 17674<br>17675                                                       |
| The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                  | 17676<br>17677<br>17678                                              |
| The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                          | 17679<br>17680                                                       |
| The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                             | 17681<br>17682<br>17683                                              |
| The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;                                                                                                                                                                                                                                                                                                                        | 17684<br>17685<br>17686                                              |
| The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                  | 17687<br>17688                                                       |
| The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.                                                                                                                                                                                                                                                                                                                                      | 17689<br>17690<br>17691                                              |
| (B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the | 17692<br>17693<br>17694<br>17695<br>17696<br>17697<br>17698<br>17699 |

section creating that credit. Nothing in this chapter shall be 17700  
construed to allow a taxpayer to claim, directly or indirectly, 17701  
a credit more than once for a taxable year. 17702

**Sec. 5751.033.** For the purposes of this chapter, gross 17703  
receipts shall be sitused to this state as follows: 17704

(A) Gross rents and royalties from real property located 17705  
in this state shall be sitused to this state. 17706

(B) Gross rents and royalties from tangible personal 17707  
property shall be sitused to this state to the extent the 17708  
tangible personal property is located or used in this state. 17709

(C) Gross receipts from the sale of electricity and 17710  
electric transmission and distribution services shall be sitused 17711  
to this state in the manner provided under section 5733.059 of 17712  
the Revised Code. 17713

(D) Gross receipts from the sale of real property located 17714  
in this state shall be sitused to this state. 17715

(E) ~~Gross~~ Except as otherwise provided in division (M) of 17716  
this section, gross receipts from the sale of tangible personal 17717  
property shall be sitused to this state if the property is 17718  
received in this state by the purchaser. In the case of delivery 17719  
of tangible personal property by motor carrier or by other means 17720  
of transportation, the place at which such property is 17721  
ultimately received after all transportation has been completed 17722  
shall be considered the place where the purchaser receives the 17723  
property. For purposes of this section, the phrase "delivery of 17724  
tangible personal property by motor carrier or by other means of 17725  
transportation" includes the situation in which a purchaser 17726  
accepts the property in this state and then transports the 17727  
property directly or by other means to a location outside this 17728



state. Direct delivery in this state, other than for purposes of 17729  
transportation, to a person or firm designated by a purchaser 17730  
constitutes delivery to the purchaser in this state, and direct 17731  
delivery outside this state to a person or firm designated by a 17732  
purchaser does not constitute delivery to the purchaser in this 17733  
state, regardless of where title passes or other conditions of 17734  
sale. 17735

(F) Gross receipts from the sale, exchange, disposition, 17736  
or other grant of the right to use trademarks, trade names, 17737  
patents, copyrights, and similar intellectual property shall be 17738  
situated to this state to the extent that the receipts are based 17739  
on the amount of use of the property in this state. If the 17740  
receipts are not based on the amount of use of the property, but 17741  
rather on the right to use the property, and the payor has the 17742  
right to use the property in this state, then the receipts from 17743  
the sale, exchange, disposition, or other grant of the right to 17744  
use such property shall be situated to this state to the extent 17745  
the receipts are based on the right to use the property in this 17746  
state. 17747

(G) Gross receipts from the sale of transportation 17748  
services by a motor carrier shall be situated to this state in 17749  
proportion to the mileage traveled by the carrier during the tax 17750  
period on roadways, waterways, airways, and railways in this 17751  
state to the mileage traveled by the carrier during the tax 17752  
period on roadways, waterways, airways, and railways everywhere. 17753  
With prior written approval of the tax commissioner, a motor 17754  
carrier may use an alternative situsing procedure for 17755  
transportation services. 17756

(H) Gross receipts from dividends, interest, and other 17757  
sources of income from financial instruments described in 17758

divisions (F) (4), (5), (6), (7), (8), (9), (10), (11), and (13) 17759  
of section 5733.056 of the Revised Code shall be sitused to this 17760  
state in accordance with the situsing provisions set forth in 17761  
those divisions. When applying the provisions of divisions (F) 17762  
(6), (8), and (13) of section 5733.056 of the Revised Code, 17763  
"gross receipts" shall be substituted for "net gains" wherever 17764  
"net gains" appears in those divisions. Nothing in this division 17765  
limits or modifies the exclusions enumerated in divisions (E) 17766  
and (F) (2) of section 5751.01 of the Revised Code. The tax 17767  
commissioner may promulgate rules to further specify the manner 17768  
in which to situs gross receipts subject to this division. 17769

