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135th General Assembly

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Am. Sub. S. B. No. 157

Senator Lang

Cosponsors: Senators Cirino, Craig, DeMora, Hackett, Reineke, Schaffer

Representatives Barhorst, Brennan, Carruthers, Dell'Aquila, Dobos, Grim, Jarrells, Lampton, Mathews, Miller, J., Mohamed, Rogers, Russo, Schmidt, Seitz, Sims, Stein, Troy, Upchurch, Weinstein, Whitted, Williams, Willis

A BILL

To amend sections 1317.05, 1317.06, 3905.426, 1
4501.01, 4503.21, 4505.08, 4509.06, 4509.70, 2
4513.071, 4513.38, 4513.41, and 5167.12 and to 3
enact sections 1310.251, 3902.63, 3902.64, 4
4503.183, 4503.211, 4505.072, 4729.362, and 5
5164.093 of the Revised Code to modify the law 6
governing debt suspension products, excess wear 7
and use waivers, motor vehicles, retail 8
installment contracts, prescription drug 9
readers, and insurance, and to name a portion of 10
this act Madeline's Law. 11

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

Section 1. That sections 1317.05, 1317.06, 3905.426, 12
4501.01, 4503.21, 4505.08, 4509.06, 4509.70, 4513.071, 4513.38, 13
4513.41, and 5167.12 be amended and sections 1310.251, 3902.63, 14
3902.64, 4503.183, 4503.211, 4505.072, 4729.362, and 5164.093 of 15
the Revised Code be enacted to read as follows: 16

Sec. 1310.251. (A) (1) As used in this section, "excess wear and use waiver" means a contractual agreement that is part of, or a separate addendum to, a lease agreement for use of a motor vehicle, under which the lessor agrees, with or without a separate charge, to do one or both of the following: 17
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(a) Cancel or waive all or part of amounts that may become due under a lessee's lease agreement as a result of excess wear and use of a motor vehicle; 22
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(b) Cancel or waive amounts due for excess mileage. 25

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles and under-speed vehicles as defined in that section. 26
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(B) The terms of a related motor vehicle lease shall not be conditioned upon the consumer's payment for any excess wear and use waiver. Excess wear and use waivers may be discounted or given at no extra charge in connection with the purchase of other noncredit related goods or services. 29
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(C) Notwithstanding any provision of the Revised Code to the contrary, an excess wear and use waiver is not an insurance product. 34
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Sec. 1317.05. (A) Any retail seller who, in any retail installment contract, has agreed to purchase insurance for the retail buyer and to extend credit for the price thereof, excluding single interest insurance, shall, prior to the due date of the first installment of the retail installment contract, deliver to the retail buyer personally, or mail or cause to be mailed to the retail buyer at the retail buyer's address as shown on the retail installment contract, the policy of insurance, or in lieu thereof a certificate of insurance, or 37
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the retail buyer is not liable on the retail buyer's retail 46
installment contract until the policy, or certificate of 47
insurance, is received, or full refund is made of the insurance 48
premium. 49

If the premium for insurance of like kind and amount, as 50
fixed in the published manual of a recognized standard rating 51
bureau designated by the retail seller, is less than the amount 52
charged the retail buyer as fixed in the written instrument in 53
compliance with division (D) of section 1317.04 of the Revised 54
Code, the retail buyer may deduct an amount equal to three times 55
the difference from the amount owed the retail seller, or the 56
retail seller's successor in interest. Sections 1317.01 to 57
1317.11 of the Revised Code do not impair the authority of the 58
superintendent of insurance to grant, renew, or revoke licenses, 59
nor do said sections authorize anyone other than a licensee of 60
the division of insurance to directly or indirectly receive any 61
part of the amount charged for insurance in connection with any 62
retail installment sale. 63

(B) As used in this division, "debt cancellation or debt 64
suspension product" means a contractual agreement in which a 65
retail seller, or its assignee, agrees for a separate charge to 66
cancel or waive all or a part of amounts due on a retail buyer's 67
retail installment contract in the event of a total physical 68
damage loss or unrecovered theft of the motor vehicle that is 69
the subject of the contract. "Debt cancellation or debt 70
suspension product" includes a guaranteed asset protection 71
waiver, guaranteed auto protection waiver, or other similarly 72
named agreement. A "debt cancellation or debt suspension 73
product" may also provide, with or without a separate charge, a 74
benefit that waives an amount, or provides a borrower with a 75
credit, towards the purchase of a replacement motor vehicle. 76

A debt cancellation or debt suspension product, and an addendum to a retail installment contract containing a debt cancellation or debt suspension product, shall be considered a part of the retail installment contract and shall remain a part of that contract upon the assignment, sale, or transfer of that contract. The charge for any optional debt cancellation or debt suspension product shall be listed as a specific good and shall not be considered a finance charge or interest. The purchase price and the terms of the debt cancellation or debt suspension product shall be disclosed in writing to the buyer. The extension of credit, terms of the credit, or the terms of the related motor vehicle sale or lease shall not be conditioned on the purchase of the debt cancellation or debt suspension product. Notwithstanding any other provision of law, a debt cancellation or debt suspension product shall not be considered insurance.

(C) Single interest insurance shall be listed as a specific good in a retail installment contract.

(D) As used in this section, "single interest insurance" means insurance that covers only the interest of the holder of the retail installment contract.

Sec. 1317.06. (A) A retail seller at the time of making any retail installment sale may charge and contract for the payment of a finance charge by the retail buyer and collect and receive the same, which shall not exceed the greater of the following:

(1) A base finance charge at the rate of eight dollars per one hundred dollars per year on the principal balance of the retail installment contract. On retail installment contracts providing for principal balances less than, nor not in multiples

of one hundred dollars, or for installment payments extending 107
for a period less than or greater than one year, said finance 108
charge shall be computed proportionately. In addition to the 109
base finance charge, the retail seller may charge and contract 110
for a service charge of fifty cents per month for the first 111
fifty dollar unit or fraction thereof, of the principal balance 112
for each month of the term of the installment contract; and an 113
additional service charge of twenty-five cents per month for 114
each of the next five fifty dollar units or fraction thereof, of 115
the principal balance for each month of the term of the 116
installment contract. This paragraph applies only to retail 117
installment contracts with a principal balance of seven hundred 118
dollars or less. 119

(2) A pre-computed base finance charge not in excess of 120
the amount obtained by applying the rate of one and one-half per 121
cent per month to the unpaid portion of the unpaid principal 122
balance determined to be outstanding from time to time according 123
to the terms and schedule of payments of the retail installment 124
contract executed in connection with such retail installment 125
sale. 126

Such base finance charge and service charges may be 127
computed on a basis of a full month for any fractional period in 128
excess of ten days. For a fractional period of a month not in 129
excess of ten days, there shall be no base finance charge or 130
service charge. 131

Sections 1317.01 to 1317.11 of the Revised Code do not 132
apply to any sale in which the base finance and service charge 133
does not exceed the sum of fifteen dollars. 134

(B) Every retail seller may, at the time of making any 135
retail installment sale, contract for the payment by the retail 136

buyer of lawful delinquent charges as follows: 137

(1) No charges shall be made for delinquent payments less 138
than ten days late. 139

(2) Five cents for each dollar for a delinquent payment 140
that is more than ten days late may be charged, but in no event 141
shall a delinquent charge for any one installment exceed three 142
dollars. 143

A provision for the payment of interest on any installment 144
not paid in full on or before its scheduled due date at a rate 145
not to exceed one and one-half per cent interest per month is 146
not a delinquent charge and is expressly authorized. 147

(C) No retail installment contract arising out of a 148
consumer transaction and requiring the payment of the charges 149
authorized by this section shall be executed unless the combined 150
total of the cash price and all finance charges and service 151
charges is required to be paid according to a schedule of 152
~~substantially equal consecutive periodic installments, except~~ 153
~~where~~. If the contract contains a provision allowing final 154
scheduled installment that is more than two times the average of 155
all prior scheduled installments, the contract must allow the 156
buyer to refinance the contract under terms no less favorable 157
than those of the original contract after making the refund 158
credit required by section 1317.09 of the Revised Code. No 159
seller shall, pursuant to any provision in a retail installment 160
contract arising out of a consumer transaction, accelerate any 161
payments on account of a default in the making of an installment 162
payment that has not continued for at least thirty days. 163
Division (C) of this section does not apply to the extent that 164
the payment schedule is adjusted to the seasonal or irregular 165
income of the buyer. 166

