

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 840**

**Representative Mohamed**

---

To amend sections 4121.01, 4123.01, 4123.26, 1  
4123.29, 4123.35, 4925.01, and 4925.10 and to 2  
enact sections 4925.15, 4925.16, 4925.17, 3  
4925.18, 4925.19, 4925.20, 4925.25, 4925.26, 4  
4925.27, and 4925.28 of the Revised Code 5  
regarding minimum pay, workers' compensation, 6  
and other requirements applicable to 7  
transportation network company drivers. 8

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

**Section 1.** That sections 4121.01, 4123.01, 4123.26, 9  
4123.29, 4123.35, 4925.01, and 4925.10 be amended and sections 10  
4925.15, 4925.16, 4925.17, 4925.18, 4925.19, 4925.20, 4925.25, 11  
4925.26, 4925.27, and 4925.28 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 4121.01.** (A) As used in sections 4121.01 to 4121.29 14  
of the Revised Code: 15

(1) "Place of employment" means every place, whether 16  
indoors or out, or underground, and the premises appurtenant 17  
thereto, where either temporarily or permanently any industry, 18  
trade, or business is carried on, or where any process or 19  
operation, directly or indirectly related to any industry, 20

trade, or business, is carried on and where any person is 21  
directly or indirectly employed by another for direct or 22  
indirect gain or profit, but does not include any place where 23  
persons are employed in private domestic service or agricultural 24  
pursuits which do not involve the use of mechanical power. 25

(2) "Employment" means any trade, occupation, or process 26  
of manufacture or any method of carrying on such trade, 27  
occupation, or process of manufacture in which any person may be 28  
engaged, except in such private domestic service or agricultural 29  
pursuits as do not involve the use of mechanical power. 30

(3) "Employer" means every person, firm, corporation, 31  
agent, manager, representative, or other person having control 32  
or custody of any employment, place of employment, or employee. 33  
"Employer" does not include a franchisor with respect to the 34  
franchisor's relationship with a franchisee or an employee of a 35  
franchisee, unless the franchisor agrees to assume that role in 36  
writing or a court of competent jurisdiction determines that the 37  
franchisor exercises a type or degree of control over the 38  
franchisee or the franchisee's employees that is not customarily 39  
exercised by a franchisor for the purpose of protecting the 40  
franchisor's trademark, brand, or both. For purposes of this 41  
division, "franchisor" and "franchisee" have the same meanings 42  
as in 16 C.F.R. 436.1. "Employer" includes a transportation 43  
network company with respect to a transportation network company 44  
driver, but only while the driver is engaged in passenger 45  
platform time or dispatch platform time. 46

(4) (a) "Employee" means a person who may be required or 47  
directed by any employer, in consideration of direct or indirect 48  
gain or profit, to engage in any employment, or to go, or work, 49  
or be at any time in any place of employment, including a person 50

described in division (A) (4) (b) of this section if a motor carrier elects to consider the person to be an employee.

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

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

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

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

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

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

(vi) The person is responsible for substantially all of 80  
the principal operating costs of the vehicle or vessel and 81  
equipment used to provide the services, including maintenance, 82  
fuel, repairs, supplies, vehicle or vessel insurance, and 83  
personal expenses, except that the person may be paid by the 84  
carrier the carrier's fuel surcharge and incidental costs, 85  
including tolls, permits, and lumper fees. 86

(vii) The person is responsible for any economic loss or 87  
economic gain from the arrangement with the carrier. 88

(c) "Employee" includes a transportation network company 89  
driver while the driver is engaged in passenger platform time or 90  
dispatch platform time with respect to the transportation 91  
network company. 92

(5) "Frequenter" means every person, other than an 93  
employee, who may go in or be in a place of employment under 94  
circumstances which render the person other than a trespasser. 95

(6) "Deputy" means any person employed by the industrial 96  
commission or the bureau of workers' compensation, designated as 97  
a deputy by the commission or the administrator of workers' 98  
compensation, who possesses special, technical, scientific, 99  
managerial, professional, or personal abilities or qualities in 100  
matters within the jurisdiction of the commission or the bureau, 101  
and who may be engaged in the performance of duties under the 102  
direction of the commission or the bureau calling for the 103  
exercise of such abilities or qualities. 104

(7) "Order" means any decision, rule, regulation, 105  
direction, requirement, or standard, or any other determination 106  
or decision that the bureau is empowered to and does make. 107

(8) "General order" means an order that applies generally 108

throughout the state to all persons, employments, or places of 109  
employment, or all persons, employments, or places of employment 110  
of a class under the jurisdiction of the bureau. All other 111  
orders shall be considered special orders. 112

(9) "Local order" means any ordinance, order, rule, or 113  
determination of the legislative authority of any municipal 114  
corporation, or any trustees, or board or officers of any 115  
municipal corporation upon any matter over which the bureau has 116  
jurisdiction. 117

(10) "Welfare" means comfort, decency, and moral well- 118  
being. 119

(11) "Safe" or "safety," as applied to any employment or a 120  
place of employment, means such freedom from danger to the life, 121  
health, safety, or welfare of employees or frequenters as the 122  
nature of the employment will reasonably permit, including 123  
requirements as to the hours of labor with relation to the 124  
health and welfare of employees. 125

(12) "Employee organization" means any labor or bona fide 126  
organization in which employees participate and that exists for 127  
the purpose, in whole or in part, of dealing with employers 128  
concerning grievances, labor disputes, wages, hours, terms, and 129  
other conditions of employment. 130

(13) "Motor carrier" has the same meaning as in section 131  
4923.01 of the Revised Code. 132

(14) "Transportation network company," "transportation 133  
network company driver," "driver platform," "passenger platform 134  
time," "dispatch platform time," and "passenger platform time" 135  
have the same meanings as in section 4925.01 of the Revised 136  
Code. 137

(B) As used in the Revised Code:	138
(1) "Industrial commission" means the chairperson of the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the chairperson as the chief executive officer of the three-member industrial commission pursuant to divisions (A), (B), (C), and (D) of section 4121.03 of the Revised Code.	139 140 141 142 143 144 145
(2) "Industrial commission" means the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the three-member industrial commission pursuant to division (E) of section 4121.03 of the Revised Code.	146 147 148 149 150
(3) "Industrial commission" means the industrial commission as a state agency when the context refers to the authority vested in the industrial commission as a state agency.	151 152 153
<b>Sec. 4123.01.</b> As used in this chapter:	154
(A) (1) "Employee" means:	155
(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers of boards of education, under any appointment or contract of hire, express or implied, oral or written, including any elected official of the state, or of any county, municipal corporation, or township, or members of boards of education.	156 157 158 159 160 161 162 163 164 165 166

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

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

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

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

(b) Every person in the service of any person, firm, or private corporation, including any public service corporation, that (i) employs one or more persons regularly in the same business or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens and minors, household workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single household and casual workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single employer, or (ii) is bound by any such contract of hire or by any other

written contract, to pay into the state insurance fund the	197
premiums provided by this chapter.	198
(c) Every person who performs labor or provides services	199
pursuant to a construction contract, as defined in section	200
4123.79 of the Revised Code, if at least ten of the following	201
criteria apply:	202
(i) The person is required to comply with instructions	203
from the other contracting party regarding the manner or method	204
of performing services;	205
(ii) The person is required by the other contracting party	206
to have particular training;	207
(iii) The person's services are integrated into the	208
regular functioning of the other contracting party;	209
(iv) The person is required to perform the work	210
personally;	211
(v) The person is hired, supervised, or paid by the other	212
contracting party;	213
(vi) A continuing relationship exists between the person	214
and the other contracting party that contemplates continuing or	215
recurring work even if the work is not full time;	216
(vii) The person's hours of work are established by the	217
other contracting party;	218
(viii) The person is required to devote full time to the	219
business of the other contracting party;	220
(ix) The person is required to perform the work on the	221
premises of the other contracting party;	222
(x) The person is required to follow the order of work set	223

by the other contracting party;	224
(xi) The person is required to make oral or written reports of progress to the other contracting party;	225 226
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	227 228
(xiii) The person's expenses are paid for by the other contracting party;	229 230
(xiv) The person's tools and materials are furnished by the other contracting party;	231 232
(xv) The person is provided with the facilities used to perform services;	233 234
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	235 236
(xvii) The person is not performing services for a number of employers at the same time;	237 238
(xviii) The person does not make the same services available to the general public;	239 240
(xix) The other contracting party has a right to discharge the person;	241 242
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	243 244 245
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the administrator of workers' compensation for the person's employment or occupation or who is a self-insuring employer and	246 247 248 249 250

who has failed to pay compensation and benefits directly to the 251  
employer's injured and to the dependents of the employer's 252  
killed employees as required by section 4123.35 of the Revised 253  
Code, shall be considered as the employee of the person who has 254  
entered into a contract, whether written or verbal, with such 255  
independent contractor unless such employees or their legal 256  
representatives or beneficiaries elect, after injury or death, 257  
to regard such independent contractor as the employer. 258

(d) Every person who operates a vehicle or vessel in the 259  
performance of services for or on behalf of a motor carrier 260  
transporting property, unless all of the following factors apply 261  
to the person: 262

(i) The person owns the vehicle or vessel that is used in 263  
performing the services for or on behalf of the carrier, or the 264  
person leases the vehicle or vessel under a bona fide lease 265  
agreement that is not a temporary replacement lease agreement. 266  
For purposes of this division, a bona fide lease agreement does 267  
not include an agreement between the person and the motor 268  
carrier transporting property for which, or on whose behalf, the 269  
person provides services. 270

(ii) The person is responsible for supplying the necessary 271  
personal services to operate the vehicle or vessel used to 272  
provide the service. 273

(iii) The compensation paid to the person is based on 274  
factors related to work performed, including on a mileage-based 275  
rate or a percentage of any schedule of rates, and not solely on 276  
the basis of the hours or time expended. 277

(iv) The person substantially controls the means and 278  
manner of performing the services, in conformance with 279

regulatory requirements and specifications of the shipper.	280
(v) The person enters into a written contract with the carrier for whom the person is performing the services that describes the relationship between the person and the carrier to be that of an independent contractor and not that of an employee.	281 282 283 284 285
(vi) The person is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.	286 287 288 289 290 291 292
(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier.	293 294
<u>(e) A transportation network company driver while the driver is engaged in passenger platform time or dispatch platform time with respect to the transportation network company.</u>	295 296 297 298
(2) "Employee" does not mean any of the following:	299
(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry;	300 301 302
(b) Any officer of a family farm corporation;	303
(c) An individual incorporated as a corporation;	304
(d) An officer of a nonprofit corporation, as defined in section 1702.01 of the Revised Code, who volunteers the person's services as an officer;	305 306 307

(e) An individual who otherwise is an employee of an 308  
employer but who signs the waiver and affidavit specified in 309  
section 4123.15 of the Revised Code on the condition that the 310  
administrator has granted a waiver and exception to the 311  
individual's employer under section 4123.15 of the Revised Code; 312

(f) (i) A qualifying employee described in division (A) (14) 313  
(a) of section 5703.94 of the Revised Code when the qualifying 314  
employee is performing disaster work in this state during a 315  
disaster response period pursuant to a qualifying solicitation 316  
received by the employee's employer; 317

(ii) A qualifying employee described in division (A) (14) 318  
(b) of section 5703.94 of the Revised Code when the qualifying 319  
employee is performing disaster work in this state during a 320  
disaster response period on critical infrastructure owned or 321  
used by the employee's employer; 322

(iii) As used in division (A) (2) (f) of this section, 323  
"critical infrastructure," "disaster response period," "disaster 324  
work," and "qualifying employee" have the same meanings as in 325  
section 5703.94 of the Revised Code. 326

Any employer may elect to include as an "employee" within 327  
this chapter, any person excluded from the definition of 328  
"employee" pursuant to division (A) (1) (d) or (A) (2) (a), (b), 329  
(c), or (e) of this section in accordance with rules adopted by 330  
the administrator, with the advice and consent of the bureau of 331  
workers' compensation board of directors. If an employer is a 332  
partnership, sole proprietorship, individual incorporated as a 333  
corporation, or family farm corporation, such employer may elect 334  
to include as an "employee" within this chapter, any member of 335  
such partnership, the owner of the sole proprietorship, the 336  
individual incorporated as a corporation, or the officers of the 337

family farm corporation. Nothing in this section shall prohibit 338  
a partner, sole proprietor, or any person excluded from the 339  
definition of "employee" pursuant to division (A)(2)(a), (b), 340  
(c), or (e) of this section from electing to be included as an 341  
"employee" under this chapter in accordance with rules adopted 342  
by the administrator, with the advice and consent of the board. 343

In the event of an election, the employer or person 344  
electing coverage shall serve upon the bureau of workers' 345  
compensation written notice naming the person to be covered and 346  
include the person's remuneration for premium purposes in all 347  
future payroll reports. No partner, sole proprietor, or person 348  
excluded from the definition of "employee" pursuant to division 349  
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, shall 350  
receive benefits or compensation under this chapter until the 351  
bureau receives written notice of the election permitted by this 352  
section. 353

For informational purposes only, the bureau shall 354  
prescribe such language as it considers appropriate, on such of 355  
its forms as it considers appropriate, to advise employers of 356  
their right to elect to include as an "employee" within this 357  
chapter a sole proprietor, any member of a partnership, or a 358  
person excluded from the definition of "employee" under division 359  
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, that 360  
they should check any health and disability insurance policy, or 361  
other form of health and disability plan or contract, presently 362  
covering them, or the purchase of which they may be considering, 363  
to determine whether such policy, plan, or contract excludes 364  
benefits for illness or injury that they might have elected to 365  
have covered by workers' compensation. 366