(I) Gross receipts from the sale of all other services, 17770  
and all other gross receipts not otherwise sitused under this 17771  
section, shall be sitused to this state in the proportion that 17772  
the purchaser's benefit in this state with respect to what was 17773  
purchased bears to the purchaser's benefit everywhere with 17774  
respect to what was purchased. The physical location where the 17775  
purchaser ultimately uses or receives the benefit of what was 17776  
purchased shall be paramount in determining the proportion of 17777  
the benefit in this state to the benefit everywhere. If a 17778  
taxpayer's records do not allow the taxpayer to determine that 17779  
location, the taxpayer may use an alternative method to situs 17780  
gross receipts under this division if the alternative method is 17781  
reasonable, is consistently and uniformly applied, and is 17782  
supported by the taxpayer's records as the records exist when 17783  
the service is provided or within a reasonable period of time 17784  
thereafter. 17785

(J) If the situsing provisions of divisions (A) to (H) of 17786  
this section do not fairly represent the extent of a person's 17787  
activity in this state, the person may request, or the tax 17788  
commissioner may require or permit, an alternative method. Such 17789

request by a person must be made within the applicable statute 17790  
of limitations set forth in this chapter. 17791

(K) The tax commissioner may adopt rules to provide 17792  
additional guidance to the application of this section, and 17793  
provide alternative methods of situsing gross receipts that 17794  
apply to all persons, or subset of persons, that are engaged in 17795  
similar business or trade activities. 17796

(L) As used in this section, "motor carrier" has the same 17797  
meaning as in section 4923.01 of the Revised Code. 17798

(M) Gross receipts from the sale or lease of a motor 17799  
vehicle, as defined in section 4517.01 of the Revised Code, by a 17800  
motor vehicle dealer licensed under Chapter 4517. of the Revised 17801  
Code or the law of another state, shall only be sitused to this 17802  
state if the motor vehicle is issued a certificate of title 17803  
evidencing the owner's or lessee's address in this state. 17804

**Sec. 6101.16.** When it is determined to let the work 17805  
relating to the improvements for which a conservancy district 17806  
was established by contract, contracts in ~~amounts to exceed~~ 17807  
~~fifty thousand dollars~~ excess of the amount specified in section 17808  
9.17 of the Revised Code shall be advertised after notice 17809  
calling for bids has been published once a week for two 17810  
consecutive weeks or as provided in section 7.16 of the Revised 17811  
Code, with the last publication to occur at least eight days 17812  
prior to the date on which bids will be accepted, in a newspaper 17813  
of general circulation within the conservancy district where the 17814  
work is to be done. If the bids are for a contract for the 17815  
construction, demolition, alteration, repair, or reconstruction 17816  
of an improvement, the board of directors of the conservancy 17817  
district may let the contract to the lowest responsive and most 17818  
responsible bidder who meets the requirements of section 153.54 17819

of the Revised Code. If the bids are for a contract for any 17820  
other work relating to the improvements for which a conservancy 17821  
district was established, the board of directors of the district 17822  
may let the contract to the lowest responsive and most 17823  
responsible bidder who gives a good and approved bond, with 17824  
ample security, conditioned on the carrying out of the contract. 17825  
The contract shall be in writing and shall be accompanied by or 17826  
refer to plans and specifications for the work to be done 17827  
prepared by the chief engineer. The plans and specifications 17828  
shall at all times be made and considered a part of the 17829  
contract. The contract shall be approved by the board and signed 17830  
by the president of the board and by the contractor and shall be 17831  
executed in duplicate. In case of sudden emergency when it is 17832  
necessary in order to protect the district, the advertising of 17833  
contracts may be waived upon the consent of the board, with the 17834  
approval of the court or a judge of the court of common pleas of 17835  
the county in which the office of the district is located. 17836

No project subject to this section shall be divided into 17837  
component parts, separate projects, or separate items of work in 17838  
order to avoid the requirements of this section. 17839

**Sec. 6101.44.** The moneys of every conservancy district 17840  
shall be administered through the following funds: 17841