Sec. 3902.63. (A) As used in this section: 167

(1) "Hearing aid" means any wearable instrument or device 168
designed or offered for the purpose of aiding or compensating 169
for impaired human hearing, including all attachments, 170
accessories, and parts thereof, except batteries and cords, that 171
is dispensed by a licensed audiologist, a licensed hearing aid 172
dealer or fitter, or an otolaryngologist. 173

(2) "Otolaryngologist" means a licensed physician who 174
practices otolaryngology. 175

(3) "Related services" means services necessary to assess, 176
select, and appropriately adjust or fit a hearing aid to ensure 177
optimal performance. 178

(B) On and after the effective date of this section, and 179
notwithstanding section 3901.71 of the Revised Code, a health 180
benefit plan shall provide coverage for the full cost of both of 181
the following: 182

(1) One hearing aid per hearing-impaired ear up to two 183
thousand five hundred dollars every forty-eight months for a 184
covered person twenty-one years of age or younger who is 185
verified as being deaf or hearing impaired by a licensed 186
audiologist or by an otolaryngologist or other licensed 187
physician; 188

(2) All related services prescribed by an otolaryngologist 189
or recommended by a licensed audiologist and dispensed by a 190
licensed audiologist, a licensed hearing aid dealer or fitter, 191
or an otolaryngologist. 192

(C) A covered person may choose a higher priced hearing 193
aid and may pay the difference in cost above the two-thousand- 194
five-hundred-dollar required coverage required by this section 195

without any financial or contractual penalty to the covered 196
person or to the provider of the hearing aid. 197

(D) A health plan issuer is not required to pay a claim 198
for the cost of a hearing aid as required by division (B) of 199
this section if, less than forty-eight months prior to the date 200
of the claim, the covered person received the coverage required 201
under division (B) of this section from any health benefit plan. 202

(E) (1) A health benefit plan shall only provide coverage 203
for hearing aids that are considered medically appropriate to 204
meet the needs of the covered person, according to professional 205
standards established by the state speech and hearing 206
professionals board. 207

(2) A health benefit plan shall not exclude coverage for 208
any hearing aid that would be considered medically appropriate 209
to meet the needs of the covered person, according to 210
professional standards established by the state speech and 211
hearing professionals board. 212

(3) The state speech and hearing professionals board shall 213
adopt professional standards concerning hearing aids as needed 214
to evaluate the compliance of a health benefit plan with this 215
section. 216

Sec. 3902.64. (A) Notwithstanding section 3901.71 of the 217
Revised Code, a health benefit plan shall provide coverage for 218
prescription readers provided by a licensed terminal distributor 219
of dangerous drugs pursuant to section 4729.362 of the Revised 220
Code. 221

(B) As used in this section, "prescription reader" has the 222
same meaning as in section 4729.362 of the Revised Code. 223

Sec. 3905.426. (A) As used in this section: 224

(1) "Contract holder" means the person who purchased a 225
motor vehicle ancillary product protection contract, any 226
authorized transferee or assignee of the purchaser, or any other 227
person assuming the purchaser's rights under the motor vehicle 228
ancillary product protection contract. 229

(2) "Finance agreement" means a loan or retail installment 230
contract secured by a motor vehicle or a lease contract for the 231
use of a motor vehicle. 232

~~(2)~~ (3) "Motor vehicle" has the same meaning as in section 233
4501.01 of the Revised Code and also includes utility vehicles 234
and under-speed vehicles as defined in that section. 235

~~(3) (a)~~ (4) (a) "Motor vehicle ancillary product protection 236
contract" means a contract or agreement that is effective for a 237
specified duration and paid for by means other than the purchase 238
of a motor vehicle, or its parts or equipment, to perform any 239
one or more of the following services: 240

(i) Repair or replacement of glass on a motor vehicle 241
necessitated by wear and tear or damage caused by a road hazard; 242

(ii) Removal of a dent, ding, or crease without affecting 243
the existing paint finish using paintless dent removal 244
techniques but which expressly excludes replacement of vehicle 245
body panels, sanding, bonding, or painting; 246

(iii) Repair to the interior components of a motor vehicle 247
necessitated by wear and tear but which expressly excludes 248
replacement of any part or component of a motor vehicle's 249
interior; 250

(iv) Repair or replacement of tires or wheels damaged 251
because of a road hazard; 252

(v) Replacement of a lost, stolen, or inoperable key or key fob;	253 254
<u>(vi) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, missing interior or exterior parts, or excess mileage that results in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided any such charge shall not exceed the purchase price of the vehicle at the end of the lease term;</u>	255 256 257 258 259 260 261 262 263 264
<u>(vii) Provide a benefit under a vehicle value protection agreement.</u>	265 266
(b) A motor vehicle ancillary product protection contract may, but is not required to, provide for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services.	267 268 269 270
(c) "Motor vehicle ancillary product protection contract" does not include any of the following:	271 272
(i) A motor vehicle service contract;	273
(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;	274 275
(iii) A home service contract as defined in section 3905.422 of the Revised Code;	276 277
(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;	278 279
(v) A contract for prepaid routine, scheduled maintenance	280

only.	281
(4) <u>(5)</u> "Motor vehicle service contract" means a contract	282
or agreement to perform or pay for the repair, replacement, or	283
maintenance of a motor vehicle due to defect in materials or	284
workmanship, normal wear and tear, mechanical or electrical	285
breakdown, or failure of parts or equipment of a motor vehicle,	286
with or without additional provisions for incidental payment of	287
indemnity under limited circumstances, including, without	288
limitation, towing, rental, and emergency road services, that is	289
effective for a specified duration and paid for by means other	290
than the purchase of a motor vehicle.	291
(5) <u>(6)</u> "Provider" means a person who is contractually	292
obligated to a contract holder under the terms of a motor	293
vehicle ancillary product protection contract.	294
(6) <u>(7)</u> "Road hazard" means a condition that may cause	295
damage or wear and tear to a tire or wheel on a public or	296
private roadway, roadside, driveway, or parking lot or garage,	297
including potholes, nails, glass, road debris, and curbs. "Road	298
hazard" does not include fire, theft, vandalism or malicious	299
mischievous, or other perils normally covered by automobile	300
physical damage insurance.	301
(7) <u>(8)</u> "Reimbursement insurance policy" means a policy of	302
insurance issued by an insurer authorized or eligible to do	303
business in this state to a provider to pay, on behalf of the	304
provider in the event of the provider's nonperformance, all	305
covered contractual obligations incurred by the provider under	306
the terms and conditions of the motor vehicle ancillary product	307
protection contract.	308
(8) <u>(9)</u> "Supplier" has the same meaning as in section	309

1345.01 of the Revised Code. 310

(10) "Vehicle value protection agreement" includes a 311
contractual agreement that provides a benefit towards either the 312
reduction of some or all of the contract holder's current 313
finance agreement deficiency balance, or towards the purchase or 314
lease of a replacement motor vehicle or motor vehicle services, 315
upon the occurrence of an adverse event to the motor vehicle, 316
including loss, theft, damage, obsolescence, diminished value, 317
or depreciation. "Vehicle value protection agreement" includes 318
trade-in-credit agreements, diminished value agreements, 319
depreciation benefit agreements, or other similar agreements. 320
"Vehicle value protection agreement" does not include a debt 321
suspension or debt cancellation product. 322

(B) All motor vehicle ancillary product protection 323
contracts issued in this state shall be covered by a 324
reimbursement insurance policy. 325

(C) A motor vehicle ancillary product protection contract 326
issued by a provider that is required to be covered by a 327
reimbursement insurance policy under division (B) of this 328
section shall conspicuously state all of the following: 329