(B)(1) "Employer" means: 367

(a) The state, including state hospitals, each county, 368  
municipal corporation, township, school district, and hospital 369  
owned by a political subdivision or subdivisions other than the 370  
state; 371

(b) Every person, firm, professional employer 372  
organization, alternate employer organization, and private 373  
corporation, including any public service corporation, that (i) 374  
has in service one or more employees or shared employees 375  
regularly in the same business or in or about the same 376  
establishment under any contract of hire, express or implied, 377  
oral or written, or (ii) is bound by any such contract of hire 378  
or by any other written contract, to pay into the insurance fund 379  
the premiums provided by this chapter. 380

All such employers are subject to this chapter. Any member 381  
of a firm or association, who regularly performs manual labor in 382  
or about a mine, factory, or other establishment, including a 383  
household establishment, shall be considered an employee in 384  
determining whether such person, firm, or private corporation, 385  
or public service corporation, has in its service, one or more 386  
employees and the employer shall report the income derived from 387  
such labor to the bureau as part of the payroll of such 388  
employer, and such member shall thereupon be entitled to all the 389  
benefits of an employee. 390

(2) "Employer" does not include a franchisor with respect 391  
to the franchisor's relationship with a franchisee or an 392  
employee of a franchisee, unless the franchisor agrees to assume 393  
that role in writing or a court of competent jurisdiction 394  
determines that the franchisor exercises a type or degree of 395  
control over the franchisee or the franchisee's employees that 396  
is not customarily exercised by a franchisor for the purpose of 397

protecting the franchisor's trademark, brand, or both. For 398  
purposes of this division, "franchisor" and "franchisee" have 399  
the same meanings as in 16 C.F.R. 436.1. 400

(3) "Employer" includes a transportation network company 401  
with respect to a transportation network company driver, but 402  
only while the driver is engaged in passenger platform time or 403  
dispatch platform time. 404

(C) "Injury" includes any injury, whether caused by 405  
external accidental means or accidental in character and result, 406  
received in the course of, and arising out of, the injured 407  
employee's employment. "Injury" does not include: 408

(1) Psychiatric conditions except where the claimant's 409  
psychiatric conditions have arisen from an injury or 410  
occupational disease sustained by that claimant or where the 411  
claimant's psychiatric conditions have arisen from sexual 412  
conduct in which the claimant was forced by threat of physical 413  
harm to engage or participate; 414

(2) Injury or disability caused primarily by the natural 415  
deterioration of tissue, an organ, or part of the body; 416

(3) Injury or disability incurred in voluntary 417  
participation in an employer-sponsored recreation or fitness 418  
activity if the employee signs a waiver of the employee's right 419  
to compensation or benefits under this chapter prior to engaging 420  
in the recreation or fitness activity; 421

(4) Injury or disability sustained by an employee who 422  
performs the employee's duties in a work area that is located 423  
within the employee's home and that is separate and distinct 424  
from the location of the employer, unless all of the following 425  
apply: 426

(a) The employee's injury or disability arises out of the employee's employment.	427 428
(b) The employee's injury or disability was caused by a special hazard of the employee's employment activity.	429 430
(c) The employee's injury or disability is sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.	431 432 433
(5) A condition that pre-existed an injury unless that pre-existing condition is substantially aggravated by the injury. Such a substantial aggravation must be documented by objective diagnostic findings, objective clinical findings, or objective test results. Subjective complaints may be evidence of such a substantial aggravation. However, subjective complaints without objective diagnostic findings, objective clinical findings, or objective test results are insufficient to substantiate a substantial aggravation.	434 435 436 437 438 439 440 441 442
(D) "Child" includes a posthumous child and a child legally adopted prior to the injury.	443 444
(E) "Family farm corporation" means a corporation founded for the purpose of farming agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouse of persons related to each other within the fourth degree of kinship, according to the rules of the civil law, and at least one of the related persons is residing on or actively operating the farm, and none of whose stockholders are a corporation. A family farm corporation does not cease to qualify under this division where, by reason of any devise, bequest, or the operation of the laws of descent or distribution, the ownership of shares of voting stock is	445 446 447 448 449 450 451 452 453 454 455

transferred to another person, as long as that person is within 456  
the degree of kinship stipulated in this division. 457

(F) "Occupational disease" means a disease contracted in 458  
the course of employment, which by its causes and the 459  
characteristics of its manifestation or the condition of the 460  
employment results in a hazard which distinguishes the 461  
employment in character from employment generally, and the 462  
employment creates a risk of contracting the disease in greater 463  
degree and in a different manner from the public in general. 464

(G) "Self-insuring employer" means an employer who is 465  
granted the privilege of paying compensation and benefits 466  
directly under section 4123.35 of the Revised Code, including a 467  
board of county commissioners for the sole purpose of 468  
constructing a sports facility as defined in section 307.696 of 469  
the Revised Code, provided that the electors of the county in 470  
which the sports facility is to be built have approved 471  
construction of a sports facility by ballot election no later 472  
than November 6, 1997. 473

(H) "Private employer" means an employer as defined in 474  
division (B) (1) (b) of this section. 475

(I) "Professional employer organization" has the same 476  
meaning as in section 4125.01 of the Revised Code. 477

(J) "Public employer" means an employer as defined in 478  
division (B) (1) (a) of this section. 479

(K) "Sexual conduct" means vaginal intercourse between a 480  
male and female; anal intercourse, fellatio, and cunnilingus 481  
between persons regardless of gender; and, without privilege to 482  
do so, the insertion, however slight, of any part of the body or 483  
any instrument, apparatus, or other object into the vaginal or 484

anal cavity of another. Penetration, however slight, is 485  
sufficient to complete vaginal or anal intercourse. 486

(L) "Other-states' insurer" means an insurance company 487  
that is authorized to provide workers' compensation insurance 488  
coverage in any of the states that permit employers to obtain 489  
insurance for workers' compensation claims through insurance 490  
companies. 491

(M) "Other-states' coverage" means both of the following: 492

(1) Insurance coverage secured by an eligible employer for 493  
workers' compensation claims of employees who are in employment 494  
relationships localized in a state other than this state or 495  
those employees' dependents; 496

(2) Insurance coverage secured by an eligible employer for 497  
workers' compensation claims that arise in a state other than 498  
this state where an employer elects to obtain coverage through 499  
either the administrator or an other-states' insurer. 500

(N) "Limited other-states coverage" means insurance 501  
coverage provided by the administrator to an eligible employer 502  
for workers' compensation claims of employees who are in an 503  
employment relationship localized in this state but are 504  
temporarily working in a state other than this state, or those 505  
employees' dependents. 506

(O) "Motor carrier" has the same meaning as in section 507  
4923.01 of the Revised Code. 508

(P) "Alternate employer organization" has the same meaning 509  
as in section 4133.01 of the Revised Code. 510

(Q) "Transportation network company," "transportation 511  
network company driver," "driver platform," "passenger platform 512

time," "dispatch platform time," and "passenger platform time" 513  
have the same meanings as in section 4925.01 of the Revised 514  
Code. 515

**Sec. 4123.26.** (A) Every employer shall keep records of, 516  
and furnish to the bureau of workers' compensation upon request, 517  
all information required by the administrator of workers' 518  
compensation to carry out this chapter. 519

(B) Except as otherwise provided in ~~division (C) of this~~ 520  
section, every private employer employing one or more employees 521  
regularly in the same business, or in or about the same 522  
establishment, shall submit a payroll report to the bureau. 523  
Until the policy year commencing July 1, 2015, a private 524  
employer shall submit the payroll report in January of each 525  
year. For a policy year commencing on or after July 1, 2015, the 526  
employer shall submit the payroll report on or before August 527  
fifteenth of each year unless otherwise specified by the 528  
administrator in rules the administrator adopts. The employer 529  
shall include all of the following information in the payroll 530  
report, as applicable: 531

(1) For payroll reports submitted prior to July 1, 2015, 532  
the number of employees employed during the preceding year from 533  
the first day of January through the thirty-first day of 534  
December who are localized in this state; 535

(2) For payroll reports submitted on or after July 1, 536  
2015, the number of employees localized in this state employed 537  
during the preceding policy year from the first day of July 538  
through the thirtieth day of June; 539

(3) The number of such employees localized in this state 540  
employed at each kind of employment and the aggregate amount of 541

wages paid to such employees;	542
(4) If an employer elects to secure other-states' coverage	543
or limited other-states' coverage pursuant to section 4123.292	544
of the Revised Code through either the administrator, if the	545
administrator elects to offer such coverage, or an other-states'	546
insurer the information required under divisions (B) (1) to (3)	547
of this section and any additional information required by the	548
administrator in rules the administrator adopts, with the advice	549
and consent of the bureau of workers' compensation board of	550
directors, to allow the employer to secure other-states'	551
coverage or limited other-states' coverage.	552
(5) (a) In accordance with the rules adopted by the	553
administrator pursuant to division (C) of section 4123.32 of the	554
Revised Code, if the employer employs employees who are covered	555
under the federal "Longshore and Harbor Workers' Compensation	556
Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and under this	557
chapter and Chapter 4121. of the Revised Code, both of the	558
following amounts:	559
(i) The amount of wages the employer pays to those	560
employees when the employees perform labor and provide services	561
for which the employees are eligible to receive compensation and	562
benefits under the federal "Longshore and Harbor Workers'	563
Compensation Act";	564
(ii) The amount of wages the employer pays to those	565
employees when the employees perform labor and provide services	566
for which the employees are eligible to receive compensation and	567
benefits under this chapter and Chapter 4121. of the Revised	568
Code.	569
(b) The allocation of wages identified by the employer	570

pursuant to divisions (B) (5) (a) (i) and (ii) of this section 571  
shall not be presumed to be an indication of the law under which 572  
an employee is eligible to receive compensation and benefits. 573

(C) Each employer that is recognized by the administrator 574  
as a professional employer organization or alternate employer 575  
organization shall submit a monthly payroll report containing 576  
the number of employees employed during the preceding calendar 577  
month, the number of those employees employed at each kind of 578  
employment, and the aggregate amount of wages paid to those 579  
employees. 580

(D) An employer described in division (B) of this section 581  
shall submit the payroll report required under this section to 582  
the bureau on a form prescribed by the bureau. The bureau may 583  
require that the information required to be furnished be 584  
verified under oath. The bureau or any person employed by the 585  
bureau for that purpose, may examine, under oath, any employer, 586  
or the officer, agent, or employee thereof, for the purpose of 587  
ascertaining any information which the employer is required to 588  
furnish to the bureau. 589

(E) On or before the last day of January, April, July, and 590  
October of each year, a transportation network company shall 591  
submit to the administrator a true and accurate report of the 592  
hours for which transportation network company drivers were 593  
engaged in passenger platform time and dispatch platform time on 594  
the transportation network company's driver platform during the 595  
preceding calendar quarter and the total amount paid to drivers 596  
engaged in passenger platform time on the transportation network 597  
company's driver platform during the preceding calendar quarter. 598  
The sufficiency of the statement is subject to the approval of 599  
the administrator. The administrator may, for the effective 600

administration of this chapter, require a transportation network 601  
company in individual instances to furnish a supplementary 602  
report containing the name of each individual driver, the hours 603  
the driver engaged in passenger platform time and dispatch 604  
platform time on the transportation network company's driver 605  
platform, and the driver's compensation. The administrator may 606  
adopt rules in accordance with Chapter 119. of the Revised Code 607  
to establish other reporting periods and due dates in lieu of 608  
reports following each calendar quarter. 609

(F) No private employer shall fail to furnish to the 610  
bureau ~~the payroll a~~ report required by this section, nor shall 611  
any employer fail to keep records of or furnish such other 612  
information as may be required by the bureau under this section. 613

~~(F)~~ (G) The administrator may adopt rules setting forth 614  
penalties for failure to submit ~~the payroll a~~ report required by 615  
this section, including but not limited to exclusion from 616  
alternative rating plans and discount programs. 617

**Sec. 4123.29.** (A) The administrator of workers' 618  
compensation, subject to the approval of the bureau of workers' 619  
compensation board of directors, shall do all of the following: 620

(1) Classify occupations or industries with respect to 621  
their degree of hazard and determine the risks of the different 622  
classes according to the categories the national council on 623  
compensation insurance establishes that are applicable to 624  
employers in this state; 625

(2) (a) ~~Fix~~ Except as provided in division (A) (2) (b) of 626  
this section, fix the rates of premium of the risks of the 627  
classes based upon the total payroll in each of the classes of 628  
occupation or industry sufficiently large to provide a fund for 629

the compensation provided for in this chapter and to maintain a state insurance fund from year to year. The administrator shall set the rates at a level that assures the solvency of the fund. Where the payroll cannot be obtained or, in the opinion of the administrator, is not an adequate measure for determining the premium to be paid for the degree of hazard, the administrator may determine the rates of premium upon such other basis, consistent with insurance principles, as is equitable in view of the degree of hazard, and whenever in this chapter reference is made to payroll or expenditure of wages with reference to fixing premiums, the reference shall be construed to have been made also to such other basis for fixing the rates of premium as the administrator may determine under this section.

(b) Fix the rates of premium for transportation network companies by multiplying the total number of hours spent by transportation network company drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies or similar industries. The administrator may adopt rules adjusting premium rates fixed in accordance with this division provided the premium rates in the rules are sufficiently large to provide transportation network company drivers with the compensation and benefits provided for in this chapter and to maintain the solvency of the fund.