(A) The preliminary fund, consisting of the proceeds of 17842  
the preliminary assessment levied under authority of section 17843  
6101.45 of the Revised Code, any advances of assessments 17844  
obtained or notes issued in accordance with section 6101.46 of 17845  
the Revised Code, and any contribution or appropriation by the 17846  
state under authority of section 6101.45 of the Revised Code, 17847  
which shall be used for the payment of expenses incurred for the 17848  
purposes for which such preliminary assessments and 17849

contributions are authorized; 17850

(B) The improvement fund, consisting of the proceeds of  
all special assessments the collection of which has not been  
anticipated in the issuance of bonds or notes and the proceeds  
of all bonds and notes, other than bonds to retire notes, issued  
under section 6101.50 of the Revised Code, which shall be used  
for defraying expenditures incurred in the execution of the  
official plan and the acquisition or construction of properties,  
works, and improvements of the district, including the cost of  
preparing the official plan and the appraisal, the entire cost  
of construction and superintendence, with all charges incidental  
thereto, and the cost of administration during the period of  
construction and may also be used for defraying preliminary  
expenses in accordance with section 6101.46 of the Revised Code  
and repayment to the preliminary fund, in the manner and to the  
extent provided by this section, of expenditures from it;

(C) The bond retirement fund, consisting of the proceeds  
of all special assessments the collection of which has been  
anticipated in the issuance of bonds or notes together with all  
other receipts pledged for the retirement of bonds or notes or  
the payment of interest on the bonds or notes, which shall be  
used only for those purposes;

(D) The maintenance fund, consisting of the proceeds of  
maintenance assessments levied annually in accordance with  
section 6101.53 of the Revised Code, earnings from the operation  
of the works of the district, rents, incomes, royalties, or  
other revenues received from the use of the conservancy  
district's lands, and all receipts not otherwise assigned by law  
or by order of the board of directors of the conservancy  
district, which shall be used for the payment of operation,

maintenance, and other current preservation, or any other 17880  
expense of the district. Additionally, the board of directors of 17881  
a conservancy district that includes all or parts of more than 17882  
sixteen counties may use any surplus money in the maintenance 17883  
fund other than proceeds derived from the levy of maintenance 17884  
assessments under section 6101.53 of the Revised Code to provide 17885  
financial support to a charitable trust or a social welfare 17886  
trust, as defined in section 6101.47 of the Revised Code. 17887

Before levying any assessment to pay the cost of an 17888  
improvement, the board of directors shall determine the amount 17889  
expended and to be expended from the preliminary fund for 17890  
surveys and plans, appraisals, hearings, administration, court 17891  
costs, and other incidentals that equitably should be repaid to 17892  
the preliminary fund. The amount may be all or any portion of 17893  
the preliminary expenses for the improvement. When specified by 17894  
resolution of the board of directors, the amount shall be 17895  
included in the costs to be paid from the assessments upon 17896  
benefited property, and shall be transferred from the 17897  
improvement fund to the preliminary fund. 17898

The board may establish separate or special funds of each 17899  
class for each or any designated purpose for which the district 17900  
is incorporated. Any surplus moneys in any fund of the district 17901  
may be transferred to any other such fund by the board with the 17902  
approval of the court, but no transfer shall be made from the 17903  
bond retirement fund prior to the final maturity of the bonds 17904  
and notes payable from it, and no transfer shall thereafter be 17905  
made which would reduce the balance in the fund below the amount 17906  
required for the payment of all obligations outstanding against 17907  
the fund. 17908

No money shall be drawn from the treasury of the district, 17909

and no obligation for the expenditure of money shall be 17910  
incurred, except in pursuance of an appropriation by the board. 17911  
This prohibition does not apply to funds placed at the place of 17912  
payment by the treasurer of the conservancy district for the 17913  
payment of maturing bonds and notes and interest on them in 17914  
accordance with section 6101.51 of the Revised Code. At or 17915  
before the opening of each fiscal year, which shall correspond 17916  
to the calendar year unless a different year is authorized by 17917  
the auditor of state, the board shall adopt a resolution making 17918  
appropriations for the ensuing year. The appropriation 17919  
resolution may be amended or supplemented by the board. The 17920  
total amount appropriated from any fund for any year shall not 17921  
exceed the sum of the unencumbered balance in the fund at the 17922  
beginning of the year and the amounts to be received during the 17923  
year from bonds authorized, and special assessments imposed 17924  
prior to their appropriation, together with all other moneys 17925  
estimated to be received by the fund during the year. At the 17926  
close of each fiscal year, all unencumbered balances of 17927  
appropriations shall revert to the funds from which they were 17928  
made and shall be subject to reappropriation. 17929