(1) "This contract is not insurance and is not subject to 330
the insurance laws of this state." 331

(2) That the obligations of the provider are guaranteed 332
under a reimbursement insurance policy; 333

(3) That if a provider fails to perform or make payment 334
due under the terms of the contract within sixty days after the 335
contract holder requests performance or payment pursuant to the 336
terms of the contract, the contract holder may request 337
performance or payment directly from the provider's 338

reimbursement insurance policy insurer, including any obligation 339
in the contract by which the provider must refund the contract 340
holder upon cancellation of a contract; 341

(4) The name, address, and telephone number of the 342
provider's reimbursement insurance policy insurer. 343

(D) A motor vehicle ancillary product protection contract 344
that includes repair or replacement of glass on a motor vehicle 345
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 346
section, shall conspicuously state: "This contract may provide a 347
duplication of coverage already provided by your automobile 348
physical damage insurance policy." 349

(E) A vehicle value protection agreement may be canceled 350
by the contract holder within thirty days of the effective date 351
of the agreement, and the contract holder shall be entitled to a 352
full refund of the purchase price paid by the contract holder, 353
if any, so long as no benefits have been provided under the 354
contract. 355

(F) A vehicle value protection agreement that, under the 356
terms of the agreement, may be canceled by the contract holder 357
more than thirty days after the effective date of the agreement 358
must state the conditions under which it may be canceled, 359
including the procedures for requesting any refund of the 360
purchase price paid by the contract holder and the methodology 361
for calculating any refund of the purchase price. 362

(G) The contract provider of the vehicle value protection 363
agreement shall mail a written notice to the contract holder at 364
the last known address of the contract holder contained in the 365
records of the contract provider at least five days prior to 366
cancellation by the contract provider. Prior notice is not 367

required if the reason for cancellation is nonpayment of the 368
provider fee, a material misrepresentation by the contract 369
holder to the contract provider or administrator, or a 370
substantial breach of duties by the contract holder relating to 371
the covered product or the use of the covered product. The 372
notice shall state the effective date of the cancellation and 373
the reason for the cancellation. If a vehicle value protection 374
agreement is canceled by the contract provider for a reason 375
other than nonpayment of the provider fee, the provider shall 376
refund to the contract holder one hundred per cent of the 377
unearned provider fee paid by the contract holder, if any. If 378
coverage under the vehicle value protection agreement continues 379
after a claim, then all claims paid may be deducted from any 380
refund required by this division. A reasonable administrative 381
fee of up to seventy-five dollars may be charged by the contract 382
provider and deducted from any refund due under this division or 383
division (F) of this section. 384

(H) Any refund under divisions (E) and (F) of this section 385
shall be paid to the seller or assignee of a retail installment 386
contract or lease agreement unless otherwise agreed to by the 387
contract holder and the seller or assignee. 388

(I) A reimbursement insurance policy that is required to 389
be issued under this section shall contain: 390

(1) A statement that if a provider fails to perform or 391
make payment due under the terms of the motor vehicle ancillary 392
product protection contract within sixty days after the contract 393
holder requests performance or payment pursuant to the terms of 394
the contract, the contract holder may request performance or 395
payment directly from the provider's reimbursement insurance 396
policy insurer, including any obligation in the contract by 397

which the provider must refund the contract holder upon 398
cancellation of a contract. 399

(2) A statement that in the event of cancellation of the 400
provider's reimbursement insurance policy, insurance coverage 401
will continue for all contract holders whose motor vehicle 402
ancillary product protection contracts were issued by the 403
provider and reported to the insurer for coverage during the 404
term of the reimbursement insurance policy. 405

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary 406
product protection contract is a consumer transaction for 407
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 408
provider is the supplier and the contract holder is the consumer 409
for purposes of those sections. 410

~~(G)~~ (K) Unless issued by an insurer authorized or eligible 411
to do business in this state, a motor vehicle ancillary product 412
protection contract does not constitute a contract substantially 413
amounting to insurance, or the contract's issuance the business 414
of insurance, under section 3905.42 of the Revised Code. 415

~~(H)~~ (L) Unless issued by an insurer authorized or eligible 416
to do business in this state, a contract identified in division 417
~~(A) (3) (e) (i)~~ (A) (4) (c) (i) or (v) of this section does not 418
constitute a contract substantially amounting to insurance, or 419
the contract's issuance the business of insurance, under section 420
3905.42 of the Revised Code. 421

~~(I)~~ (M) The rights of a contract holder against a 422
provider's reimbursement insurance policy insurer as provided in 423
this section apply only in regard to a reimbursement insurance 424
policy issued under this section. This section does not create 425
any contractual rights in favor of a person that does not 426

qualify as an insured under any other type of insurance policy 427
described in Title XXXIX of the Revised Code. This section does 428
not prohibit the insurer of a provider's reimbursement insurance 429
policy from assuming liability for contracts issued prior to the 430
effective date of the policy or July 1, 2009. 431

~~(J)~~ (N) A contract or agreement described in division (A) 432
(3) (a) (iv) of this section in which the provider is a tire 433
manufacturer shall be exempt from the requirements of division 434
(B) of this section if the contract or agreement conspicuously 435
states all of the following: 436

(1) That the contract or agreement is not an insurance 437
contract; 438

(2) That any covered obligations or claims under the 439
contract or agreement are the responsibility of the provider; 440

(3) The name, address, and telephone number of any 441
administrator responsible for the administration of the contract 442
or agreement, the provider obligated to perform under the 443
contract or agreement, and the contract seller; 444

(4) The procedure for making a claim under the contract or 445
agreement, including a toll-free telephone number for claims 446
service and a procedure for obtaining emergency repairs or 447
replacements performed outside normal business hours. 448

Sec. 4501.01. As used in this chapter and Chapters 4503., 449
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of 450
the Revised Code, and in the penal laws, except as otherwise 451
provided: 452

(A) "Vehicles" means everything on wheels or runners, 453
including motorized bicycles, but does not mean electric 454
personal assistive mobility devices, low-speed micromobility 455

devices, vehicles that are operated exclusively on rails or 456
tracks or from overhead electric trolley wires, and vehicles 457
that belong to any police department, municipal fire department, 458
or volunteer fire department, or that are used by such a 459
department in the discharge of its functions. 460

(B) "Motor vehicle" means any vehicle, including mobile 461
homes and recreational vehicles, that is propelled or drawn by 462
power other than muscular power or power collected from overhead 463
electric trolley wires. "Motor vehicle" does not include utility 464
vehicles as defined in division (VV) of this section, under- 465
speed vehicles as defined in division (XX) of this section, 466
mini-trucks as defined in division (BBB) of this section, 467
motorized bicycles, electric bicycles, road rollers, traction 468
engines, power shovels, power cranes, and other equipment used 469
in construction work and not designed for or employed in general 470
highway transportation, well-drilling machinery, ditch-digging 471
machinery, farm machinery, and trailers that are designed and 472
used exclusively to transport a boat between a place of storage 473
and a marina, or in and around a marina, when drawn or towed on 474
a public road or highway for a distance of no more than ten 475
miles and at a speed of twenty-five miles per hour or less. 476

(C) "Agricultural tractor" and "traction engine" mean any 477
self-propelling vehicle that is designed or used for drawing 478
other vehicles or wheeled machinery, but has no provisions for 479
carrying loads independently of such other vehicles, and that is 480
used principally for agricultural purposes. 481

(D) "Commercial tractor," except as defined in division 482
(C) of this section, means any motor vehicle that has motive 483
power and either is designed or used for drawing other motor 484
vehicles, or is designed or used for drawing another motor 485

vehicle while carrying a portion of the other motor vehicle or 486
its load, or both. 487

(E) "Passenger car" means any motor vehicle that is 488
designed and used for carrying not more than nine persons and 489
includes any motor vehicle that is designed and used for 490
carrying not more than fifteen persons in a ridesharing 491
arrangement. 492