(c) If an employer elects to obtain other-states' coverage, including limited other-states' coverage, pursuant to section 4123.292 of the Revised Code through the administrator, if the administrator elects to offer such coverage, calculate the employer's premium for the state insurance fund in the same manner as otherwise required under ~~division (A) of this section~~ and section 4123.34 of the Revised Code, except that the

administrator may establish in rule an alternative calculation 661  
of the employer's premium to appropriately account for the 662  
expenditure of wages, payroll, or both attributable to the labor 663  
performed and services provided by that employer's employees 664  
when those employees performed labor and provided services in 665  
this state and in the other state or states for which the 666  
employer elects to secure other-states' coverage. 667

~~(e)~~(d) If an employer elects to obtain other-states' 668  
coverage pursuant to section 4123.292 of the Revised Code 669  
through an other-states' insurer, calculate the employer's 670  
premium for the state insurance fund in the same manner as 671  
otherwise required under ~~division (A) of this section and~~ 672  
section 4123.34 of the Revised Code, except that when the 673  
administrator determines the expenditure of wages, payroll, or 674  
both upon which to base the employer's premium, the 675  
administrator shall use only the expenditure of wages, payroll, 676  
or both attributable to the labor performed and services 677  
provided by that employer's employees when those employees 678  
performed labor and provided services in this state only and to 679  
which the other-states' coverage does not apply. The 680  
administrator may adopt rules setting forth the information that 681  
an employer electing to obtain other-states' coverage through an 682  
other-states' insurer shall report for purposes of determining 683  
the expenditure of wages, payroll, or both attributable to the 684  
labor performed and services provided in this state. 685

~~(d)~~(e) The administrator in setting or revising rates 686  
shall furnish to employers an adequate explanation of the basis 687  
for the rates set. 688

(3) Develop and make available to employers who are paying 689  
premiums to the state insurance fund alternative premium plans. 690

Alternative premium plans shall include retrospective rating 691  
plans. The administrator may make available plans under which an 692  
advanced deposit may be applied against a specified deductible 693  
amount per claim. 694

(4) (a) Offer to insure the obligations of employers under 695  
this chapter under a plan that groups, for rating purposes, 696  
employers, and pools the risk of the employers within the group 697  
provided that the employers meet all of the following 698  
conditions: 699

(i) All of the employers within the group are members of 700  
an organization that has been in existence for at least two 701  
years prior to the date of application for group coverage; 702

(ii) The organization was formed for purposes other than 703  
that of obtaining group workers' compensation under this 704  
division; 705

(iii) The employers' business in the organization is 706  
substantially similar such that the risks which are grouped are 707  
substantially homogeneous; 708

(iv) The group of employers consists of at least one 709  
hundred members or the aggregate workers' compensation premiums 710  
of the members, as determined by the administrator, are 711  
estimated to exceed one hundred fifty thousand dollars during 712  
the coverage period; 713

(v) The formation and operation of the group program in 714  
the organization will substantially improve accident prevention 715  
and claims handling for the employers in the group; 716

(vi) Each employer seeking to enroll in a group for 717  
workers' compensation coverage has an account in good standing 718  
with the bureau of workers' compensation. The administrator 719

shall adopt rules setting forth the criteria by which the 720  
administrator will determine whether an employer's account is in 721  
good standing. 722

(b) If an organization sponsors more than one employer 723  
group to participate in group plans established under this 724  
section, that organization may submit a single application that 725  
supplies all of the information necessary for each group of 726  
employers that the organization wishes to sponsor. 727

(c) In providing employer group plans under division (A) 728  
(4) of this section, the administrator shall consider an 729  
employer group as a single employing entity for purposes of 730  
group rating. No employer may be a member of more than one group 731  
for the purpose of obtaining workers' compensation coverage 732  
under this division. 733

(d) At the time the administrator revises premium rates 734  
pursuant to this section and section 4123.34 of the Revised 735  
Code, if the premium rate of an employer who participates in a 736  
group plan established under this section changes from the rate 737  
established for the previous year, the administrator, in 738  
addition to sending the invoice with the rate revision to that 739  
employer, shall provide an explanation of the rate revision to 740  
the third-party administrator that administers the group plan 741  
for that employer's group. 742

(e) In providing employer group plans under division (A) 743  
(4) of this section, the administrator shall establish a program 744  
designed to mitigate the impact of a significant claim that 745  
would come into the experience of a private, state fund group- 746  
rated employer or a taxing district employer for the first time 747  
and be a contributing factor in that employer being excluded 748  
from a group-rated plan. The administrator shall establish 749

eligibility criteria and requirements that such employers must 750  
satisfy in order to participate in this program. For purposes of 751  
this program, the administrator shall establish a discount on 752  
premium rates applicable to employers who qualify for the 753  
program. 754

(f) In no event shall division (A)(4) of this section be 755  
construed as granting to an employer status as a self-insuring 756  
employer. 757

(g) The administrator shall develop classifications of 758  
occupations or industries that are sufficiently distinct so as 759  
not to group employers in classifications that unfairly 760  
represent the risks of employment with the employer. 761

(5) Generally promote employer participation in the state 762  
insurance fund through the regular dissemination of information 763  
to all classes of employers describing the advantages and 764  
benefits of opting to make premium payments to the fund. To that 765  
end, the administrator shall regularly make employers aware of 766  
the various workers' compensation premium packages developed and 767  
offered pursuant to this section. 768

(6) Make available to every employer who is paying 769  
premiums to the state insurance fund a program whereby the 770  
employer or the employer's agent pays to the claimant or on 771  
behalf of the claimant the first fifteen thousand dollars of a 772  
compensable workers' compensation medical-only claim filed by 773  
that claimant that is related to the same injury or occupational 774  
disease. No formal application is required; however, an employer 775  
must elect to participate by telephoning the bureau after July 776  
1, 1995. Once an employer has elected to participate in the 777  
program, the employer will be responsible for all bills in all 778  
medical-only claims with a date of injury the same or later than 779

the election date, unless the employer notifies the bureau 780  
within fourteen days of receipt of the notification of a claim 781  
being filed that it does not wish to pay the bills in that 782  
claim, or the employer notifies the bureau that the fifteen 783  
thousand dollar maximum has been paid, or the employer notifies 784  
the bureau of the last day of service on which it will be 785  
responsible for the bills in a particular medical-only claim. If 786  
an employer elects to enter the program, the administrator shall 787  
not reimburse the employer for such amounts paid and shall not 788  
charge the first fifteen thousand dollars of any medical-only 789  
claim paid by an employer to the employer's experience or 790  
otherwise use it in merit rating or determining the risks of any 791  
employer for the purpose of payment of premiums under this 792  
chapter. A certified health care provider shall extend to an 793  
employer who participates in this program the same rates for 794  
services rendered to an employee of that employer as the 795  
provider bills the administrator for the same type of medical 796  
claim processed by the bureau and shall not charge, assess, or 797  
otherwise attempt to collect from an employee any amount for 798  
covered services or supplies that is in excess of that rate. If 799  
an employer elects to enter the program and the employer fails 800  
to pay a bill for a medical-only claim included in the program, 801  
the employer shall be liable for that bill and the employee for 802  
whom the employer failed to pay the bill shall not be liable for 803  
that bill. The administrator shall adopt rules to implement and 804  
administer division (A) (6) of this section. Upon written request 805  
from the bureau, the employer shall provide documentation to the 806  
bureau of all medical-only bills that they are paying directly. 807  
Such requests from the bureau may not be made more frequently 808  
than on a semiannual basis. Failure to provide such 809  
documentation to the bureau within thirty days of receipt of the 810  
request may result in the employer's forfeiture of participation 811

in the program for such injury. The provisions of this section 812  
shall not apply to claims in which an employer with knowledge of 813  
a claimed compensable injury or occupational disease, has paid 814  
wages in lieu of compensation or total disability. 815

(B) The administrator, with the advice and consent of the 816  
board, by rule, may do both of the following: 817

(1) Grant an employer who pays the employer's annual 818  
estimated premium in full prior to the start of the policy year 819  
for which the estimated premium is due, a discount as the 820  
administrator fixes from time to time; 821

(2) Levy a minimum annual administrative charge upon risks 822  
where premium reports develop a charge less than the 823  
administrator considers adequate to offset administrative costs 824  
of processing. 825

**Sec. 4123.35.** (A) Except as provided in this section, and 826  
until the policy year commencing July 1, 2015, every private 827  
employer and every publicly owned utility shall pay semiannually 828  
in the months of January and July into the state insurance fund 829  
the amount of annual premium the administrator of workers' 830  
compensation fixes for the employment or occupation of the 831  
employer, the amount of which premium to be paid by each 832  
employer to be determined by the classifications, rules, and 833  
rates made and published by the administrator. The employer 834  
shall pay semiannually a further sum of money into the state 835  
insurance fund as may be ascertained to be due from the employer 836  
by applying the rules of the administrator. 837

Except as otherwise provided in this section, for a policy 838  
year commencing on or after July 1, 2015, every private employer 839  
and every publicly owned utility shall pay annually in the month 840

of June immediately preceding the policy year into the state 841  
insurance fund the amount of estimated annual premium the 842  
administrator fixes for the employment or occupation of the 843  
employer, the amount of which estimated premium to be paid by 844  
each employer to be determined by the classifications, rules, 845  
and rates made and published by the administrator. The employer 846  
shall pay a further sum of money into the state insurance fund 847  
as may be ascertained to be due from the employer by applying 848  
the rules of the administrator. Upon receipt of the payroll 849  
report required by division (B) of section 4123.26 of the 850  
Revised Code, the administrator shall adjust the premium and 851  
assessments charged to each employer for the difference between 852  
estimated gross payrolls and actual gross payrolls, and any 853  
balance due to the administrator shall be immediately paid by 854  
the employer. Any balance due the employer shall be credited to 855  
the employer's account. 856

For a policy year commencing on or after July 1, 2015, 857  
each employer that is recognized by the administrator as a 858  
professional employer organization or alternate employer 859  
organization shall pay monthly into the state insurance fund the 860  
amount of premium the administrator fixes for the employer for 861  
the prior month based on the actual payroll of the employer 862  
reported pursuant to division (C) of section 4123.26 of the 863  
Revised Code. 864

For a policy year commencing on or after the effective 865  
date of this amendment, each employer that is a transportation 866  
network company shall pay quarterly into the state insurance 867  
fund the amount of premium the administrator fixes for 868  
transportation network company drivers based on the total 869  
passenger platform time and dispatch platform time on the 870  
transportation network company's driver platform. Premiums for a 871

calendar quarter, whether reported or not, shall become due and 872  
delinquent on the day immediately following the last day of the 873  
month following the calendar quarter. The administrator, with 874  
the advice and consent of the bureau of workers' compensation 875  
board of directors, may adopt rules establishing other payment 876  
amounts and due dates and may also establish terms and 877  
conditions for payment of premiums and assessments based on 878  
estimated passenger platform time and dispatch platform time on 879  
the transportation network company's driver platform. Payments 880  
based on estimates shall be subject to approval as to 881  
sufficiency of the estimate and to appropriate periodic 882  
adjustments made by the administrator based on actual passenger 883  
platform time and dispatch platform time on the transportation 884  
network company's driver platform. 885

A receipt certifying that payment has been made shall be 886  
issued to the employer by the bureau of workers' compensation. 887  
The receipt is prima-facie evidence of the payment of the 888  
premium. The administrator shall provide each employer written 889  
proof of workers' compensation coverage as is required in 890  
section 4123.83 of the Revised Code. Proper posting of the 891  
notice constitutes the employer's compliance with the notice 892  
requirement mandated in section 4123.83 of the Revised Code. 893

The bureau shall verify with the secretary of state the 894  
existence of all corporations and organizations making 895  
application for workers' compensation coverage and shall require 896  
every such application to include the employer's federal 897  
identification number. 898

A private employer who has contracted with a subcontractor 899  
is liable for the unpaid premium due from any subcontractor with 900  
respect to that part of the payroll of the subcontractor that is 901

for work performed pursuant to the contract with the employer. 902

Division (A) of this section providing for the payment of 903  
premiums semiannually does not apply to any employer who was a 904  
subscriber to the state insurance fund prior to January 1, 1914, 905  
or, until July 1, 2015, who may first become a subscriber to the 906  
fund in any month other than January or July. Instead, the 907  
semiannual premiums shall be paid by those employers from time 908  
to time upon the expiration of the respective periods for which 909  
payments into the fund have been made by them. After July 1, 910  
2015, an employer who first becomes a subscriber to the fund on 911  
any day other than the first day of July shall pay premiums 912  
according to rules adopted by the administrator, with the advice 913  
and consent of the bureau of workers' compensation board of 914  
directors, for the remainder of the policy year for which the 915  
coverage is effective. 916

The administrator, with the advice and consent of the 917  
board, shall adopt rules to permit employers to make periodic 918  
payments of the premium and assessment due under this division. 919  
The rules shall include provisions for the assessment of 920  
interest charges, where appropriate, and for the assessment of 921  
penalties when an employer fails to make timely premium 922  
payments. The administrator, in the rules the administrator 923  
adopts, may set an administrative fee for these periodic 924  
payments. An employer who timely pays the amounts due under this 925  
division is entitled to all of the benefits and protections of 926  
this chapter. Upon receipt of payment, the bureau shall issue a 927  
receipt to the employer certifying that payment has been made, 928  
which receipt is prima-facie evidence of payment. Workers' 929  
compensation coverage under this chapter continues uninterrupted 930  
upon timely receipt of payment under this division. 931