No contract shall be entered into, and no order shall be 17930  
issued, involving the expenditure of money unless the accounting 17931  
officer of the district first certifies that the amount required 17932  
to meet the expenditure or, in the case of a continuing contract 17933  
to be performed in whole or in part in a subsequent fiscal year, 17934  
the amount required to meet the contract in the year in which 17935  
the contract is made has been lawfully appropriated for the 17936  
purpose and is in the treasury or in process of collection to 17937  
the credit of an appropriate fund free from previous 17938  
encumbrances. Accounts shall be kept in such form as to show at 17939  
all times the true condition of each appropriation. 17940

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>Sec. 6101.47. (A) As used in this section and section</u>            | 17941 |
| <u>6101.44 of the Revised Code:</u>                                     | 17942 |
| <u>(1) "Charitable trust" means any entity that meets all of</u>        | 17943 |
| <u>the following:</u>                                                   | 17944 |
| <u>(a) It is exempt from federal income taxation under</u>              | 17945 |
| <u>section 501(c) (3) of the Internal Revenue Code.</u>                 | 17946 |
| <u>(b) At least in part, it benefits a conservancy district</u>         | 17947 |
| <u>that includes all or parts of more than sixteen counties.</u>        | 17948 |
| <u>(c) At least in part, its purposes are consistent with the</u>       | 17949 |
| <u>purposes of a conservancy district that includes all or parts of</u> | 17950 |
| <u>more than sixteen counties.</u>                                      | 17951 |
| <u>(2) "Financial support" means the provision of funds from</u>        | 17952 |
| <u>a conservancy district that includes all or parts of more than</u>   | 17953 |
| <u>sixteen counties to a charitable trust, social welfare trust, or</u> | 17954 |
| <u>both, for the purposes of preserving, investing, and using such</u>  | 17955 |
| <u>funds for the benefit of the district and the purposes for which</u> | 17956 |
| <u>the district was created.</u>                                        | 17957 |
| <u>(3) "Social welfare trust" means any entity that meets all</u>       | 17958 |
| <u>of the following:</u>                                                | 17959 |
| <u>(a) It is exempt from federal income taxation under</u>              | 17960 |
| <u>section 501(c) (4) of the Internal Revenue Code.</u>                 | 17961 |
| <u>(b) At least in part, it benefits a conservancy district</u>         | 17962 |
| <u>that includes all or parts of more than sixteen counties.</u>        | 17963 |
| <u>(c) At least in part, its purposes are consistent with the</u>       | 17964 |
| <u>purposes of a conservancy district that includes all or parts of</u> | 17965 |
| <u>more than sixteen counties.</u>                                      | 17966 |
| <u>(B) (1) In order to facilitate the future preservation of a</u>      | 17967 |



conservancy district's lands and improvements and to accomplish 17968  
the purposes of the district, the board of directors of a 17969  
conservancy district that includes all or parts of more than 17970  
sixteen counties may establish a charitable trust, a social 17971  
welfare trust, or both, to benefit the conservancy district and 17972  
the purposes for which the district was created, in perpetuity. 17973

(2) A conservancy district that includes all or parts of 17974  
more than sixteen counties may provide financial support to any 17975  
charitable trust or social welfare trust in accordance with 17976  
division (D) of section 6101.44 of the Revised Code. Division 17977  
(B)(2) of this section does not limit the authority of a 17978  
conservancy district to appropriate, transfer, and spend funds 17979  
to carry out the purposes of this chapter. 17980

(C) The instrument creating any charitable trust or social 17981  
welfare trust under division (B)(1) of this section, or the 17982  
documents evidencing the payment and receipt of financial 17983  
support under division (B)(2) of this section, shall do all of 17984  
the following: 17985

(1) Require, except as otherwise provided in this section, 17986  
that the trustee: 17987

(a) Act in accordance with any applicable trust documents 17988  
and grant or donation restrictions imposed by the conservancy 17989  
district; 17990

(b) Act in accordance with sections 1715.51 to 1715.59 of 17991  
the Revised Code; 17992

(c) Qualify as an institution as defined in section 17993  
1715.51 of the Revised Code. 17994

(2) Prohibit invasion of the principal amount granted to 17995  
the charitable trust or social welfare trust by the district; 17996

(3) Require that the trustee administer the financial support amounts held in trust, including by holding, investing, and reinvesting principal, collecting income from investments, and, after deducting the costs of administering the trust and any applicable trustee compensation, using the net income solely for the benefit of the district; 17997  
17998  
17999  
18000  
18001  
18002