(F) "Collector's vehicle" means any motor vehicle or 493
agricultural tractor or traction engine that is of special 494
interest, that has a fair market value of one hundred dollars or 495
more, whether operable or not, and that is owned, operated, 496
collected, preserved, restored, maintained, or used essentially 497
as a collector's item, leisure pursuit, or investment, but not 498
as the owner's principal means of transportation. "Licensed 499
collector's vehicle" means a collector's vehicle, other than an 500
agricultural tractor or traction engine, that displays current, 501
valid license tags issued under section 4503.45 of the Revised 502
Code, or a similar type of motor vehicle that displays current, 503
valid license tags issued under substantially equivalent 504
provisions in the laws of other states. 505

(G) "Historical motor vehicle" means any motor vehicle 506
that is over twenty-five years old and is owned solely as a 507
collector's item and for participation in club activities, 508
exhibitions, tours, parades, and similar uses, but that in no 509
event is used for general transportation. 510

(H) "Noncommercial motor vehicle" means any motor vehicle, 511
including a farm truck as defined in section 4503.04 of the 512
Revised Code, that is designed by the manufacturer to carry a 513
load of no more than one ton and is used exclusively for 514
purposes other than engaging in business for profit. 515

(I) "Bus" means any motor vehicle that has motor power and 516
is designed and used for carrying more than nine passengers, 517
except any motor vehicle that is designed and used for carrying 518
not more than fifteen passengers in a ridesharing arrangement. 519

(J) "Commercial car" or "truck" means any motor vehicle 520
that has motor power and is designed and used for carrying 521
merchandise or freight, or that is used as a commercial tractor. 522

(K) "Bicycle" means every device, other than a device that 523
is designed solely for use as a play vehicle by a child, that is 524
propelled solely by human power upon which a person may ride, 525
and that has two or more wheels, any of which is more than 526
fourteen inches in diameter. 527

(L) "Motorized bicycle" or "moped" means any vehicle that 528
either has two tandem wheels or one wheel in the front and two 529
wheels in the rear, that may be pedaled, and that is equipped 530
with a helper motor of not more than fifty cubic centimeters 531
piston displacement that produces no more than one brake 532
horsepower and is capable of propelling the vehicle at a speed 533
of no greater than twenty miles per hour on a level surface. 534
"Motorized bicycle" or "moped" does not include an electric 535
bicycle. 536

(M) "Trailer" means any vehicle without motive power that 537
is designed or used for carrying property or persons wholly on 538
its own structure and for being drawn by a motor vehicle, and 539
includes any such vehicle that is formed by or operated as a 540
combination of a semitrailer and a vehicle of the dolly type 541
such as that commonly known as a trailer dolly, a vehicle used 542
to transport agricultural produce or agricultural production 543
materials between a local place of storage or supply and the 544
farm when drawn or towed on a public road or highway at a speed 545

greater than twenty-five miles per hour, and a vehicle that is 546
designed and used exclusively to transport a boat between a 547
place of storage and a marina, or in and around a marina, when 548
drawn or towed on a public road or highway for a distance of 549
more than ten miles or at a speed of more than twenty-five miles 550
per hour. "Trailer" does not include a manufactured home or 551
travel trailer. 552

(N) "Noncommercial trailer" means any trailer, except a 553
travel trailer or trailer that is used to transport a boat as 554
described in division (B) of this section, but, where 555
applicable, includes a vehicle that is used to transport a boat 556
as described in division (M) of this section, that has a gross 557
weight of no more than ten thousand pounds, and that is used 558
exclusively for purposes other than engaging in business for a 559
profit, such as the transportation of personal items for 560
personal or recreational purposes. 561

(O) "Mobile home" means a building unit or assembly of 562
closed construction that is fabricated in an off-site facility, 563
is more than thirty-five body feet in length or, when erected on 564
site, is three hundred twenty or more square feet, is built on a 565
permanent chassis, is transportable in one or more sections, and 566
does not qualify as a manufactured home as defined in division 567
(C) (4) of section 3781.06 of the Revised Code or as an 568
industrialized unit as defined in division (C) (3) of section 569
3781.06 of the Revised Code. 570

(P) "Semitrailer" means any vehicle of the trailer type 571
that does not have motive power and is so designed or used with 572
another and separate motor vehicle that in operation a part of 573
its own weight or that of its load, or both, rests upon and is 574
carried by the other vehicle furnishing the motive power for 575

propelling itself and the vehicle referred to in this division, 576
and includes, for the purpose only of registration and taxation 577
under those chapters, any vehicle of the dolly type, such as a 578
trailer dolly, that is designed or used for the conversion of a 579
semitrailer into a trailer. 580

(Q) "Recreational vehicle" means a vehicular portable 581
structure that meets all of the following conditions: 582

(1) It is designed for the sole purpose of recreational 583
travel. 584

(2) It is not used for the purpose of engaging in business 585
for profit. 586

(3) It is not used for the purpose of engaging in 587
intrastate commerce. 588

(4) It is not used for the purpose of commerce as defined 589
in 49 C.F.R. 383.5, as amended. 590

(5) It is not regulated by the public utilities commission 591
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 592

(6) It is classed as one of the following: 593

(a) "Travel trailer" or "house vehicle" means a nonself- 594
propelled recreational vehicle that does not exceed an overall 595
length of forty feet, exclusive of bumper and tongue or 596
coupling. "Travel trailer" includes a tent-type fold-out camping 597
trailer as defined in section 4517.01 of the Revised Code. 598

(b) "Motor home" means a self-propelled recreational 599
vehicle that has no fifth wheel and is constructed with 600
permanently installed facilities for cold storage, cooking and 601
consuming of food, and for sleeping. 602

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

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

(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

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

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

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

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products,

and includes trailers that are used to transport agricultural 632
produce or agricultural production materials between a local 633
place of storage or supply and the farm, agricultural tractors, 634
threshing machinery, hay-baling machinery, corn shellers, 635
hammermills, and machinery used in the production of 636
horticultural, agricultural, and vegetable products. 637

(V) "Owner" includes any person or firm, other than a 638
manufacturer or dealer, that has title to a motor vehicle, 639
except that, in sections 4505.01 to 4505.19 of the Revised Code, 640
"owner" includes in addition manufacturers and dealers. 641

(W) "Manufacturer" and "dealer" include all persons and 642
firms that are regularly engaged in the business of 643
manufacturing, selling, displaying, offering for sale, or 644
dealing in motor vehicles, at an established place of business 645
that is used exclusively for the purpose of manufacturing, 646
selling, displaying, offering for sale, or dealing in motor 647
vehicles. A place of business that is used for manufacturing, 648
selling, displaying, offering for sale, or dealing in motor 649
vehicles shall be deemed to be used exclusively for those 650
purposes even though snowmobiles or all-purpose vehicles are 651
sold or displayed for sale thereat, even though farm machinery 652
is sold or displayed for sale thereat, or even though repair, 653
accessory, gasoline and oil, storage, parts, service, or paint 654
departments are maintained thereat, or, in any county having a 655
population of less than seventy-five thousand at the last 656
federal census, even though a department in a place of business 657
is used to dismantle, salvage, or rebuild motor vehicles by 658
means of used parts, if such departments are operated for the 659
purpose of furthering and assisting in the business of 660
manufacturing, selling, displaying, offering for sale, or 661
dealing in motor vehicles. Places of business or departments in 662

a place of business used to dismantle, salvage, or rebuild motor vehicles by means of using used parts are not considered as being maintained for the purpose of assisting or furthering the manufacturing, selling, displaying, and offering for sale or dealing in motor vehicles.