Every public employer, except public employers that are 932  
self-insuring employers under this section, shall comply with 933  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 934  
regard to the contribution of moneys to the public insurance 935  
fund. 936

(B) Employers who will abide by the rules of the 937  
administrator and who may be of sufficient financial ability to 938  
render certain the payment of compensation to injured employees 939  
or the dependents of killed employees, and the furnishing of 940  
medical, surgical, nursing, and hospital attention and services 941  
and medicines, and funeral expenses, equal to or greater than is 942  
provided for in sections 4123.52, 4123.55 to 4123.62, and 943  
4123.64 to 4123.67 of the Revised Code, and who do not desire to 944  
insure the payment thereof or indemnify themselves against loss 945  
sustained by the direct payment thereof, upon a finding of such 946  
facts by the administrator, may be granted the privilege to pay 947  
individually compensation, and furnish medical, surgical, 948  
nursing, and hospital services and attention and funeral 949  
expenses directly to injured employees or the dependents of 950  
killed employees, thereby being granted status as a self- 951  
insuring employer. The administrator may charge employers who 952  
apply for the status as a self-insuring employer a reasonable 953  
application fee to cover the bureau's costs in connection with 954  
processing and making a determination with respect to an 955  
application. 956

All employers granted status as self-insuring employers 957  
shall demonstrate sufficient financial and administrative 958  
ability to assure that all obligations under this section are 959  
promptly met. The administrator shall deny the privilege where 960  
the employer is unable to demonstrate the employer's ability to 961  
promptly meet all the obligations imposed on the employer by 962

this section. 963

(1) The administrator shall consider, but is not limited 964  
to, the following factors, where applicable, in determining the 965  
employer's ability to meet all of the obligations imposed on the 966  
employer by this section: 967

(a) The employer has operated in this state for a minimum 968  
of two years, provided that an employer who has purchased, 969  
acquired, or otherwise succeeded to the operation of a business, 970  
or any part thereof, situated in this state that has operated 971  
for at least two years in this state, also shall qualify; 972

(b) Where the employer previously contributed to the state 973  
insurance fund or is a successor employer as defined by bureau 974  
rules, the amount of the buyout, as defined by bureau rules; 975

(c) The sufficiency of the employer's assets located in 976  
this state to insure the employer's solvency in paying 977  
compensation directly; 978

(d) The financial records, documents, and data, certified 979  
by a certified public accountant, necessary to provide the 980  
employer's full financial disclosure. The records, documents, 981  
and data include, but are not limited to, balance sheets and 982  
profit and loss history for the current year and previous four 983  
years. 984

(e) The employer's organizational plan for the 985  
administration of the workers' compensation law; 986

(f) The employer's proposed plan to inform employees of 987  
the change from a state fund insurer to a self-insuring 988  
employer, the procedures the employer will follow as a self- 989  
insuring employer, and the employees' rights to compensation and 990  
benefits; and 991

(g) The employer has either an account in a financial 992  
institution in this state, or if the employer maintains an 993  
account with a financial institution outside this state, ensures 994  
that workers' compensation checks are drawn from the same 995  
account as payroll checks or the employer clearly indicates that 996  
payment will be honored by a financial institution in this 997  
state. 998

The administrator may waive the requirements of division 999  
(B) (1) (a) of this section and the requirement of division (B) (1) 1000  
(d) of this section that the financial records, documents, and 1001  
data be certified by a certified public accountant. The 1002  
administrator shall adopt rules establishing the criteria that 1003  
an employer shall meet in order for the administrator to waive 1004  
the requirements of divisions (B) (1) (a) and (d) of this section. 1005  
Such rules may require additional security of that employer 1006  
pursuant to division (E) of section 4123.351 of the Revised 1007  
Code. 1008

The administrator shall not grant the status of self- 1009  
insuring employer to the state, except that the administrator 1010  
may grant the status of self-insuring employer to a state 1011  
institution of higher education, including its hospitals, that 1012  
meets the requirements of division (B) (2) of this section. 1013

(2) When considering the application of a public employer, 1014  
except for a board of county commissioners described in division 1015  
(G) of section 4123.01 of the Revised Code, a board of a county 1016  
hospital, or a publicly owned utility, the administrator shall 1017  
verify that the public employer satisfies all of the following 1018  
requirements as the requirements apply to that public employer: 1019

(a) For the two-year period preceding application under 1020  
this section, the public employer has maintained an unvoted debt 1021

capacity equal to at least two times the amount of the current 1022  
annual premium established by the administrator under this 1023  
chapter for that public employer for the year immediately 1024  
preceding the year in which the public employer makes 1025  
application under this section. 1026

(b) For each of the two fiscal years preceding application 1027  
under this section, the unreserved and undesignated year-end 1028  
fund balance in the public employer's general fund is equal to 1029  
at least five per cent of the public employer's general fund 1030  
revenues for the fiscal year computed in accordance with 1031  
generally accepted accounting principles. 1032

(c) For the five-year period preceding application under 1033  
this section, the public employer, to the extent applicable, has 1034  
complied fully with the continuing disclosure requirements 1035  
established in rules adopted by the United States securities and 1036  
exchange commission under 17 C.F.R. 240.15c 2-12. 1037

(d) For the five-year period preceding application under 1038  
this section, the public employer has not had its local 1039  
government fund distribution withheld on account of the public 1040  
employer being indebted or otherwise obligated to the state. 1041

(e) For the five-year period preceding application under 1042  
this section, the public employer has not been under a fiscal 1043  
watch or fiscal emergency pursuant to section 118.023, 118.04, 1044  
or 3316.03 of the Revised Code. 1045

(f) For the public employer's fiscal year preceding 1046  
application under this section, the public employer has obtained 1047  
an annual financial audit as required under section 117.10 of 1048  
the Revised Code, which has been released by the auditor of 1049  
state within seven months after the end of the public employer's 1050

fiscal year. 1051

(g) On the date of application, the public employer holds 1052  
a debt rating of Aa3 or higher according to Moody's investors 1053  
service, inc., or a comparable rating by an independent rating 1054  
agency similar to Moody's investors service, inc. 1055

(h) The public employer agrees to generate an annual 1056  
accumulating book reserve in its financial statements reflecting 1057  
an actuarially generated reserve adequate to pay projected 1058  
claims under this chapter for the applicable period of time, as 1059  
determined by the administrator. 1060

(i) For a public employer that is a hospital, the public 1061  
employer shall submit audited financial statements showing the 1062  
hospital's overall liquidity characteristics, and the 1063  
administrator shall determine, on an individual basis, whether 1064  
the public employer satisfies liquidity standards equivalent to 1065  
the liquidity standards of other public employers. 1066

(j) Any additional criteria that the administrator adopts 1067  
by rule pursuant to division (E) of this section. 1068

The administrator may adopt rules establishing the 1069  
criteria that a public employer shall satisfy in order for the 1070  
administrator to waive any of the requirements listed in 1071  
divisions (B) (2) (a) to (j) of this section. The rules may 1072  
require additional security from that employer pursuant to 1073  
division (E) of section 4123.351 of the Revised Code. The 1074  
administrator shall not waive any of the requirements listed in 1075  
divisions (B) (2) (a) to (j) of this section for a public employer 1076  
who does not satisfy the criteria established in the rules the 1077  
administrator adopts. 1078

(C) A board of county commissioners described in division 1079

(G) of section 4123.01 of the Revised Code, as an employer, that 1080  
will abide by the rules of the administrator and that may be of 1081  
sufficient financial ability to render certain the payment of 1082  
compensation to injured employees or the dependents of killed 1083  
employees, and the furnishing of medical, surgical, nursing, and 1084  
hospital attention and services and medicines, and funeral 1085  
expenses, equal to or greater than is provided for in sections 1086  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the 1087  
Revised Code, and that does not desire to insure the payment 1088  
thereof or indemnify itself against loss sustained by the direct 1089  
payment thereof, upon a finding of such facts by the 1090  
administrator, may be granted the privilege to pay individually 1091  
compensation, and furnish medical, surgical, nursing, and 1092  
hospital services and attention and funeral expenses directly to 1093  
injured employees or the dependents of killed employees, thereby 1094  
being granted status as a self-insuring employer. The 1095  
administrator may charge a board of county commissioners 1096  
described in division (G) of section 4123.01 of the Revised Code 1097  
that applies for the status as a self-insuring employer a 1098  
reasonable application fee to cover the bureau's costs in 1099  
connection with processing and making a determination with 1100  
respect to an application. All employers granted such status 1101  
shall demonstrate sufficient financial and administrative 1102  
ability to assure that all obligations under this section are 1103  
promptly met. The administrator shall deny the privilege where 1104  
the employer is unable to demonstrate the employer's ability to 1105  
promptly meet all the obligations imposed on the employer by 1106  
this section. The administrator shall consider, but is not 1107  
limited to, the following factors, where applicable, in 1108  
determining the employer's ability to meet all of the 1109  
obligations imposed on the board as an employer by this section: 1110

- (1) The board has operated in this state for a minimum of 1111  
two years; 1112
- (2) Where the board previously contributed to the state 1113  
insurance fund or is a successor employer as defined by bureau 1114  
rules, the amount of the buyout, as defined by bureau rules; 1115
- (3) The sufficiency of the board's assets located in this 1116  
state to insure the board's solvency in paying compensation 1117  
directly; 1118
- (4) The financial records, documents, and data, certified 1119  
by a certified public accountant, necessary to provide the 1120  
board's full financial disclosure. The records, documents, and 1121  
data include, but are not limited to, balance sheets and profit 1122  
and loss history for the current year and previous four years. 1123
- (5) The board's organizational plan for the administration 1124  
of the workers' compensation law; 1125
- (6) The board's proposed plan to inform employees of the 1126  
proposed self-insurance, the procedures the board will follow as 1127  
a self-insuring employer, and the employees' rights to 1128  
compensation and benefits; 1129
- (7) The board has either an account in a financial 1130  
institution in this state, or if the board maintains an account 1131  
with a financial institution outside this state, ensures that 1132  
workers' compensation checks are drawn from the same account as 1133  
payroll checks or the board clearly indicates that payment will 1134  
be honored by a financial institution in this state; 1135
- (8) The board shall provide the administrator a surety 1136  
bond in an amount equal to one hundred twenty-five per cent of 1137  
the projected losses as determined by the administrator. 1138

(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to injured employees, or to the dependents of employees killed, the payment of compensation and expenses, which shall in no event be less than that paid or furnished out of the state insurance fund in similar cases to injured employees or to dependents of killed employees whose employers contribute to the fund, except when an employee of the employer, who has suffered the loss of a hand, arm, foot, leg, or eye prior to the injury for which compensation is to be paid, and thereafter suffers the loss of any other of the members as the result of any injury sustained in the course of and arising out of the employee's employment, the compensation to be paid by the self-insuring employer is limited to the disability suffered in the subsequent injury, additional compensation, if any, to be paid by the bureau out of the surplus created by section 4123.34 of the Revised Code.

(E) In addition to the requirements of this section, the administrator shall make and publish rules governing the manner of making application and the nature and extent of the proof required to justify a finding of fact by the administrator as to granting the status of a self-insuring employer, which rules shall be general in their application, one of which rules shall provide that all self-insuring employers shall pay into the state insurance fund such amounts as are required to be credited to the surplus fund in division (B) of section 4123.34 of the Revised Code. The administrator may adopt rules establishing requirements in addition to the requirements described in division (B)(2) of this section that a public employer shall meet in order to qualify for self-insuring status.