(4) Require that the trustee at all times keep and make available to the district accurate books and records of all funds, sub-funds, accounts, and sub-accounts into which any financial support received and any investment earnings on any financial support is held; 18003  
18004  
18005  
18006  
18007

(5) Specify the conditions, if any, under which the charitable trust or social welfare trust is revocable and require that upon revocation the principal portion of any financial support received from a conservancy district must revert to the district; 18008  
18009  
18010  
18011  
18012

(6) Include any other provision that the board of directors of a conservancy district that includes all or parts of more than sixteen counties determines to be necessary or advisable, if any. 18013  
18014  
18015  
18016

(D) A charitable trust or social welfare trust established under this section or receiving money from a conservancy district that includes all or parts of more than sixteen counties in accordance with this section is not considered any of the following: 18017  
18018  
18019  
18020  
18021

(1) A subdivision under sections 135.01 to 135.21 of the Revised Code; 18022  
18023

(2) A public office under Chapter 149. of the Revised Code; 18024  
18025

(3) A charitable trust under sections 109.23 to 109.33 or 18026  
Chapter 1719. of the Revised Code. 18027

(E) No money in a charitable trust or social welfare trust 18028  
established under this section and no money received by a 18029  
charitable or social welfare trust from a conservancy district 18030  
that includes all or parts of more than sixteen counties under 18031  
this section and section 6101.44 of the Revised Code shall be 18032  
considered public moneys under sections 135.01 to 135.21 of the 18033  
Revised Code. 18034

**Section 2.** That existing sections 7.10, 7.16, 109.57, 18035  
109.572, 109.71, 111.16, 121.22, 122.6511, 122.66, 122.70, 18036  
122.84, 125.182, 147.01, 147.011, 147.03, 147.032, 147.051, 18037  
147.07, 147.08, 147.141, 147.371, 147.51, 147.52, 147.53, 18038  
147.542, 147.591, 147.60, 147.99, 149.311, 149.43, 315.251, 18039  
319.203, 319.28, 323.78, 325.14, 349.01, 349.03, 349.14, 501.07, 18040  
503.162, 503.41, 504.02, 504.03, 504.12, 504.121, 504.122, 18041  
504.123, 504.124, 504.126, 504.21, 505.07, 505.10, 505.17, 18042  
505.26, 505.264, 505.28, 505.37, 505.373, 505.55, 505.73, 18043  
505.75, 505.76, 505.82, 505.86, 505.87, 505.871, 507.05, 511.03, 18044  
511.04, 511.12, 511.21, 515.01, 515.04, 517.07, 517.073, 517.12, 18045  
517.22, 519.06, 519.08, 519.09, 519.12, 519.15, 519.99, 521.03, 18046  
701.07, 727.011, 755.13, 971.12, 971.99, 1706.712, 1901.31, 18047  
2303.12, 2303.26, 2329.01, 2329.44, 2921.42, 3345.56, 3376.01, 18048  
3376.02, 3376.03, 3376.04, 3376.06, 3376.07, 3376.08, 3781.34, 18049  
3781.36, 4501.21, 4503.16, 4504.18, 4504.181, 4507.50, 4507.51, 18050  
4507.52, 4582.30, 4735.181, 4913.15, 4913.17, 4928.01, 4939.07, 18051  
5103.0310, 5103.0329, 5103.05, 5120.59, 5139.511, 5549.21, 18052  
5571.011, 5571.20, 5573.02, 5573.10, 5575.01, 5575.02, 5579.05, 18053  
5709.73, 5713.30, 5713.31, 5713.34, 5721.20, 5725.98, 5726.98, 18054  
5729.98, 5739.01, 5739.02, 5739.03, 5741.01, 5747.98, 5751.033, 18055  
6101.16, and 6101.44 of the Revised Code are hereby repealed. 18056

**Section 3.** That sections 147.13, 147.14, 147.54, 147.541, 18057  
 504.125, 511.01, 511.02, and 3376.05 of the Revised Code are 18058  
 hereby repealed. 18059

**Section 4.** The amendment by this act of section 122.6511 18060  
 of the Revised Code takes effect July 1, 2025. 18061

**Section 5.** All items in this act are hereby appropriated 18062  
 as designated out of any moneys in the state treasury to the 18063  
 credit of the designated fund. For all operating appropriations 18064  
 made in this act, those in the first column are for fiscal year 18065  
 2024 and those in the second column are for fiscal year 2025. 18066  
 The operating appropriations made in this act are in addition to 18067  
 any other operating appropriations made for these fiscal years. 18068