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

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

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

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

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

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

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of

business that is used exclusively for the purpose of 692
distributing new motor vehicles to licensed motor vehicle 693
dealers, except when the distributor also is a new motor vehicle 694
dealer, in which case the distributor may distribute at the 695
location of the distributor's licensed dealership. 696

(EE) "Ridesharing arrangement" means the transportation of 697
persons in a motor vehicle where the transportation is 698
incidental to another purpose of a volunteer driver and includes 699
ridesharing arrangements known as carpools, vanpools, and 700
buspools. 701

(FF) "Apportionable vehicle" means any vehicle that is 702
used or intended for use in two or more international 703
registration plan member jurisdictions that allocate or 704
proportionally register vehicles, that is used for the 705
transportation of persons for hire or designed, used, or 706
maintained primarily for the transportation of property, and 707
that meets any of the following qualifications: 708

(1) Is a power unit having a gross vehicle weight in 709
excess of twenty-six thousand pounds; 710

(2) Is a power unit having three or more axles, regardless 711
of the gross vehicle weight; 712

(3) Is a combination vehicle with a gross vehicle weight 713
in excess of twenty-six thousand pounds. 714

"Apportionable vehicle" does not include recreational 715
vehicles, vehicles displaying restricted plates, city pick-up 716
and delivery vehicles, or vehicles owned and operated by the 717
United States, this state, or any political subdivisions 718
thereof. 719

(GG) "Chartered party" means a group of persons who 720

contract as a group to acquire the exclusive use of a passenger- 721
carrying motor vehicle at a fixed charge for the vehicle in 722
accordance with the carrier's tariff, lawfully on file with the 723
United States department of transportation, for the purpose of 724
group travel to a specified destination or for a particular 725
itinerary, either agreed upon in advance or modified by the 726
chartered group after having left the place of origin. 727

(HH) "International registration plan" means a reciprocal 728
agreement of member jurisdictions that is endorsed by the 729
American association of motor vehicle administrators, and that 730
promotes and encourages the fullest possible use of the highway 731
system by authorizing apportioned registration of fleets of 732
vehicles and recognizing registration of vehicles apportioned in 733
member jurisdictions. 734

(II) "Restricted plate" means a license plate that has a 735
restriction of time, geographic area, mileage, or commodity, and 736
includes license plates issued to farm trucks under division (J) 737
of section 4503.04 of the Revised Code. 738

(JJ) "Gross vehicle weight," with regard to any commercial 739
car, trailer, semitrailer, or bus that is taxed at the rates 740
established under section 4503.042 or 4503.65 of the Revised 741
Code, means the unladen weight of the vehicle fully equipped 742
plus the maximum weight of the load to be carried on the 743
vehicle. 744

(KK) "Combined gross vehicle weight" with regard to any 745
combination of a commercial car, trailer, and semitrailer, that 746
is taxed at the rates established under section 4503.042 or 747
4503.65 of the Revised Code, means the total unladen weight of 748
the combination of vehicles fully equipped plus the maximum 749
weight of the load to be carried on that combination of 750

vehicles. 751

(LL) "Chauffeured limousine" means a motor vehicle that is 752
designed to carry nine or fewer passengers and is operated for 753
hire pursuant to a prearranged contract for the transportation 754
of passengers on public roads and highways along a route under 755
the control of the person hiring the vehicle and not over a 756
defined and regular route. "Prearranged contract" means an 757
agreement, made in advance of boarding, to provide 758
transportation from a specific location in a chauffeured 759
limousine. "Chauffeured limousine" does not include any vehicle 760
that is used exclusively in the business of funeral directing. 761

(MM) "Manufactured home" has the same meaning as in 762
division (C)(4) of section 3781.06 of the Revised Code. 763

(NN) "Acquired situs," with respect to a manufactured home 764
or a mobile home, means to become located in this state by the 765
placement of the home on real property, but does not include the 766
placement of a manufactured home or a mobile home in the 767
inventory of a new motor vehicle dealer or the inventory of a 768
manufacturer, remanufacturer, or distributor of manufactured or 769
mobile homes. 770

(OO) "Electronic" includes electrical, digital, magnetic, 771
optical, electromagnetic, or any other form of technology that 772
entails capabilities similar to these technologies. 773

(PP) "Electronic record" means a record generated, 774
communicated, received, or stored by electronic means for use in 775
an information system or for transmission from one information 776
system to another. 777

(QQ) "Electronic signature" means a signature in 778
electronic form attached to or logically associated with an 779

electronic record. 780

(RR) "Financial transaction device" has the same meaning 781
as in division (A) of section 113.40 of the Revised Code. 782

(SS) "Electronic motor vehicle dealer" means a motor 783
vehicle dealer licensed under Chapter 4517. of the Revised Code 784
whom the registrar of motor vehicles determines meets the 785
criteria designated in section 4503.035 of the Revised Code for 786
electronic motor vehicle dealers and designates as an electronic 787
motor vehicle dealer under that section. 788

(TT) "Electric personal assistive mobility device" means a 789
self-balancing two non-tandem wheeled device that is designed to 790
transport only one person, has an electric propulsion system of 791
an average of seven hundred fifty watts, and when ridden on a 792
paved level surface by an operator who weighs one hundred 793
seventy pounds has a maximum speed of less than twenty miles per 794
hour. 795

(UU) "Limited driving privileges" means the privilege to 796
operate a motor vehicle that a court grants under section 797
4510.021 of the Revised Code to a person whose driver's or 798
commercial driver's license or permit or nonresident operating 799
privilege has been suspended. 800

(VV) "Utility vehicle" means a self-propelled vehicle 801
designed with a bed, principally for the purpose of transporting 802
material or cargo in connection with construction, agricultural, 803
forestry, grounds maintenance, lawn and garden, materials 804
handling, or similar activities. 805

(WW) "Low-speed vehicle" means a three- or four-wheeled 806
motor vehicle with an attainable speed in one mile on a paved 807
level surface of more than twenty miles per hour but not more 808

than twenty-five miles per hour and with a gross vehicle weight 809
rating less than three thousand pounds. 810

(XX) "Under-speed vehicle" means a three- or four-wheeled 811
vehicle, including a vehicle commonly known as a golf cart, with 812
an attainable speed on a paved level surface of not more than 813
twenty miles per hour and with a gross vehicle weight rating 814
less than three thousand pounds. 815

(YY) "Motor-driven cycle or motor scooter" means any 816
vehicle designed to travel on not more than three wheels in 817
contact with the ground, with a seat for the driver and floor 818
pad for the driver's feet, and is equipped with a motor with a 819
piston displacement between fifty and one hundred cubic 820
centimeters piston displacement that produces not more than five 821
brake horsepower and is capable of propelling the vehicle at a 822
speed greater than twenty miles per hour on a level surface. 823

(ZZ) "Motorcycle" means a motor vehicle with motive power 824
having a seat or saddle for the use of the operator, designed to 825
travel on not more than three wheels in contact with the ground, 826
and having no occupant compartment top or occupant compartment 827
top that can be installed or removed by the user. 828

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 829
motive power having a seat or saddle for the use of the 830
operator, designed to travel on not more than three wheels in 831
contact with the ground, and having an occupant compartment top 832
or an occupant compartment top that is installed. 833

(BBB) "Mini-truck" means a vehicle that has four wheels, 834
is propelled by an electric motor with a rated power of seven 835
thousand five hundred watts or less or an internal combustion 836
engine with a piston displacement capacity of six hundred sixty 837

cubic centimeters or less, has a total dry weight of nine 838
hundred to two thousand two hundred pounds, contains an enclosed 839
cabin and a seat for the vehicle operator, resembles a pickup 840
truck or van with a cargo area or bed located at the rear of the 841
vehicle, and was not originally manufactured to meet federal 842
motor vehicle safety standards. 843

(CCC) "Autocycle" means a three-wheeled motorcycle that is 844
manufactured to comply with federal safety requirements for 845
motorcycles and that is equipped with safety belts, a steering 846
wheel, and seating that does not require the operator to 847
straddle or sit astride to ride the motorcycle. 848

(DDD) "Plug-in hybrid electric motor vehicle" means a 849
passenger car powered in part by a battery cell energy system 850
that can be recharged via an external source of electricity. 851

(EEE) "Hybrid motor vehicle" means a passenger car powered 852
by an internal propulsion system consisting of both of the 853
following: 854

(1) A combustion engine; 855

(2) A battery cell energy system that cannot be recharged 856
via an external source of electricity but can be recharged by 857
other vehicle mechanisms that capture and store electric energy. 858

(FFF) "Low-speed micromobility device" means a device 859
weighing less than one hundred pounds that has handlebars, is 860
propelled by an electric motor or human power, and has an 861
attainable speed on a paved level surface of not more than 862
twenty miles per hour when propelled by the electric motor. 863