Employers shall secure directly from the bureau central

offices application forms upon which the bureau shall stamp a 1170  
designating number. Prior to submission of an application, an 1171  
employer shall make available to the bureau, and the bureau 1172  
shall review, the information described in division (B) (1) of 1173  
this section, and public employers shall make available, and the 1174  
bureau shall review, the information necessary to verify whether 1175  
the public employer meets the requirements listed in division 1176  
(B) (2) of this section. An employer shall file the completed 1177  
application forms with an application fee, which shall cover the 1178  
costs of processing the application, as established by the 1179  
administrator, by rule, with the bureau at least ninety days 1180  
prior to the effective date of the employer's new status as a 1181  
self-insuring employer. The application form is not deemed 1182  
complete until all the required information is attached thereto. 1183  
The bureau shall only accept applications that contain the 1184  
required information. 1185

(F) The bureau shall review completed applications within 1186  
a reasonable time. If the bureau determines to grant an employer 1187  
the status as a self-insuring employer, the bureau shall issue a 1188  
statement, containing its findings of fact, that is prepared by 1189  
the bureau and signed by the administrator. If the bureau 1190  
determines not to grant the status as a self-insuring employer, 1191  
the bureau shall notify the employer of the determination and 1192  
require the employer to continue to pay its full premium into 1193  
the state insurance fund. The administrator also shall adopt 1194  
rules establishing a minimum level of performance as a criterion 1195  
for granting and maintaining the status as a self-insuring 1196  
employer and fixing time limits beyond which failure of the 1197  
self-insuring employer to provide for the necessary medical 1198  
examinations and evaluations may not delay a decision on a 1199  
claim. 1200

(G) The administrator shall adopt rules setting forth 1201  
procedures for auditing the program of self-insuring employers. 1202  
The bureau shall conduct the audit upon a random basis or 1203  
whenever the bureau has grounds for believing that a self- 1204  
insuring employer is not in full compliance with bureau rules or 1205  
this chapter. 1206

The administrator shall monitor the programs conducted by 1207  
self-insuring employers, to ensure compliance with bureau 1208  
requirements and for that purpose, shall develop and issue to 1209  
self-insuring employers standardized forms for use by the self- 1210  
insuring employer in all aspects of the self-insuring employers' 1211  
direct compensation program and for reporting of information to 1212  
the bureau. 1213

The bureau shall receive and transmit to the self-insuring 1214  
employer all complaints concerning any self-insuring employer. 1215  
In the case of a complaint against a self-insuring employer, the 1216  
administrator shall handle the complaint through the self- 1217  
insurance division of the bureau. The bureau shall maintain a 1218  
file by employer of all complaints received that relate to the 1219  
employer. The bureau shall evaluate each complaint and take 1220  
appropriate action. 1221

The administrator shall adopt as a rule a prohibition 1222  
against any self-insuring employer from harassing, dismissing, 1223  
or otherwise disciplining any employee making a complaint, which 1224  
rule shall provide for a financial penalty to be levied by the 1225  
administrator payable by the offending self-insuring employer. 1226

(H) For the purpose of making determinations as to whether 1227  
to grant status as a self-insuring employer, the administrator 1228  
may subscribe to and pay for a credit reporting service that 1229  
offers financial and other business information about individual 1230

employers. The costs in connection with the bureau's 1231  
subscription or individual reports from the service about an 1232  
applicant may be included in the application fee charged 1233  
employers under this section. 1234

(I) A self-insuring employer that returns to the state 1235  
insurance fund as a state fund employer shall provide the 1236  
administrator with medical costs and indemnity costs by claim, 1237  
and payroll by manual classification and year, and such other 1238  
information the administrator may require. The self-insuring 1239  
employer shall submit this information by dates and in a format 1240  
determined by the administrator. The administrator shall develop 1241  
a state fund experience modification factor for a self-insuring 1242  
employer that returns to the state insurance fund based in whole 1243  
or in part on the employer's self-insured experience and the 1244  
information submitted. 1245

(J) On the first day of July of each year, the 1246  
administrator shall calculate separately each self-insuring 1247  
employer's assessments for the safety and hygiene fund, 1248  
administrative costs pursuant to section 4123.342 of the Revised 1249  
Code, and for the surplus fund under division (B) of section 1250  
4123.34 of the Revised Code, on the basis of the paid 1251  
compensation attributable to the individual self-insuring 1252  
employer according to the following calculation: 1253

(1) The total assessment against all self-insuring 1254  
employers as a class for each fund and for the administrative 1255  
costs for the year that the assessment is being made, as 1256  
determined by the administrator, divided by the total amount of 1257  
paid compensation for the previous calendar year attributable to 1258  
all amenable self-insuring employers; 1259

(2) Multiply the quotient in division (J)(1) of this 1260

section by the total amount of paid compensation for the 1261  
previous calendar year that is attributable to the individual 1262  
self-insuring employer for whom the assessment is being 1263  
determined. Each self-insuring employer shall pay the assessment 1264  
that results from this calculation, unless the assessment 1265  
resulting from this calculation falls below a minimum 1266  
assessment, which minimum assessment the administrator shall 1267  
determine on the first day of July of each year with the advice 1268  
and consent of the bureau of workers' compensation board of 1269  
directors, in which event, the self-insuring employer shall pay 1270  
the minimum assessment. 1271

In determining the total amount due for the total 1272  
assessment against all self-insuring employers as a class for 1273  
each fund and the administrative assessment, the administrator 1274  
shall reduce proportionately the total for each fund and 1275  
assessment by the amount of money in the self-insurance 1276  
assessment fund as of the date of the computation of the 1277  
assessment. 1278

The administrator shall calculate the assessment for the 1279  
portion of the surplus fund under division (B) of section 1280  
4123.34 of the Revised Code that is used for reimbursement to a 1281  
self-insuring employer under division (H) of section 4123.512 of 1282  
the Revised Code in the same manner as set forth in divisions 1283  
(J) (1) and (2) of this section except that the administrator 1284  
shall calculate the total assessment for this portion of the 1285  
surplus fund only on the basis of those self-insuring employers 1286  
that retain participation in reimbursement to the self-insuring 1287  
employer under division (H) of section 4123.512 of the Revised 1288  
Code and the individual self-insuring employer's proportion of 1289  
paid compensation shall be calculated only for those self- 1290  
insuring employers who retain participation in reimbursement to 1291

the self-insuring employer under division (H) of section 1292  
4123.512 of the Revised Code. 1293

An employer who no longer is a self-insuring employer in 1294  
this state or who no longer is operating in this state, shall 1295  
continue to pay assessments for administrative costs and for the 1296  
surplus fund under division (B) of section 4123.34 of the 1297  
Revised Code based upon paid compensation attributable to claims 1298  
that occurred while the employer was a self-insuring employer 1299  
within this state. 1300

(K) There is hereby created in the state treasury the 1301  
self-insurance assessment fund. All investment earnings of the 1302  
fund shall be deposited in the fund. The administrator shall use 1303  
the money in the self-insurance assessment fund only for 1304  
administrative costs as specified in section 4123.341 of the 1305  
Revised Code. 1306

(L) Every self-insuring employer shall certify, in 1307  
affidavit form subject to the penalty for perjury, to the bureau 1308  
the amount of the self-insuring employer's paid compensation for 1309  
the previous calendar year. In reporting paid compensation paid 1310  
for the previous year, a self-insuring employer shall exclude 1311  
from the total amount of paid compensation any reimbursement the 1312  
self-insuring employer receives in the previous calendar year 1313  
from the surplus fund pursuant to section 4123.512 of the 1314  
Revised Code for any paid compensation. The self-insuring 1315  
employer also shall exclude from the paid compensation reported 1316  
any amount recovered under section 4123.931 of the Revised Code 1317  
and any amount that is determined not to have been payable to or 1318  
on behalf of a claimant in any final administrative or judicial 1319  
proceeding. The self-insuring employer shall exclude such 1320  
amounts from the paid compensation reported in the reporting 1321

period subsequent to the date the determination is made. The 1322  
administrator shall adopt rules, in accordance with Chapter 119. 1323  
of the Revised Code, that provide for all of the following: 1324

(1) Establishing the date by which self-insuring employers 1325  
must submit such information and the amount of the assessments 1326  
provided for in division (J) of this section for employers who 1327  
have been granted self-insuring status within the last calendar 1328  
year; 1329

(2) If an employer fails to pay the assessment when due, 1330  
the administrator may add a late fee penalty of not more than 1331  
five hundred dollars to the assessment plus an additional 1332  
penalty amount as follows: 1333

(a) For an assessment from sixty-one to ninety days past 1334  
due, the prime interest rate, multiplied by the assessment due; 1335

(b) For an assessment from ninety-one to one hundred 1336  
twenty days past due, the prime interest rate plus two per cent, 1337  
multiplied by the assessment due; 1338

(c) For an assessment from one hundred twenty-one to one 1339  
hundred fifty days past due, the prime interest rate plus four 1340  
per cent, multiplied by the assessment due; 1341

(d) For an assessment from one hundred fifty-one to one 1342  
hundred eighty days past due, the prime interest rate plus six 1343  
per cent, multiplied by the assessment due; 1344

(e) For an assessment from one hundred eighty-one to two 1345  
hundred ten days past due, the prime interest rate plus eight 1346  
per cent, multiplied by the assessment due; 1347

(f) For each additional thirty-day period or portion 1348  
thereof that an assessment remains past due after it has 1349

remained past due for more than two hundred ten days, the prime 1350  
interest rate plus eight per cent, multiplied by the assessment 1351  
due. 1352

(3) An employer may appeal a late fee penalty and penalty 1353  
assessment to the administrator. 1354

For purposes of division (L)(2) of this section, "prime 1355  
interest rate" means the average bank prime rate, and the 1356  
administrator shall determine the prime interest rate in the 1357  
same manner as a county auditor determines the average bank 1358  
prime rate under section 929.02 of the Revised Code. 1359

The administrator shall include any assessment and 1360  
penalties that remain unpaid for previous assessment periods in 1361  
the calculation and collection of any assessments due under this 1362  
division or division (J) of this section. 1363

(M) As used in this section, "paid compensation" means all 1364  
amounts paid by a self-insuring employer for living maintenance 1365  
benefits, all amounts for compensation paid pursuant to sections 1366  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, 1367  
and 4123.64 of the Revised Code, all amounts paid as wages in 1368  
lieu of such compensation, all amounts paid in lieu of such 1369  
compensation under a nonoccupational accident and sickness 1370  
program fully funded by the self-insuring employer, and all 1371  
amounts paid by a self-insuring employer for a violation of a 1372  
specific safety standard pursuant to Section 35 of Article II, 1373  
Ohio Constitution and section 4121.47 of the Revised Code. 1374

(N) Should any section of this chapter or Chapter 4121. of 1375  
the Revised Code providing for self-insuring employers' 1376  
assessments based upon compensation paid be declared 1377  
unconstitutional by a final decision of any court, then that 1378

section of the Revised Code declared unconstitutional shall 1379  
revert back to the section in existence prior to November 3, 1380  
1989, providing for assessments based upon payroll. 1381

(O) The administrator may grant a self-insuring employer 1382  
the privilege to self-insure a construction project entered into 1383  
by the self-insuring employer that is scheduled for completion 1384  
within six years after the date the project begins, and the 1385  
total cost of which is estimated to exceed one hundred million 1386  
dollars or, for employers described in division (R) of this 1387  
section, if the construction project is estimated to exceed 1388  
twenty-five million dollars. The administrator may waive such 1389  
cost and time criteria and grant a self-insuring employer the 1390  
privilege to self-insure a construction project regardless of 1391  
the time needed to complete the construction project and 1392  
provided that the cost of the construction project is estimated 1393  
to exceed fifty million dollars. A self-insuring employer who 1394  
desires to self-insure a construction project shall submit to 1395  
the administrator an application listing the dates the 1396  
construction project is scheduled to begin and end, the 1397  
estimated cost of the construction project, the contractors and 1398  
subcontractors whose employees are to be self-insured by the 1399  
self-insuring employer, the provisions of a safety program that 1400  
is specifically designed for the construction project, and a 1401  
statement as to whether a collective bargaining agreement 1402  
governing the rights, duties, and obligations of each of the 1403  
parties to the agreement with respect to the construction 1404  
project exists between the self-insuring employer and a labor 1405  
organization. 1406

A self-insuring employer may apply to self-insure the 1407  
employees of either of the following: 1408

(1) All contractors and subcontractors who perform labor 1409  
or work or provide materials for the construction project; 1410

(2) All contractors and, at the administrator's 1411  
discretion, a substantial number of all the subcontractors who 1412  
perform labor or work or provide materials for the construction 1413  
project. 1414

Upon approval of the application, the administrator shall 1415  
mail a certificate granting the privilege to self-insure the 1416  
construction project to the self-insuring employer. The 1417  
certificate shall contain the name of the self-insuring employer 1418  
and the name, address, and telephone number of the self-insuring 1419  
employer's representatives who are responsible for administering 1420  
workers' compensation claims for the construction project. The 1421  
self-insuring employer shall post the certificate in a 1422  
conspicuous place at the site of the construction project. 1423

The administrator shall maintain a record of the 1424  
contractors and subcontractors whose employees are covered under 1425  
the certificate issued to the self-insured employer. A self- 1426  
insuring employer immediately shall notify the administrator 1427  
when any contractor or subcontractor is added or eliminated from 1428  
inclusion under the certificate. 1429

Upon approval of the application, the self-insuring 1430  
employer is responsible for the administration and payment of 1431  
all claims under this chapter and Chapter 4121. of the Revised 1432  
Code for the employees of the contractor and subcontractors 1433  
covered under the certificate who receive injuries or are killed 1434  
in the course of and arising out of employment on the 1435  
construction project, or who contract an occupational disease in 1436  
the course of employment on the construction project. For 1437  
purposes of this chapter and Chapter 4121. of the Revised Code, 1438

a claim that is administered and paid in accordance with this 1439  
division is considered a claim against the self-insuring 1440  
employer listed in the certificate. A contractor or 1441  
subcontractor included under the certificate shall report to the 1442  
self-insuring employer listed in the certificate, all claims 1443  
that arise under this chapter and Chapter 4121. of the Revised 1444  
Code in connection with the construction project for which the 1445  
certificate is issued. 1446

A self-insuring employer who complies with this division 1447  
is entitled to the protections provided under this chapter and 1448  
Chapter 4121. of the Revised Code with respect to the employees 1449  
of the contractors and subcontractors covered under a 1450  
certificate issued under this division for death or injuries 1451  
that arise out of, or death, injuries, or occupational diseases 1452  
that arise in the course of, those employees' employment on that 1453  
construction project, as if the employees were employees of the 1454  
self-insuring employer, provided that the self-insuring employer 1455  
also complies with this section. No employee of the contractors 1456  
and subcontractors covered under a certificate issued under this 1457  
division shall be considered the employee of the self-insuring 1458  
employer listed in that certificate for any purposes other than 1459  
this chapter and Chapter 4121. of the Revised Code. Nothing in 1460  
this division gives a self-insuring employer authority to 1461  
control the means, manner, or method of employment of the 1462  
employees of the contractors and subcontractors covered under a 1463  
certificate issued under this division. 1464