**Section 6.** 18069

18070

|   | 1                              | 2      | 3                            | 4   | 5           |
|---|--------------------------------|--------|------------------------------|-----|-------------|
| A | DEV DEPARTMENT OF DEVELOPMENT  |        |                              |     |             |
| B | General Revenue Fund           |        |                              |     |             |
| C | GRF                            | 195420 | Housing Technical Assistance | \$0 | \$1,500,000 |
| D | TOTAL GRF General Revenue Fund |        |                              | \$0 | \$1,500,000 |
| E | TOTAL ALL BUDGET FUND GROUPS   |        |                              | \$0 | \$1,500,000 |

HOUSING TECHNICAL ASSISTANCE 18071

The foregoing appropriation item 195420, Housing Technical 18072  
 Assistance, shall be used to offer grants to political 18073

subdivisions, as defined by section 9.482 of the Revised Code, 18074  
 seeking to modernize regulations and processes tied to zoning 18075  
 efforts. 18076

**Section 7.** 18077

18078

| 1 | 2                                                  | 3                                     | 4   | 5           |
|---|----------------------------------------------------|---------------------------------------|-----|-------------|
| A | FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS |                                       |     |             |
| B | General Revenue Fund                               |                                       |     |             |
| C | GRF 881500                                         | Indigent Burial and Cremation Support | \$0 | \$1,000,000 |
| D | TOTAL GRF General Revenue Fund                     |                                       | \$0 | \$1,000,000 |
| E | TOTAL ALL BUDGET FUND GROUPS                       |                                       | \$0 | \$1,000,000 |

**Section 8.** Within the limits set forth in this act, the 18079  
 Director of Budget and Management shall establish accounts 18080  
 indicating the source and amount of funds for each appropriation 18081  
 made in this act, and shall determine the manner in which 18082  
 appropriation accounts shall be maintained. Expenditures from 18083  
 operating appropriations contained in this act shall be 18084  
 accounted for as though made in, and are subject to all 18085  
 applicable provisions of, H.B. 33 of the 135th General Assembly. 18086

**Section 9.** That Section 223.20 of H.B. 33 of the 135th 18087  
 General Assembly be amended to read as follows: 18088

**Sec. 223.20. AUDIT MANAGEMENT AND SERVICES** 18089

The foregoing appropriation item 070401, Audit Management 18090

and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

FISCAL DISTRESS TECHNICAL ASSISTANCE

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. ~~and,~~ 3316., and 3345. of the Revised Code to provide services to local governments ~~or,~~ schools, colleges, or universities in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are

not recovered through charges to local governments, including 18120  
costs that cannot be recovered from audit clients under federal 18121  
indirect cost allocation guidelines. 18122

LOCAL GOVERNMENT AUDIT SUPPORT FUND 18123

The foregoing appropriation item 070611, Local Government 18124  
Audit Support Fund, shall be used pursuant to section 117.131 of 18125  
the Revised Code to offset costs of audits that would otherwise 18126  
be charged to local public offices in the absence of the fund. 18127

**Section 10.** That existing Section 223.20 of H.B. 33 of the 18128  
135th General Assembly is hereby repealed. 18129

**Section 11.** Not later than sixty days after the effective 18130  
date of this section, the Governor shall appoint the first 18131  
OHIO811 nonvoting advisory member of the underground technical 18132  
committee under division (B) (14) of section 3781.34 of the 18133  
Revised Code. 18134

**Section 12.** The General Assembly, applying the principle 18135  
stated in division (B) of section 1.52 of the Revised Code that 18136  
amendments are to be harmonized if reasonably capable of 18137  
simultaneous operation, finds that the following sections, 18138  
presented in this act as composites of the sections as amended 18139  
by the acts indicated, are the resulting versions of the 18140  
sections in effect prior to the effective date of the sections 18141  
as presented in this act: 18142

Section 147.01 of the Revised Code as amended by both H.B. 18143  
567 and S.B. 131 of the 134th General Assembly. 18144

Section 121.22 of the Revised Code as amended by both H.B. 18145  
45 and H.B. 254 of the 134th General Assembly. 18146