(GGG) "Specialty license plate" means a license plate, 864
authorized by the general assembly, that displays a combination 865
of words, markings, logos, or other graphic artwork that is in 866

addition to the words, images, and distinctive numbers and 867
letters required by section 4503.22 of the Revised Code. 868

(HHH) "Battery electric motor vehicle" means a passenger 869
car powered wholly by a battery cell energy system that can be 870
recharged via an external source of electricity. 871

(III) "Adaptive mobility vehicle" means either a new 872
passenger car or bus purchased from a new motor vehicle dealer 873
or a used passenger car or bus, provided that such passenger car 874
or bus is designed, modified, or equipped to enable an 875
individual with a disability to operate or to be transported in 876
the passenger car or bus, in accordance with 49 C.F.R. part 568 877
or 595, and contains at least one of the following: 878

(1) An electronic or mechanical lift that enables a person 879
to enter or exit the motor vehicle while occupying a wheelchair 880
or scooter; 881

(2) An electronic or mechanical wheelchair ramp; 882

(3) A system to secure a wheelchair or scooter in order to 883
allow a person to operate or be transported safely while 884
occupying that wheelchair or scooter. 885

(JJJ) "Replica motor vehicle" means a motor vehicle that 886
is constructed, assembled, or modified so as to replicate the 887
make, model, and model year of a motor vehicle that is at least 888
twenty-five years old. 889

Sec. 4503.183. (A) No person shall use a replica motor 890
vehicle for general transportation. However, a person may 891
operate a replica motor vehicle registered under this section on 892
the public roads and highways as follows: 893

(1) For club activities, exhibitions, tours, parades, and 894

similar uses; 895

(2) To and from a location where maintenance is performed 896
on the replica motor vehicle. 897

(B) In lieu of the annual license tax levied in sections 898
4503.02 and 4503.04 of the Revised Code, the registrar of motor 899
vehicles or a deputy registrar shall collect a license fee of 900
ten dollars for the registration of a replica motor vehicle 901
under this section. The fee shall be deposited into the public 902
safety - highway purposes fund established in section 4501.06 of 903
the Revised Code. 904

(C) A person who owns a replica motor vehicle and applies 905
for registration and a replica license plate under this section 906
shall execute an affidavit that the replica motor vehicle for 907
which the plate is requested is owned and operated solely for 908
the purposes enumerated in division (A) of this section. The 909
affidavit also shall set forth that the replica motor vehicle 910
has been inspected and found safe to operate on the public roads 911
and highways in the state. No registration issued pursuant to 912
this section need specify the weight of the replica motor 913
vehicle. 914

(D) The owner of a replica motor vehicle registered under 915
this section shall display in plain view on the rear of the 916
replica motor vehicle a replica license plate issued by the 917
registrar. A replica license plate shall not display a date, but 918
shall display the inscription "Replica Motor Vehicle--Ohio" and 919
the registration number assigned to that replica motor vehicle. 920

(E) A replica license plate is valid without renewal as 921
long as the replica motor vehicle for which it was issued or 922
procured is in existence. A replica license plate is issued for 923

the owner's use only for such replica motor vehicle unless later 924
transferred to another replica motor vehicle owned by that 925
person. In order to effect such a transfer, the owner of the 926
replica motor vehicle that originally displayed the replica 927
license plate shall comply with division (C) of this section. In 928
the event of a transfer of title, the transferor shall surrender 929
the replica license plate or transfer it to another replica 930
motor vehicle owned by the transferor. The registrar may revoke 931
any replica license plate issued under this section, for cause 932
shown and after a hearing, for failure of the applicant to 933
comply with this section. Upon revocation, a replica license 934
plate shall be surrendered. 935

Sec. 4503.21. (A) (1) ~~No~~ Subject to section 4503.211 of the 936
Revised Code, no person who is the owner or operator of a motor 937
vehicle shall fail to display in plain view on the rear of the 938
motor vehicle a license plate that displays the distinctive 939
number and registration mark assigned to the motor vehicle by 940
the director of public safety, including any county 941
identification sticker and any validation sticker when required 942
by and issued under sections 4503.19 and 4503.191 of the Revised 943
Code. However, a commercial tractor shall display the license 944
plate on the front of the commercial tractor. 945

(2) The license plate shall be securely fastened so as not 946
to swing, and shall not be covered by any material that 947
obstructs its visibility. 948

(3) No person to whom a temporary motor vehicle license 949
registration has been issued for the use of a motor vehicle 950
under section 4503.182 of the Revised Code, and no operator of 951
that motor vehicle, shall fail to display the temporary motor 952
vehicle license registration in plain view from the rear of the 953

vehicle either in the rear window or on an external rear surface 954
of the motor vehicle. 955

(4) No person shall cover a temporary motor vehicle 956
license registration by any material that obstructs its 957
visibility. 958

(B) Whoever violates this section is guilty of a minor 959
misdemeanor. 960

(C) The offenses established under division (A) of this 961
section are strict liability offenses and section 2901.20 of the 962
Revised Code does not apply. The designation of these offenses 963
as strict liability offenses shall not be construed to imply 964
that any other offense, for which there is no specified degree 965
of culpability, is not a strict liability offense. 966

Sec. 4503.211. (A) As used in this section: 967

(1) "Motor vehicle renting dealer" means any person 968
engaged in the business of regularly making available, offering 969
to make available, or arranging for another person to use a 970
motor vehicle pursuant to a bailment, rental agreement, or other 971
contractual arrangement for a period of thirty days or less 972
under which a charge is made for the motor vehicle's use at a 973
specified rate and the title to the motor vehicle is in a person 974
other than the operator, but does not mean a manufacturer or its 975
affiliate renting to its employees or to dealers. 976

(2) "Operator" means a person driving or otherwise in 977
control of a motor vehicle. 978

(3) "Registered owner" means any person or entity 979
identified by the bureau of motor vehicles or any other state 980
motor vehicle registration bureau, department, or office as the 981
owner of a motor vehicle. 982

(B) No operator shall be charged with or convicted of a violation of section 4503.21 of the Revised Code when operating a motor vehicle on a public highway when all of the following apply: 983
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(1) The operator has a valid written rental agreement with a motor vehicle renting dealer and such agreement is in effect at the time of the offense described in section 4503.21 of the Revised Code. 987
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(2) At the time of the offense, the operator provides the valid written agreement to the peace officer or state highway patrol officer enforcing the prohibition. 991
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(3) The operator has not removed, concealed, or modified the license plate or validation sticker as placed or attached by the motor vehicle renting dealer or its affiliate. 994
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(C) If divisions (B) (1) and (3) of this section apply, but the operator is unable to produce a valid written agreement at the time of the offense, the operator may submit a copy of the valid written agreement to the court at any time before or during the operator's court hearing. If such agreement is presented to the court, the court shall dismiss any ticket, citation, or summons issued to the operator for the offense. 997
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(D) If division (B) or (C) of this section applies, the registered owner of the motor vehicle that was the subject of a violation of section 4503.21 of the Revised Code is solely liable for any fees, fines, or penalties for the violation. 1004
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Sec. 4505.072. (A) The owner of a motor vehicle seeking to obtain a certificate of title indicating that the motor vehicle is a replica motor vehicle shall do all of the following: 1008
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(1) Have that motor vehicle inspected by the state highway 1011

patrol in the manner specified in section 4505.111 of the 1012
Revised Code and obtain an inspection report from the state 1013
highway patrol; 1014

(2) Obtain a signed written statement from a person or 1015
nonprofit corporation with expertise in historical motor 1016
vehicles that the owner's motor vehicle reasonably replicates 1017
the make, model, and model year of motor vehicle that the owner 1018
is intending to replicate; 1019

(3) Sign the written statement and have it notarized by a 1020
notary public. 1021

(B) When a clerk of a court of common pleas issues a 1022
physical or electronic certificate of title for a motor vehicle, 1023
the owner of the motor vehicle may request that the certificate 1024
of title indicate that the motor vehicle is a replica motor 1025
vehicle. 1026