The contractors and subcontractors included under a 1465  
certificate issued under this division are entitled to the 1466  
protections provided under this chapter and Chapter 4121. of the 1467  
Revised Code with respect to the contractor's or subcontractor's 1468  
employees who are employed on the construction project which is 1469

the subject of the certificate, for death or injuries that arise 1470  
out of, or death, injuries, or occupational diseases that arise 1471  
in the course of, those employees' employment on that 1472  
construction project. 1473

The contractors and subcontractors included under a 1474  
certificate issued under this division shall identify in their 1475  
payroll records the employees who are considered the employees 1476  
of the self-insuring employer listed in that certificate for 1477  
purposes of this chapter and Chapter 4121. of the Revised Code, 1478  
and the amount that those employees earned for employment on the 1479  
construction project that is the subject of that certificate. 1480  
Notwithstanding any provision to the contrary under this chapter 1481  
and Chapter 4121. of the Revised Code, the administrator shall 1482  
exclude the payroll that is reported for employees who are 1483  
considered the employees of the self-insuring employer listed in 1484  
that certificate, and that the employees earned for employment 1485  
on the construction project that is the subject of that 1486  
certificate, when determining those contractors' or 1487  
subcontractors' premiums or assessments required under this 1488  
chapter and Chapter 4121. of the Revised Code. A self-insuring 1489  
employer issued a certificate under this division shall include 1490  
in the amount of paid compensation it reports pursuant to 1491  
division (L) of this section, the amount of paid compensation 1492  
the self-insuring employer paid pursuant to this division for 1493  
the previous calendar year. 1494

Nothing in this division shall be construed as altering 1495  
the rights of employees under this chapter and Chapter 4121. of 1496  
the Revised Code as those rights existed prior to September 17, 1497  
1996. Nothing in this division shall be construed as altering 1498  
the rights devolved under sections 2305.31 and 4123.82 of the 1499  
Revised Code as those rights existed prior to September 17, 1500

1996. 1501

As used in this division, "privilege to self-insure a 1502  
construction project" means privilege to pay individually 1503  
compensation, and to furnish medical, surgical, nursing, and 1504  
hospital services and attention and funeral expenses directly to 1505  
injured employees or the dependents of killed employees. 1506

(P) A self-insuring employer whose application is granted 1507  
under division (O) of this section shall designate a safety 1508  
professional to be responsible for the administration and 1509  
enforcement of the safety program that is specifically designed 1510  
for the construction project that is the subject of the 1511  
application. 1512

A self-insuring employer whose application is granted 1513  
under division (O) of this section shall employ an ombudsperson 1514  
for the construction project that is the subject of the 1515  
application. The ombudsperson shall have experience in workers' 1516  
compensation or the construction industry, or both. The 1517  
ombudsperson shall perform all of the following duties: 1518

(1) Communicate with and provide information to employees 1519  
who are injured in the course of, or whose injury arises out of 1520  
employment on the construction project, or who contract an 1521  
occupational disease in the course of employment on the 1522  
construction project; 1523

(2) Investigate the status of a claim upon the request of 1524  
an employee to do so; 1525

(3) Provide information to claimants, third party 1526  
administrators, employers, and other persons to assist those 1527  
persons in protecting their rights under this chapter and 1528  
Chapter 4121. of the Revised Code. 1529

A self-insuring employer whose application is granted 1530  
under division (O) of this section shall post the name of the 1531  
safety professional and the ombudsperson and instructions for 1532  
contacting the safety professional and the ombudsperson in a 1533  
conspicuous place at the site of the construction project. 1534

(Q) The administrator may consider all of the following 1535  
when deciding whether to grant a self-insuring employer the 1536  
privilege to self-insure a construction project as provided 1537  
under division (O) of this section: 1538

(1) Whether the self-insuring employer has an 1539  
organizational plan for the administration of the workers' 1540  
compensation law; 1541

(2) Whether the safety program that is specifically 1542  
designed for the construction project provides for the safety of 1543  
employees employed on the construction project, is applicable to 1544  
all contractors and subcontractors who perform labor or work or 1545  
provide materials for the construction project, and has as a 1546  
component, a safety training program that complies with 1547  
standards adopted pursuant to the "Occupational Safety and 1548  
Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, and 1549  
provides for continuing management and employee involvement; 1550

(3) Whether granting the privilege to self-insure the 1551  
construction project will reduce the costs of the construction 1552  
project; 1553

(4) Whether the self-insuring employer has employed an 1554  
ombudsperson as required under division (P) of this section; 1555

(5) Whether the self-insuring employer has sufficient 1556  
surety to secure the payment of claims for which the self- 1557  
insuring employer would be responsible pursuant to the granting 1558

of the privilege to self-insure a construction project under	1559
division (O) of this section.	1560
(R) As used in divisions (O), (P), and (Q), "self-insuring	1561
employer" includes the following employers, whether or not they	1562
have been granted the status of being a self-insuring employer	1563
under division (B) of this section:	1564
(1) A state institution of higher education;	1565
(2) A school district;	1566
(3) A county school financing district;	1567
(4) An educational service center;	1568
(5) A community school established under Chapter 3314. of	1569
the Revised Code;	1570
(6) A municipal power agency as defined in section	1571
3734.058 of the Revised Code.	1572
(S) As used in this section:	1573
(1) "Unvoted debt capacity" means the amount of money that	1574
a public employer may borrow without voter approval of a tax	1575
levy;	1576
(2) "State institution of higher education" means the	1577
state universities listed in section 3345.011 of the Revised	1578
Code, community colleges created pursuant to Chapter 3354. of	1579
the Revised Code, university branches created pursuant to	1580
Chapter 3355. of the Revised Code, technical colleges created	1581
pursuant to Chapter 3357. of the Revised Code, and state	1582
community colleges created pursuant to Chapter 3358. of the	1583
Revised Code.	1584
<b>Sec. 4925.01.</b> As used in this chapter, <del>"transportation:</del>	1585

(A) "Transportation network company," "transportation network company driver," "transportation company services," "digital network," and "transportation network company rider" have the same meanings as in section 3942.01 of the Revised Code. 1586  
1587  
1588  
1589  
1590

(B) "Compensation" means payment owed to a transportation network company driver by reason of providing network services, including the minimum payment for passenger platform time described in section 4925.11 of the Revised Code and mileage, incentives, and tips. 1591  
1592  
1593  
1594  
1595

(C) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform. 1596  
1597  
1598

(D) "Dispatched trip" means the provision of transportation by a transportation network company driver for a passenger through the use of a transportation network company's application dispatch system. 1599  
1600  
1601  
1602

(E) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, web site, or system used by a transportation company driver, or which enables services to be delivered to a driver, that enables the prearrangement of passenger trips for compensation. 1603  
1604  
1605  
1606  
1607  
1608

(F) "Driver resource center" means the nonprofit organization selected in accordance with section 4925.25 of the Revised Code that provides services to transportation network company drivers. 1609  
1610  
1611  
1612

(G) "Network services" means services related to the transportation of passengers through the driver platform that 1613  
1614

are provided by a transportation network company driver while 1615  
logged in to the driver platform, including services provided 1616  
during available platform time, dispatch platform time, and 1617  
passenger platform time. 1618

(H) "Passenger drop-off location" means the location of a 1619  
driver's vehicle when the passenger leaves the vehicle. 1620

(I) "Passenger pick-up location" means the location of the 1621  
driver's vehicle at the time the driver starts the trip in the 1622  
driver platform. 1623

(J) "Passenger platform miles" means all miles driven 1624  
during passenger platform time as recorded in a transportation 1625  
network company's driver platform. 1626

(K) "Dispatch platform time" means the time a driver 1627  
spends traveling from a dispatch location to a passenger pick-up 1628  
location. Dispatch platform time ends when a passenger cancels a 1629  
trip or the driver begins the trip through the driver platform. 1630  
For shared rides, dispatch platform time means the time a driver 1631  
spends traveling from the first dispatch location to the first 1632  
passenger pick-up location. 1633

(L) "Passenger platform time" means the period of time 1634  
when the driver is transporting one or more passengers on a 1635  
trip. For shared rides, passenger platform time means the period 1636  
of time commencing when the first passenger enters the driver's 1637  
vehicle until the time when the last passenger exits the 1638  
driver's vehicle. 1639

(M) "Shared ride" means a dispatched trip that, before its 1640  
commencement, a passenger requests through the transportation 1641  
network company's digital network to share the dispatched trip 1642  
with one or more passengers and each passenger is charged a fare 1643

that is calculated, in whole or in part, based on the 1644  
passenger's request to share all or a part of the dispatched 1645  
trip with one or more passengers, regardless of whether the 1646  
passenger actually shares all or a part of the dispatched trip. 1647

**Sec. 4925.10.** (A) Chapters 4111., ~~4121.~~, ~~4123.~~, and 4141. 1648  
and sections 4113.15 and 4113.16 of the Revised Code do not 1649  
apply to transportation network companies with regard to 1650  
transportation network company drivers and transportation 1651  
network company drivers are not employees for purposes of those 1652  
chapters or sections, except where agreed to by written 1653  
contract. If the parties agree to the application of one or more 1654  
of these laws in a written contract, the transportation network 1655  
company shall notify the appropriate agency of the election to 1656  
cover the driver. If the parties subsequently change this 1657  
election, the transportation network company shall notify the 1658  
appropriate agency of the change. 1659

(B) Except where agreed to by written contract, a 1660  
transportation network company driver is not an agent of a 1661  
transportation network company. 1662

(C) A driver may bring an action and recover under section 1663  
4113.52 of the Revised Code if a transportation network company 1664  
has discontinued or otherwise removed the driver's access to the 1665  
transportation network company's digital network because of the 1666  
driver making a report under that section. If a driver brings an 1667  
action under that section, the driver shall comply with the 1668  
procedures for employees established in that section to receive 1669  
the relief and remedies listed in division (E) of that section. 1670

A driver is not an employee for purposes of sections 1671  
4113.51 and 4113.52 of the Revised Code. Nothing in this 1672  
division shall be construed to create an employer and employee 1673

relationship between a transportation network company driver and 1674  
a transportation network company. 1675

Sec. 4925.15. (A) Beginning January 1, 2027, a 1676  
transportation network company shall ensure that a 1677  
transportation network company driver's total compensation is 1678  
not less than one of the following: 1679

(1) For all dispatched trips originating in a city with a 1680  
population of more than six hundred thousand, on a per trip 1681  
basis the greater of the following: 1682

(a) Fifty nine cents per passenger platform minute for all 1683  
passenger platform time for that trip, and one dollar and 1684  
thirty-eight cents per passenger platform mile for all passenger 1685  
platform miles driven on that trip; 1686

(b) Five dollars and seventeen cents per dispatched trip. 1687

(2) For all other dispatched trips, the greater of the 1688  
following: 1689

(a) Thirty-four cents per passenger platform minute and 1690  
one dollar and seventeen cents per passenger platform mile; 1691

(b) Three dollars per dispatched trip. 1692

(3) For all trips originating elsewhere and terminating in 1693  
a city with a population of more than six hundred thousand, both 1694  
of the following apply: 1695

(a) For all passenger platform time spent within the city 1696  
on that trip and for all passenger platform miles driven in the 1697  
city on that trip, the compensation standard under division (A) 1698  
(1) of this section applies. 1699

(b) For all passenger platform time spent outside the city 1700

on that trip and for all passenger platform miles driven outside 1701  
the city on that trip, the compensation standard under division 1702  
(A) (2) of this section applies. 1703

(B) On September 30, 2027, and every thirtieth day of 1704  
September thereafter, the director of commerce shall adjust the 1705  
rates specified in division (A) of this section by increasing 1706  
the current year's per mile and per minute amounts and per trip 1707  
minimums by the rate of inflation according to the consumer 1708  
price index or its successor index for all urban wage earners 1709  
and clerical workers for all items as calculated by the federal 1710  
government. The adjusted wage rate takes effect on the first day 1711  
of January immediately following the date of the adjustment. 1712

(C) For shared rides, the per trip minimums in divisions 1713  
(A) (1) and (2) of this section shall apply only to the entirety 1714  
of the shared ride, and not on the basis of the individual 1715  
passenger's trip within the shared ride. 1716

(D) For the purposes of this section, a dispatched trip 1717  
includes all of the following: 1718

(1) A dispatched trip in which the driver transports the 1719  
passenger to the passenger drop-off location; 1720

(2) A dispatched trip canceled after two minutes by a 1721  
passenger or the transportation network company, unless 1722  
cancellation is due to the driver's conduct, or no cancellation 1723  
fee is charged to the passenger; 1724

(3) A dispatched trip that is canceled by the driver for 1725  
good cause consistent with company policy; 1726

(4) A dispatched trip where the passenger does not appear 1727  
at the passenger pick-up location within five minutes. 1728

(E) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform. 1729  
1730  
1731  
1732

(F) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section. 1733  
1734  
1735  
1736

(G) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip are not included in calculating compensation for purposes of this section. 1737  
1738  
1739  
1740

(H) Notwithstanding any section of this chapter to the contrary, a driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. 1741  
1742  
1743  
1744

**Sec. 4925.16.** (A) Except as provided in division (B) of this section, beginning January 1, 2027, a transportation network company shall only make deductions from a transportation network company driver's compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing. 1745  
1746  
1747  
1748  
1749  
1750  
1751

(B) Nothing in this section prohibits a transportation network company from deducting compensation as required by state or federal law or as directed by a court order. 1752  
1753  
1754