Section 315.251 of the Revised Code as amended by both 18147

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| S.B. 262 and S.B. 287 of the 121st General Assembly.              | 18148 |
| Section 1901.31 of the Revised Code as amended by both            | 18149 |
| H.B. 33 and S.B. 21 of the 135th General Assembly.                | 18150 |
| Section 505.75 of the Revised Code as amended by both H.B.        | 18151 |
| 175 and S.B. 115 of the 125th General Assembly.                   | 18152 |
| Section 971.07 (971.12) of the Revised Code as amended and        | 18153 |
| renumbered by H.B. 323 and as amended by S.B. 268, both of the    | 18154 |
| 127th General Assembly.                                           | 18155 |
| <b>Section 13.</b> The amendment by this act of sections 5713.30, | 18156 |
| 5713.31, and 5713.34 of the Revised Code applies to tax year      | 18157 |
| 2023 and each tax year thereafter.                                | 18158 |
| Notwithstanding section 5713.31 of the Revised Code, all          | 18159 |
| of the following apply:                                           | 18160 |
| (A) A property owner whose land was not valued for real           | 18161 |
| property tax purposes at its current value for agricultural use   | 18162 |
| for tax year 2023 or 2024 may apply to the county auditor to      | 18163 |
| have the land so valued for either or both tax years in           | 18164 |
| accordance with the amendments by this act of sections 5713.30,   | 18165 |
| 5713.31, and 5731.34 of the Revised Code. The owner shall submit  | 18166 |
| the application within sixty days after the effective date of     | 18167 |
| this section.                                                     | 18168 |
| (B) The county auditor shall approve or deny that                 | 18169 |
| application within thirty days after receiving it. If the         | 18170 |
| application is approved, the auditor shall refund to the          | 18171 |
| taxpayer any taxes overpaid with respect to such land for those   | 18172 |
| tax years, in the same manner as refunds of overpayments          | 18173 |
| described in section 5715.22 of the Revised Code. If the auditor  | 18174 |
| levied a charge related to the conversion of such land for those  | 18175 |
| tax years under section 5713.34 and 5713.35 of the Revised Code,  | 18176 |



the auditor shall remove the charge from the tax list and refund 18177  
to the taxpayer any charge paid in that manner. 18178

(C) If a person believes that an application submitted 18179  
under this section has been improperly denied or that the 18180  
auditor refunded less than that to which the person is entitled, 18181  
the person may file an appeal with the county board of revision 18182  
not later than thirty days after the date the county auditor 18183  
approves or denies that application. 18184

**Section 14.** The enactment by this act of section 3902.64 18185  
of the Revised Code shall be known as Madeline's Law. 18186

**Section 15.** The amendment by this act of sections 5739.02 18187  
and 5739.03 of the Revised Code applies to the first day of the 18188  
first month beginning after the effective date of this section. 18189

**Section 16.** (A) The Study Committee to Evaluate the 18190  
Placement of Delinquent Children in Residential Facilities is 18191  
created. The Committee shall do all of the following regarding 18192  
children who are alleged to be or have been adjudicated 18193  
delinquent and are in the custody of a public children services 18194  
agency or private child placing agency: 18195

(1) Evaluate the placement of such children in residential 18196  
facilities; 18197

(2) Evaluate the existing system, resources, and services 18198  
used to support such children; 18199

(3) Identify gaps in the availability of appropriate 18200  
residential facilities, resources, and services to serve such 18201  
children; 18202

(4) Make recommendations for changes to meet the needs of 18203  
such children; 18204

(5) Not later than nine months after the appointment of  
all members of the committee pursuant to division (B) of this  
section, issue a report of its findings and recommendations to  
the Governor and the General Assembly.

(B) The committee shall consist of the following members:

(1) The Director of the Department of Children and Youth  
or the Director's designee;

(2) The Director of the Department of Youth Services or  
the Director's designee;

(3) The Director of the Department of Mental Health and  
Addiction Services or the Director's designee;

(4) A public defender from the Office of the Public  
Defender appointed by the State Public Defender;

(5) Two directors of public children services agencies,  
one appointed by the Speaker of the House of Representatives and  
one appointed by the President of the Senate;

(6) Two juvenile court judges, one appointed by the  
Speaker of the House of Representatives and one appointed by the  
President of the Senate;

(7) A county commissioner appointed by the President of  
the Senate;

(8) A city council or township trustee member appointed by  
the Speaker of the House of Representatives;