When a clerk of a court of common pleas issues a duplicate 1027
certificate of title or memorandum certificate of title for a 1028
replica motor vehicle, that certificate of title shall be 1029
identical to the existing certificate of title. 1030

Prior to issuance of the certificate of title, the owner 1031
of the replica motor vehicle shall surrender to the clerk any 1032
existing certificate of title, a copy of the inspection report, 1033
and the signed notarized written statement described in division 1034
(A) of this section. 1035

(C) (1) Upon compliance with divisions (A) and (B) of this 1036
section and payment of the fee prescribed in section 4505.09 of 1037
the Revised Code, the clerk shall issue to the owner a 1038
certificate of title that complies with this section. 1039

(2) The clerk shall use reasonable care in performing the 1040

duties imposed on the clerk by this section in issuing a 1041
certificate of title pursuant to this section, but the clerk is 1042
not liable for any of the clerk's errors or omissions or those 1043
of the clerk's deputies, or the automated title processing 1044
system in the performance of those duties. 1045

(D) (1) The registrar of motor vehicles shall ensure that 1046
the certificate of title of a replica motor vehicle issued under 1047
this section complies with all of the following: 1048

(a) It is in the same form as the original certificate of 1049
title. 1050

(b) It displays the word "REPLICA" in black boldface 1051
letters on its face. 1052

(c) It includes the make, model, and model year of motor 1053
vehicle that the owner is intending the motor vehicle to 1054
replicate. 1055

(d) It includes the year the replica motor vehicle was 1056
constructed, assembled, or modified. 1057

(2) The registrar shall determine the exact location on 1058
the face of the certificate of title of the word "REPLICA," the 1059
make, model, and model year of motor vehicle the owner is 1060
intending to replicate, and the year the replica motor vehicle 1061
was constructed, assembled, or modified. The registrar shall 1062
develop an automated procedure within the automated title 1063
processing system for purposes of this section. 1064

(3) Every memorandum certificate of title or duplicate 1065
certificate of title issued for a replica motor vehicle for 1066
which a certificate of title has been issued under this section 1067
shall display the same information as is required under division 1068
(D) (1) of this section. 1069

Any subsequent certificate of title issued for a replica motor vehicle for which a certificate of title has been issued under this section shall display the same information as is required under division (D)(1) of this section. 1070
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(E)(1) The owner of a replica motor vehicle who titles that vehicle as a replica motor vehicle under this section shall obtain replica license plates and comply with the requirements of section 4503.183 of the Revised Code. 1074
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(2) The owner of a replica motor vehicle who does not title that motor vehicle as a replica motor vehicle under this section is not required to obtain replica motor vehicle license plates and comply with the requirements of section 4503.183 of the Revised Code. Such an owner is subject to the general registration requirements of Chapter 4503., the titling requirements of Chapter 4505., and the equipment requirements of Chapter 4513. of the Revised Code. 1078
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Sec. 4505.08. (A) When the clerk of a court of common pleas issues a physical certificate of title, the clerk shall issue the certificate of title on a form and in a manner prescribed by the registrar of motor vehicles. The clerk shall file a copy of the physical evidence for the creation of the certificate of title in a manner prescribed by the registrar. A clerk may retain digital images of documents used as evidence for issuance of a certificate of title. Certified printouts of documents retained as digital images shall have the same evidentiary value as the original physical documents. The record of the issuance of the certificate of title shall be maintained in the automated title processing system. The clerk shall sign and affix the clerk's seal to the original certificate of title and, if there are no liens on the motor vehicle, shall deliver 1086
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the certificate to the applicant or the selling dealer. If there 1100
are one or more liens on the motor vehicle, the certificate of 1101
title shall be delivered to the holder of the first lien or the 1102
selling dealer, who shall deliver the certificate of title to 1103
the holder of the first lien. 1104

The registrar shall prescribe a uniform method of 1105
numbering certificates of title, and such numbering shall be in 1106
such manner that the county of issuance is indicated. The clerk 1107
shall assign numbers to certificates of title in the manner 1108
prescribed by the registrar. The clerk shall file all 1109
certificates of title according to rules to be prescribed by the 1110
registrar, and the clerk shall maintain in the clerk's office 1111
indexes for the certificates of title. 1112

The clerk need not retain on file any current certificates 1113
of title, current duplicate certificates of title, current 1114
memorandum certificates of title, or current salvage 1115
certificates of title, or supporting evidence of them covering 1116
any motor vehicle or manufactured or mobile home for a period 1117
longer than seven years after the date of its filing; 1118
thereafter, the documents and supporting evidence may be 1119
destroyed. The clerk need not retain on file any inactive 1120
records, including certificates of title, duplicate certificates 1121
of title, or memorandum certificates of title, or supporting 1122
evidence of them, including the electronic record described in 1123
division (A) of section 4505.06 of the Revised Code, covering 1124
any motor vehicle or manufactured or mobile home for a period 1125
longer than five years after the date of its filing; thereafter, 1126
the documents and supporting evidence may be destroyed. 1127

The automated title processing system shall contain all 1128
active records and an index of the active records, a record and 1129

index of all inactive titles for ten years, and a record and 1130
index of all inactive titles for manufactured and mobile homes 1131
for thirty years. If the clerk provides a written copy of any 1132
information contained in the database, the copy shall be 1133
considered the original for purposes of the clerk certifying the 1134
record of the information for use in any legal proceeding. 1135

(B) (1) If the clerk issues a certificate of title for a 1136
motor vehicle that was last previously registered in another 1137
state, the clerk shall record verbatim, where practicable, in 1138
the space on the title described in division (B) (19) of section 1139
4505.07 of the Revised Code, the words that appear as a notation 1140
to the vehicle on the title issued by the previous state. These 1141
notations may include, but are not limited to, words to the 1142
effect that the vehicle was considered or was categorized by the 1143
state in which it was last previously registered to be a law 1144
enforcement vehicle or a taxicab or was once in a flood. 1145

(2) If the clerk, while issuing a certificate of title for 1146
a motor vehicle that was last previously registered in another 1147
state, receives information from the automated title processing 1148
system indicating that a title to the vehicle previously was 1149
issued by this state and that the previous title contained 1150
notations that appeared in the space described in division (B) 1151
(19) or (20) of section 4505.07 of the Revised Code, the clerk 1152
shall enter the notations that appeared on the previous 1153
certificate of title issued by this state on the new certificate 1154
of title in the space described in division (B) (19) or (20) of 1155
section 4505.07 of the Revised Code, irrespective of whether the 1156
notations appear on the certificate of title issued by the state 1157
in which the vehicle was last previously registered. 1158

(3) If the clerk, while issuing a certificate of title for 1159

a motor vehicle that was last previously registered in another 1160
state, receives information from the automated title processing 1161
system indicating that the vehicle was previously issued a title 1162
by this state and that the previous title bore the notation 1163
"REBUILT SALVAGE" as required by division (E) of section 4505.11 1164
of the Revised Code, or the previous title to the vehicle issued 1165
by this state was a salvage certificate of title, the clerk 1166
shall cause the certificate of title the clerk issues to bear 1167
the notation "REBUILT SALVAGE" in the location prescribed by the 1168
registrar pursuant to that division. 1169

(4) If the clerk, while issuing a certificate of title for 1170
a motor vehicle that was last previously registered in another 1171
state, receives information from the automated title processing 1172
system indicating that the vehicle was previously issued a title 1173
by this state and that the previous title included the notation 1174
"REPLICA" in accordance with section 4505.072 of the Revised 1175
Code, or the previous title to the vehicle issued by another 1176
state indicates that the vehicle is a replica motor vehicle, the 1177
clerk shall cause the certificate of title the clerk issues to 1178
display the notation "REPLICA" in the location prescribed by the 1179
registrar pursuant to that section. 1180