(C) No transportation network company or any person acting in the interest of the transportation network company shall derive any financial profit or benefit from any deduction 1755  
1756  
1757

permitted under this section. For purposes of this section, all 1758  
the following apply: 1759

(1) Reasonable interest charged by the transportation 1760  
network company or any person acting in the interest of a 1761  
transportation network company, for a loan or credit extended to 1762  
the driver, is not considered to be of financial benefit to the 1763  
transportation network company or person acting in the interest 1764  
of a transportation network company; 1765

(2) A deduction will be considered for financial profit or 1766  
benefit only if it results in a gain over and above the fair 1767  
market value of the goods or services for which the deduction 1768  
was made. 1769

**Sec. 4925.17.** (A) Beginning January 1, 2027, a 1770  
transportation network company shall provide each transportation 1771  
network company driver with a written notice of rights that 1772  
provides information on all of the following: 1773

(1) The right to the applicable per minute rate and per 1774  
mile rate or per trip rate required under section 4925.15 of the 1775  
Revised Code; 1776

(2) The right to be protected from retaliation for 1777  
exercising rights protected by this chapter in good faith; 1778

(3) The right to seek legal action or file a complaint 1779  
with the director of commerce for a violation of the 1780  
requirements of this chapter, including a transportation network 1781  
company's failure to pay the minimum per minute rate or per mile 1782  
rate or per trip rate, or a transportation network company's 1783  
retaliation against a driver or other person for engaging in an 1784  
activity protected by this chapter. 1785

(B) A transportation network company shall provide the 1786

notice required by division (A) of this section in an electronic 1787  
format that is readily accessible by the driver. The notice of 1788  
rights shall be made available to the driver via smart phone 1789  
application or online world wide web portal. 1790

(C) Beginning January 1, 2027, not more than twenty-four 1791  
hours after a driver completes a dispatched trip, a 1792  
transportation network company shall transmit an electronic 1793  
receipt to the driver that contains all the following 1794  
information about the trip: 1795

(1) The total amount of passenger platform time; 1796

(2) The total mileage driven during passenger platform 1797  
time; 1798

(3) The rate of pay, including the rate per minute, rate 1799  
per mile, percentage of passenger fare, and any applicable price 1800  
multiplier or variable pricing policy in effect for the trip; 1801

(4) Tip compensation; 1802

(5) Gross payment; 1803

(6) Net payment after deductions, fees, tolls, surcharges, 1804  
lease fees, or other charges; 1805

(7) Itemized deductions or fees, including any toll, 1806  
surcharge, commission, lease fees, and other charges. 1807

(D) Beginning January 1, 2027, a transportation network 1808  
company shall make the receipt described in division (C) of this 1809  
section available in a downloadable format via a smart phone 1810  
application or world wide web portal for a period of not less 1811  
than two years from the date the transportation network company 1812  
provided the receipt to the driver. 1813

(E) Beginning January 1, 2027, on a weekly basis, the 1814  
transportation network company shall provide written notice to a 1815  
driver that contains all the following information for trips 1816  
that occurred in the previous week: 1817

(1) The driver's total passenger platform time; 1818

(2) Total mileage driven by the driver during passenger 1819  
platform time; 1820

(3) The driver's total tip compensation; 1821

(4) The driver's gross payment, itemized by all the 1822  
following: 1823

(a) Rate per minute; 1824

(b) Rate per mile; 1825

(c) Any other method used to calculate pay, including base 1826  
pay, percentage of passenger fare, or any applicable price 1827  
multiplier or variable pricing policy in effect for the trip. 1828

(5) The driver's net payment after deductions, fees, 1829  
tolls, surcharges, lease fees, or other charges; 1830

(6) Itemized deductions or fees from the driver's payment, 1831  
including all tolls, surcharges, commissions, lease fees, and 1832  
other charges. 1833

**Sec. 4925.18.** No transportation network company shall do 1834  
any of the following: 1835

(A) Use a transportation network company driver's exercise 1836  
of any of the rights provided under this chapter as a factor in 1837  
any action that adversely affects the driver's use of the 1838  
transportation network; 1839

(B) Take any adverse action against a driver because the 1840

driver files a complaint, or institutes or causes to be 1841  
instituted any proceeding related to this chapter, or testifies 1842  
or intends to testify in any such proceeding related to any 1843  
rights provided under this chapter. 1844

**Sec. 4925.19.** (A) As used in this section, "repeat willful 1845  
violinator" means any transportation network company that has been 1846  
the subject of a final and binding citation and penalty 1847  
assessment for a willful violation of section 4925.15, 4925.16, 1848  
4925.17, or 4925.18 of the Revised Code within three years of 1849  
the date of issuance of the most recent citation and penalty 1850  
assessment for a willful violation of any of those sections. 1851

(B) The director of commerce shall prescribe a complaint 1852  
form for a transportation network company driver to allege that 1853  
a transportation network company did any of the following: 1854

(1) Failed to pay any compensation amounts due to the 1855  
driver under section 4125.15 of the Revised Code; 1856

(2) Made deductions from a driver's compensation 1857  
prohibited under section 4125.16 of the Revised Code; 1858

(3) Failed to comply with any of the requirements of 1859  
section 4125.17 of the Revised Code; 1860

(4) Engaged in any of the unlawful practices described in 1861  
section 4125.18 of the Revised Code. 1862

(C) (1) Except as provided in division (C) (2) of this 1863  
section, if a driver files a complaint with the director, the 1864  
director shall investigate the complaint and issue either a 1865  
citation and penalty assessment or a determination of compliance 1866  
not later than sixty days after the date on which the director 1867  
received the complaint. The director may extend the time period 1868  
by providing written notice to the driver and the transportation 1869

network company setting forth the reason for the extension of 1870  
the time period and specifying the duration of the extension. 1871

(2) (a) The director shall not investigate any alleged 1872  
violation of section 4125.15, 4125.16, or 4125.17 of the Revised 1873  
Code that occurred more than three years before the date that 1874  
the driver files a complaint under this section. 1875

(b) Except as provided in this division, the director 1876  
shall not investigate any allegation that a transportation 1877  
network company engaged in an unlawful practice described in 1878  
section 4125.18 of the Revised Code if the alleged practice 1879  
occurred more than one hundred eighty days before the date that 1880  
the driver files a complaint under this section. The director 1881  
may, at the director's discretion, extend the one-hundred- 1882  
eighty-day period on recognized equitable principles or because 1883  
of extenuating circumstances beyond the control of the driver. 1884  
The director shall extend the period when a preponderance of 1885  
evidence exists that the transportation network company has 1886  
concealed or misled the driver regarding the alleged unlawful 1887  
practice. 1888

(D) The director shall serve a citation and penalty 1889  
assessment or a determination of compliance issued under this 1890  
section to both the transportation network company and the 1891  
driver by personal service or traceable delivery service to 1892  
their last known addresses. A transportation network company may 1893  
designate a mailing address of record for service and 1894  
additionally may provide an electronic mail address to which the 1895  
director shall direct electronic courtesy copies of mailed 1896  
correspondence, if such electronic mail address is provided. 1897

(E) (1) If the director determines that a transportation 1898  
network company has failed to pay any compensation amounts due 1899

to the driver under section 4125.15 of the Revised Code, or made 1900  
deductions prohibited under section 4125.16 of the Revised Code, 1901  
the director, in the citation and penalty assessment, shall 1902  
order the transportation network company to pay to the driver 1903  
all compensation owed to the driver. The director may order the 1904  
transportation network company to pay to the driver interest of 1905  
one per cent per month on all compensation owed. Compensation 1906  
and interest shall be calculated from the first date 1907  
compensation was owed to the driver, except that the director 1908  
may not order the transportation network company to pay any 1909  
compensation and interest that were owed more than three years 1910  
before the date the complaint was filed with the director. 1911

(2) If the director determines that a transportation 1912  
network company willfully violated section 4125.15 or 4125.16 of 1913  
the Revised Code, the director also may order the transportation 1914  
network company to pay a civil penalty to the director of not 1915  
less than one thousand dollars or an amount equal to ten per 1916  
cent of the total amount of unpaid compensation owed to the 1917  
driver, whichever is greater. The maximum civil penalty assessed 1918  
under this division shall not exceed twenty thousand dollars per 1919  
driver. The director shall waive any civil penalty assessed 1920  
against a transportation network company under this division if 1921  
the director finds that the transportation network company is 1922  
not a repeat willful violator, and the director determines that 1923  
the transportation network company has provided payment to the 1924  
driver of all compensation that the director determined that the 1925  
transportation network company owed to the driver, including 1926  
interest, within thirty days of the transportation network 1927  
company's receipt of the citation and penalty assessment. The 1928  
director may waive or reduce at any time a civil penalty 1929  
assessed under this division if the director determines that the 1930

transportation network company paid all compensation and 1931  
interest owed to a driver. 1932

(F) If the director determines that a transportation 1933  
network company willfully violated section 4925.17 of the 1934  
Revised Code, and the transportation network company fails to 1935  
take corrective action, the director may order the 1936  
transportation network company to pay the director a civil 1937  
penalty of one thousand dollars for each willful violation. For 1938  
a repeat willful violator, the director may order the 1939  
transportation network company to pay a civil penalty of not 1940  
less than two thousand dollars for each repeat willful violation 1941  
per driver. The maximum civil penalty assessed under this 1942  
division shall not exceed twenty thousand dollars per driver. 1943

(G) If the director determines that a transportation 1944  
network company engaged in any of the unlawful practices 1945  
described in section 4925.18 of the Revised Code, and the 1946  
complaint is not otherwise resolved, the director may notify the 1947  
transportation network company that the director intends to 1948  
issue a citation and penalty assessment and may provide up to 1949  
thirty days after the date of such notification for the 1950  
transportation network company to take corrective action to 1951  
remedy the unlawful practice. If the complaint is not otherwise 1952  
resolved, then the director shall issue a citation and penalty 1953  
assessment. In the citation and penalty assessment, the director 1954  
may do any of the following: 1955

(1) Order the transportation network company to make 1956  
payable to the driver earnings that the driver did not receive 1957  
due to the transportation network company's action, including 1958  
interest of one per cent per month on all earnings owed 1959  
calculated from the first date earnings were owed to the driver; 1960

(2) Order the transportation network company to restore 1961  
the driver's use of the driver platform, unless otherwise 1962  
prohibited by law; 1963

(3) For the first violation, order the transportation 1964  
network company to pay a civil penalty to the director of not 1965  
less than one thousand dollars or an amount equal to ten per 1966  
cent of the total amount of unpaid compensation attributable to 1967  
the retaliatory action, whichever is greater, up to a maximum of 1968  
twenty thousand dollars; 1969

(4) For a repeat violation, order the transportation 1970  
network company to pay a civil penalty calculated in accordance 1971  
with division (G) (3) of this section up to a maximum of forty 1972  
thousand dollars. 1973

(H) During an investigation of a complaint filed under 1974  
this section, if the director discovers information suggesting 1975  
additional violations by the transportation network company 1976  
against the driver who filed the complaint, the director may 1977  
investigate and take appropriate enforcement action without 1978  
requiring the driver to file a new or separate complaint. In the 1979  
event the director expands an investigation, the director shall 1980  
provide reasonable notice to the driver and transportation 1981  
network company of the expansion. If the director discovers 1982  
information that the transportation network company retaliated 1983  
against or otherwise violated rights of other drivers under this 1984  
chapter, the director may launch further investigations under 1985  
this chapter without requiring additional complaints to be 1986  
filed. If the director determines that a transportation network 1987  
company engaged in additional violations, the transportation 1988  
network company may be subject to additional enforcement actions 1989  
for the violations. 1990

(I) The director may prioritize investigations of alleged unlawful practices described in section 4925.18 of the Revised Code as needed to allow for timely resolution of complaints. 1991  
1992  
1993

(J) The director shall include in a citation and penalty assessment issued under this section a summary of the specific violations. When a transportation network company pays, and a driver accepts, all compensation and interest assessed as being owed to the driver, both of the following apply: 1994  
1995  
1996  
1997  
1998

(1) The specific violations applicable to the driver and addressed in the citation and penalty assessment are satisfied; 1999  
2000

(2) The driver is barred from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific facts addressed in the citation and penalty assessment. 2001  
2002  
2003  
2004

(K) (1) Except as provided in division (K) (2) of this section, nothing in this section affects the right of a driver or the director to pursue a different judicial, administrative, or other remedy arising from the same facts and circumstances for which a complaint can be filed under this section, provided the remedy is otherwise permitted by law. 2005  
2006  
2007  
2008  
2009  
2010

(2) The applicable statute of limitations for a judicial action is tolled during the director's investigation of a complaint filed under this section. For the purposes of this division, the director's investigation begins on the date the complaint is filed and ends when one of the following occurs: 2011  
2012  
2013  
2014  
2015

(a) The complaint is finally determined through a final and binding citation and penalty assessment or a determination of compliance; 2016  
2017  
2018

(b) The director notifies the transportation network 2019

company and the driver in writing that the complaint has been 2020  
otherwise resolved. 2021

(L) Notwithstanding the requirement in section 119.06 of 2022  
the Revised Code that an adjudication order not be made before 2023  
giving an opportunity for a hearing, a citation and penalty 2024  
assessment or determination of compliance is effective without a 2025  
hearing unless it is appealed in accordance with section 4925.20 2026  
of the Revised Code. 2027