(9) A representative of a residential facility serving six  
or fewer children who are alleged to be or have been adjudicated  
delinquent children appointed by the Speaker of the House of  
Representatives;

|                                                                                                                                                                                                                                                                                 |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (10) A representative of a residential facility serving more than six children who are alleged to be or have been adjudicated delinquent children appointed by the President of the Senate;                                                                                     | 18232<br>18233<br>18234<br>18235          |
| (11) A representative of the Overcoming Hurdles in Ohio Youth Advisory Board appointed by the Speaker of the House of Representatives;                                                                                                                                          | 18236<br>18237<br>18238                   |
| (12) A county sheriff or chief of police appointed by the President of the Senate;                                                                                                                                                                                              | 18239<br>18240                            |
| (13) Three members of the Senate, with not more than two members from the same political party, appointed by the President of the Senate;                                                                                                                                       | 18241<br>18242<br>18243                   |
| (14) Three members of the House of Representatives, with not more than two from the same political party, appointed by the Speaker of the House of Representatives.                                                                                                             | 18244<br>18245<br>18246                   |
| (C) The President of the Senate and the Speaker of the House of Representatives shall each appoint one of the members of the Senate and one of the members of the House of Representatives serving on the committee, respectively, to serve as the committee's co-chairpersons. | 18247<br>18248<br>18249<br>18250<br>18251 |
| (D) Appointments shall be made not later than thirty days after the effective date of this section. Any vacancy in the membership of the Committee shall be filled in the same manner as the original appointment. Members shall serve without compensation.                    | 18252<br>18253<br>18254<br>18255<br>18256 |
| (E) When it submits the report described in division (A) (5) of this section, the Committee ceases to exist.                                                                                                                                                                    | 18257<br>18258                            |
| (F) As used in this section, "residential facility" has                                                                                                                                                                                                                         | 18259                                     |

the same meaning as in section 2151.46 of the Revised Code. 18260

**Section 17.** The Director of Children and Youth shall seek 18261  
a federal waiver to authorize the conditional appointment or 18262  
employment of a person in a residential facility while a 18263  
criminal records check regarding the person is pending in 18264  
accordance with section 5103.053 of the Revised Code. 18265

**Section 18.** The amendment or enactment by this act of 18266  
sections 122.84, 5725.38, 5726.61, 5729.21, and 5747.86 of the 18267  
Revised Code applies to tax credit applications submitted under 18268  
division (B) of section 122.84 of the Revised Code on or after 18269  
the ninetieth day after the effective date of this section. 18270

**Section 19.** Division (A) of section 325.14 of the Revised 18271  
Code, as amended by this act, applies to a county engineer whose 18272  
term of office begins on or after the effective date of this 18273  
section. Pursuant to Section 20 of Article II, Ohio 18274  
Constitution, a county engineer shall continue to receive 18275  
compensation in accordance with the law in effect before the 18276  
effective date of this section for the remainder of a term of 18277  
office that began before the effective date of this section. 18278

**Section 20.** For eighteen months after the effective date 18279  
of this section: 18280

(A) Notwithstanding the requirements of sections 4507.50, 18281  
4507.51, 4507.52, 5120.59, and 5139.511 of the Revised Code, as 18282  
amended by this act, the Department of Rehabilitation and 18283  
Correction and the Department of Youth Services shall do both of 18284  
the following: 18285

(1) Continue to issue an identification card to a prisoner 18286  
or youth, as applicable; 18287

(2) Issue those identification cards in the same manner as 18288

the departments issued identification cards prior to the 18289  
effective date of this section. 18290

(B) For purposes of the Registrar of Motor Vehicles or a 18291  
deputy registrar verifying an applicant's age and identity prior 18292  
to issuing an identification card under section 4507.51 of the 18293  
Revised Code, an identification card issued by the Department of 18294  
Rehabilitation and Correction or the Department of Youth 18295  
Services under division (A) of this section shall be sufficient 18296  
documentary evidence upon verification of an applicant's social 18297  
security number by the Registrar or a deputy registrar. Upon 18298  
issuing an identification card under section 4507.51 of the 18299  
Revised Code to a person who has been issued an identification 18300  
card under division (A) of this section, the Registrar or deputy 18301  
registrar shall destroy the identification card issued under 18302  
division (A) of this section. 18303

**Section 21.** Sections 4735.80 and 4735.181 of the Revised 18304  
Code as amended or enacted by this act shall be known as the 18305  
Homebuyer Protection Act. 18306

**Section 22.** The amendment by this act of section 5751.033 18307  
of the Revised Code applies to tax periods beginning before, on, 18308  
or after the effective date of this section. 18309