(M) The transportation network enforcement fund is created 2028  
in the state treasury. Any civil penalty collected from a 2029  
transportation network company for a violation of sections 2030  
4925.15 to 4925.18 of the Revised Code shall be deposited in the 2031  
fund. The fund shall be used to administer and enforce sections 2032  
4925.15 to 4925.20 of the Revised Code. 2033

**Sec. 4925.20.** Any person aggrieved by a citation and 2034  
penalty assessment or determination of compliance issued by the 2035  
director of commerce under section 4925.19 of the Revised Code 2036  
may appeal the citation and penalty assessment or determination 2037  
of compliance by filing a notice of appeal with the director 2038  
within thirty days after service of the citation and penalty 2039  
assessment or determination of compliance. A notice of appeal 2040  
filed with the director under this section stays the 2041  
effectiveness of the citation and penalty assessment or 2042  
determination of compliance pending final review of the appeal 2043  
by the director. 2044

On receiving of an appeal, the director shall, with 2045  
reasonable promptness, order a hearing of the appeal and 2046  
consider and determine the matters in question. The hearing 2047  
shall be conducted in accordance with section 119.09 of the 2048  
Revised Code. 2049

The final order of the director is subject to judicial 2050  
review in accordance with section 119.12 of the Revised Code. 2051  
Orders that are not appealed within the time periods specified 2052  
in this section and section 119.12 of the Revised Code are final 2053  
and binding and not subject to further appeal. 2054

Absent good cause, a transportation network company that 2055  
fails to allow adequate inspection of records in an 2056  
investigation by the director under section 4925.19 of the 2057  
Revised Code within a reasonable time period may not use such 2058  
records in any appeal under this section to challenge the 2059  
correctness of any finding by the director of compensation owed 2060  
or penalties assessed. 2061

**Sec. 4925.25.** (A) Not more than four months after the 2062  
effective date of this section, the director of commerce or the 2063  
director's designee shall, through a competitive process, select 2064  
and contract with a nonprofit organization that meets the 2065  
requirements of division (B) of this section to be the driver 2066  
resource center. 2067

(B) The nonprofit organization selected as the driver 2068  
resource center under this section shall satisfy all of the 2069  
following: 2070

(1) The organization shall be qualified to operate in this 2071  
state and meet any requirements under Chapter 1702. of the 2072  
Revised Code. 2073

(2) The organization shall have bylaws giving drivers a 2074  
right to membership in the organization. 2075

(3) The organization shall have demonstrated experience 2076  
providing services to gig economy workers and representation 2077  
services, outreach, and education. 2078

(4) The administration and formation of the organization shall not be funded, excessively influenced, or controlled by a transportation network company. 2079  
2080  
2081

**Sec. 4925.26.** (A) (1) Beginning January 1, 2027, a transportation network company shall collect and remit a fifteen cent per trip fee to the driver resource center fund created by division (D) of this section. The remittance under this section is a pass through of passenger fares and is not a contribution to the fund from a transportation network company. The remittance to the fund shall be made on a quarterly basis. 2082  
2083  
2084  
2085  
2086  
2087  
2088

(2) On September 30, 2027, and every thirtieth day of September thereafter, the director of commerce shall adjust the fee specified in division (A) (1) of this section by increasing the current year's fee by the rate of inflation according to the consumer price index or its successor index for all urban wage earners and clerical workers for all items as calculated by the federal government. The fee amount takes effect on the first day of January immediately following the date of the adjustment. 2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096

(B) A transportation network company shall submit to the director, with its remittance under division (A) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The remittance and report is due on the thirtieth day of the quarter following the imposition of the remittance. 2097  
2098  
2099  
2100  
2101  
2102

(C) (1) Not more than one year after the effective date of this section, a transportation network company shall provide a transportation network company driver with an opportunity to make a voluntary per trip earnings deduction contribution to the driver resource center. If one hundred or more drivers working for a transportation network company covered under this chapter 2103  
2104  
2105  
2106  
2107  
2108

authorize such a deduction, the transportation network company 2109  
shall make the deduction and remit it to the driver resource 2110  
center in accordance with division (C) (2) of this section. 2111

(2) All of the following apply to the authorization and 2112  
deduction described in division (C) (1) of this section: 2113

(a) A driver shall expressly authorize the deduction in 2114  
writing. The written authorization shall include, at a minimum, 2115  
sufficient information to identify the driver and the driver's 2116  
desired per trip deduction amount. A deduction may reduce the 2117  
driver's per trip earnings below the minimums set forth in 2118  
section 4925.15 of the Revised Code. 2119

(b) The transportation network company may require a 2120  
written authorization to be submitted in electronic format from 2121  
the driver resource center. 2122

(c) The transportation network company shall make the 2123  
deductions within thirty days after receiving a written 2124  
authorization and remit the deductions to the driver resource 2125  
center on a monthly basis with remittance due not more than 2126  
twenty-eight days following the end of the month. 2127

(d) The driver's authorization remains in effect until the 2128  
driver resource center provides an express revocation to the 2129  
transportation network company. 2130

(e) A transportation network company shall rely on 2131  
information provided by the driver resource center regarding the 2132  
authorization and revocation of deductions. 2133

(f) On request by a transportation network company, the 2134  
driver resource center shall reimburse the transportation 2135  
network company for the costs associated with deduction and 2136  
remittance. The director of commerce shall adopt rules in 2137

accordance with Chapter 119. of the Revised Code to calculate 2138  
reimbursable costs. 2139

(D) The driver resource center fund is created in the 2140  
state treasury. Fees collected pursuant to this section shall be 2141  
deposited to the credit of the fund. The director of commerce 2142  
shall use the fund for both of the following purposes: 2143

(1) Paying for services provided by the driver resource 2144  
center to drivers and the administrative costs of providing such 2145  
support on a quarterly basis; 2146

(2) Paying the costs of administering the fund. 2147

**Sec. 4925.27.** (A) (1) As used in this section and section 2148  
4925.28 of the Revised Code, "eligible account deactivation" 2149  
means any of the following actions taken by a transportation 2150  
network company with respect to a transportation network company 2151  
driver: 2152

(a) Blocking or restricting access to the transportation 2153  
network company driver platform for three or more consecutive 2154  
days; 2155

(b) Changing a driver's account status from eligible to 2156  
provide transportation network company services to ineligible 2157  
for three or more consecutive days. 2158

(2) "Eligible account deactivation" does not include any 2159  
change in a driver's access or account status that is any of the 2160  
following: 2161

(a) Related to an allegation of discrimination, 2162  
harassment, including sexual harassment or harassment due to 2163  
someone's membership in a protected class, or physical or sexual 2164  
assault, or willful or knowing commitment of fraud; 2165

(b) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes not longer than ten business days is under way; 2166  
2167  
2168  
2169

(c) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement entered into under this section. 2170  
2171  
2172

(B) A transportation network company shall enter into an agreement with the driver resource center governing the deactivation appeals process for eligible account deactivations. Any agreement must be approved by the director of commerce. The director may approve an agreement only if the agreement complies with division (C) of this section. 2173  
2174  
2175  
2176  
2177  
2178

(C) The agreement required by division (B) of this section shall provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include all the following protections: 2179  
2180  
2181  
2182

(1) An opportunity for a driver representative to support a driver, at the driver's request, throughout the account deactivation appeals process for eligible account deactivations; 2183  
2184  
2185

(2) A provision requiring a notification be provided to a driver at the time of the eligible account deactivation of the driver's right to representation by the driver resource center; 2186  
2187  
2188

(3) A requirement that, not more than thirty calendar days after a request, a transportation network company shall furnish to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal 2189  
2190  
2191  
2192  
2193  
2194

identifying information and confidential information is redacted 2195  
to address reasonable privacy and confidentiality concerns; 2196

(4) A good faith, informal resolution process committed to 2197  
efficient resolution of conflicts regarding eligible account 2198  
deactivations not more than thirty days after the transportation 2199  
network company is notified that the driver contests the 2200  
explanation offered by the company; 2201

(5) A formal process that includes a just cause standard, 2202  
with deadlines for adjudication of an appeal of an eligible 2203  
account deactivation by a panel that includes a mutually agreed- 2204  
upon neutral third party with experience in dispute resolution; 2205

(6) A requirement that the panel described in division (C) 2206  
(5) of this section has authority to make binding decisions 2207  
within the confines of the law and monetary awards, including 2208  
back pay, based on an agreed-upon formula for cases not resolved 2209  
during the informal process; 2210

(7) An agreement by the transportation network company to 2211  
use the process set forth in this section to resolve disputes 2212  
over eligible account deactivation appeals as an alternative to 2213  
private arbitration with regard to such a dispute, should the 2214  
driver and transportation network company so choose; 2215

(8) An agreement by the transportation network company 2216  
that, for eligible account deactivations in which the driver or 2217  
transportation network company elect private arbitration in lieu 2218  
of the formal process outlined in division (C) (5) of this 2219  
section, the transportation network company shall offer the 2220  
driver the opportunity to have the eligible deactivation 2221  
adjudicated under the just cause standard described in division 2222  
(C) (5) of this section. 2223

(D) A transportation network company that enters into an 2224  
agreement described in division (B) of this section shall reach 2225  
agreement through the following steps: 2226

(1) For a transportation network company operating a 2227  
digital network in this state on the effective date of this 2228  
section, the driver resource center and transportation network 2229  
company shall make good faith efforts to reach an agreement 2230  
within one hundred twenty days of an organization being selected 2231  
as the driver resource center under section 4925.25 of the 2232  
Revised Code. 2233

(2) For a transportation network company that begins 2234  
operating a digital network in this state after an organization 2235  
has been selected as the driver resource center under section 2236  
4925.25 of the Revised Code, the driver resource center and 2237  
transportation network company shall make a good faith effort to 2238  
reach an agreement within one hundred twenty days of the 2239  
transportation network company beginning operation of a digital 2240  
network in this state. 2241

(E) If the driver resource center and transportation 2242  
network company cannot reach an agreement, then they shall 2243  
submit issues of dispute to a jointly agreed-upon mediator. 2244

(F) After mediation lasting not more than two months has 2245  
been exhausted and no resolution has been reached, the parties 2246  
will proceed to binding arbitration before a panel of 2247  
arbitrators consisting of one arbitrator selected by the driver 2248  
resource center, one arbitrator selected by the transportation 2249  
network company, and a third arbitrator selected by the other 2250  
two. If the two selected arbitrators cannot agree to the third 2251  
arbitrator within ten days, then the third arbitrator shall be 2252  
determined from a list of seven arbitrators with experience in 2253

labor disputes or interest arbitration designated by the 2254  
American arbitration association. A coin toss shall determine 2255  
which side strikes the first name. Thereafter, the other side 2256  
shall strike a name. The process shall continue until only one 2257  
name remains, who shall be the third arbitrator. Alternatively, 2258  
the driver resource center and the transportation network 2259  
company may agree to a single arbitrator. 2260

(G) Arbitrators must submit their decision, based on 2261  
majority rule, within sixty days of the panel or arbitrators 2262  
being chosen. 2263

(H) (1) The decision of the majority of arbitrators is 2264  
final and binding and shall be submitted to the director of 2265  
commerce for final approval. In reviewing any agreement between 2266  
a transportation network company and the driver resource center, 2267  
the director shall review the agreement to ensure that its 2268  
content is consistent with this section and the public policy 2269  
goals set forth in this section and section 4925.28 of the 2270  
Revised Code. The director shall consider in the review both 2271  
qualitative and quantitative effects of the agreement and how 2272  
the agreement comports with the state policy. In conducting a 2273  
review, the record shall not be limited to the submissions of 2274  
the parties or to the terms of the proposed agreement and the 2275  
director shall have the right to conduct public hearings and 2276  
request additional information from the parties, provided that 2277  
such information satisfies both of the following: 2278

(a) The information is relevant for determining whether 2279  
the agreement complies with this section; 2280

(b) The information does not contain either parties' 2281  
confidential, proprietary, or privileged information, or any 2282  
individual's personal identifying information from the parties. 2283

(2) The director may approve or reject a proposed 2284  
agreement and may require the parties to submit a revised 2285  
proposal on all or particular parts of the proposed agreement. 2286  
If the director rejects an agreement, the director shall set 2287  
forth the reasoning in writing and shall suggest ways the 2288  
parties may remedy the failure. Absent good cause, the director 2289  
shall issue a written determination regarding the director's 2290  
approval or rejection not more than sixty days after submission 2291  
of the agreement. 2292

(I) A transportation network company shall provide a 2293  
driver whose account is subject to an account deactivation 2294  
between the effective date of this section and the effective 2295  
date of the agreement required by this section the contact 2296  
information of the driver resource center and notification that 2297  
the driver may have the right to appeal the account deactivation 2298  
with representation by the driver resource center. 2299

(J) The director may adopt rules in accordance with 2300  
Chapter 119. of the Revised Code to implement this section. 2301

**Sec. 4925.28.** In enacting sections 4925.25 to 4925.27 of 2302  
the Revised Code, the state expressly intends to displace 2303  
competition with regulation allowing a transportation network 2304  
company, at its own volition, to enter into an agreement with 2305  
the driver resource center regarding a driver account 2306  
deactivation appeals process for eligible account deactivations. 2307  
It is the policy of the state to promote a fair appeals process 2308  
related to eligible account deactivations that supports the 2309  
rights of drivers and transportation network companies and 2310  
provides fair processes related to eligible account 2311  
deactivations. 2312

**Section 2.** That existing sections 4121.01, 4123.01, 2313

4123.26, 4123.29, 4123.35, 4925.01, and 4925.10 of the Revised  
Code are hereby repealed.

2314

2315