(C) When the clerk issues a certificate of title for a 1181
motor vehicle that was last previously registered in this state 1182
and was a law enforcement vehicle or a taxicab or was once in a 1183
flood, the clerk shall record that information in the space on 1184
the title described in division (B) (20) of section 4505.07 of 1185
the Revised Code. The registrar, by rule, may prescribe any 1186
additional uses of or happenings to a motor vehicle that the 1187
registrar has reason to believe should be noted on the 1188
certificate of title as provided in this division. 1189

(D) The clerk shall use reasonable care in recording or 1190
entering onto titles the clerk issues any notation and 1191
information the clerk is required by divisions (B) and (C) of 1192
this section to record or enter and in causing the titles the 1193
clerk issues to bear any notation required by those divisions, 1194
but the clerk is not liable for any of the clerk's errors or 1195
omissions or those of the clerk's deputies, or the automated 1196
title processing system, in the performance of the duties 1197
imposed on the clerk by this section. 1198

(E) The clerk may issue a duplicate title, when duly 1199
applied for, of any title that has been destroyed as herein 1200
provided. 1201

(F) Except as provided in section 4505.021 of the Revised 1202
Code, the clerk shall issue a physical certificate of title to 1203
an applicant unless the applicant specifically requests the 1204
clerk not to issue a physical certificate of title and instead 1205
to issue an electronic certificate of title. The fact that a 1206
physical certificate of title is not issued for a motor vehicle 1207
does not affect ownership of the vehicle. In that case, when the 1208
clerk completes the process of entering certificate of title 1209
application information into the automated title processing 1210
system, the effect of the completion of the process is the same 1211
as if the clerk actually issued a physical certificate of title 1212
for the motor vehicle. 1213

(G) An electronic motor vehicle dealer who applies for a 1214
certificate of title on behalf of a customer who purchases a 1215
motor vehicle from the dealer may print a non-negotiable 1216
evidence of ownership for the customer if the customer so 1217
requests. The authorization to print the non-negotiable evidence 1218
of ownership shall come from the clerk with whom the dealer 1219

makes application for the certificate of title for the customer, 1220
but the printing by the dealer does not create an agency 1221
relationship of any kind between the dealer and the clerk. 1222

(H) The owner of a motor vehicle may apply at any time to 1223
a clerk of a court of common pleas for a non-negotiable evidence 1224
of ownership for the motor vehicle. 1225

(I) In accordance with rules adopted by the registrar, a 1226
clerk may issue a certificate of title applied for by an agent 1227
of a licensed motor vehicle dealer when that agent has a 1228
properly executed power of attorney from the dealer. 1229

Sec. 4509.06. (A) ~~The driver of any motor vehicle which~~ 1230
Any person who is in any manner involved in a motor vehicle 1231
accident within six months of the accident, including as the 1232
driver of a motor vehicle, the owner of property, or any person 1233
sustaining bodily injury or property damage, may, within six 1234
months after the accident, forward a written report of the 1235
accident to the registrar of motor vehicles on a form prescribed 1236
by the registrar alleging that a driver or owner of any ~~other~~ 1237
vehicle involved in the accident was uninsured at the time of 1238
the accident. 1239

(B) Upon receipt of the accident report, the registrar 1240
shall send a notice by regular mail to the driver and owner 1241
alleged to be uninsured requiring the person to give evidence 1242
that the person had proof of financial responsibility in effect 1243
at the time of the accident. 1244

(C) Within thirty days after the mailing of the notice by 1245
the registrar, the driver of the vehicle alleged to be uninsured 1246
shall forward a report together with acceptable proof of 1247
financial responsibility to the registrar in a form prescribed 1248

by the registrar. The forwarding of the report by the owner of 1249
the motor vehicle involved in the accident is deemed compliance 1250
with this section by the driver. This section does not change or 1251
modify the duties of the driver or operator of a motor vehicle 1252
as set forth in section 4549.02 of the Revised Code. 1253

Sec. 4509.70. (A) After consultation with the insurance 1254
companies authorized to issue automobile liability or physical 1255
damage policies, or both, in this state, the superintendent of 1256
insurance shall approve a reasonable plan, fair and equitable to 1257
the insurers and to their policyholders, for the apportionment 1258
among such companies of applicants for such policies and for 1259
motor-vehicle liability policies who are in good faith entitled 1260
to but are unable to procure such policies through ordinary 1261
methods. When any such plan has been approved by the 1262
superintendent, all such insurance companies shall subscribe and 1263
participate. Any applicant for such policy, any person insured 1264
under such plan of operation, and any insurance company 1265
affected, may appeal to the superintendent of insurance from any 1266
ruling or decision of the manager or committee designated in the 1267
plan to operate the assigned risk insurance plan. Any order or 1268
act of the superintendent under this section is subject to 1269
review as provided in sections 119.01 to 119.13 of the Revised 1270
Code, at the instance of any party in interest. 1271

(B) The plan described in division (A) of this section may 1272
permit the assigned risk insurance plan to directly issue and 1273
process claims arising from such policies described in division 1274
(A) of this section to applicants of automobile insurance 1275
policies who are in good faith entitled to but are unable to 1276
procure such policies through ordinary methods. 1277

(C) Every form of a policy, endorsement, rider, manual of 1278

classifications, rules, and rates, every rating plan, and every 1279
modification of any of them proposed to be used by the assigned 1280
risk insurance plan shall be filed, or the plan may satisfy its 1281
obligation to make such filings, as described in section 3937.03 1282
of the Revised Code. 1283

(D) Any automobile insurance policy issued by the assigned 1284
risk insurance plan under division (B) of this section: 1285

(1) Shall be recognized as if issued by an insurance 1286
company authorized to do business in this state; 1287

(2) Shall meet all requirements of proof of financial 1288
responsibility as described in division (K) of section 4509.01 1289
of the Revised Code. 1290

(E) Proof of financial responsibility provided by the 1291
assigned risk insurance plan to an automobile insurance 1292
policyholder that meets the requirements described in division 1293
(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 1294
be recognized as if issued by an insurance company authorized to 1295
do business in this state to demonstrate proof of financial 1296
responsibility under section 4509.101 of the Revised Code. 1297

(F) The assigned risk insurance plan designated in 1298
division (A) of this section shall do both of the following: 1299

(1) Make annual audited financial reports available to the 1300
superintendent of insurance promptly upon the completion of such 1301
audit; 1302

(2) Upon reasonable notice, make available to the 1303
superintendent of insurance all books and records relating to 1304
the insurance transactions of the assigned risk insurance plan. 1305

(G) (1) Except as provided in division (G) (2) of this 1306

section, records created, held by, or pertaining to the assigned 1307
risk insurance plan are not public records under section 149.43 1308
of the Revised Code, are confidential, and are not subject to 1309
inspection or disclosure. 1310

(2) Division (G) (1) of this section does not apply to the 1311
plan of operation and other information required to be filed 1312
under this section with the superintendent unless otherwise 1313
prohibited from release by law. 1314

(H) (1) For the purposes of division (H) of this section, 1315
"insurance agent" has the same meaning as in section 3905.01 of 1316
the Revised Code. 1317

(2) Provided that the assigned risk insurance plan 1318
establishes registration procedures for insurance agents under 1319
division (H) (3) of this section, the plan shall not accept an 1320
application for an automobile insurance policy issued under 1321
division (B) of this section unless that application is 1322
submitted through an insurance agent registered in accordance 1323
with those procedures. 1324

(3) The plan may do all of the following: 1325

(a) Establish procedures to register insurance agents; 1326

(b) Establish separate registrations for commercial and 1327
personal insurance agents, or one registration for both; 1328

(c) Empower the manager of the plan to make determinations 1329
on registration status, including by revoking an insurance 1330
agent's registration. 1331

(4) If an insurance agent is denied registration with the 1332
plan, or the insurance agent's registration is revoked, the plan 1333
may notify the superintendent of the plan's decision. The plan 1334

and manager are immune from civil liability for any decision to 1335
deny or revoke registration and from any decision to report 1336
denials or revocations to the superintendent. 1337

(5) All insurance agents submitting applications to the 1338
plan for automobile insurance coverage have an affirmative duty 1339
to ensure that all information included in the application and 1340
any supporting materials is true and accurate. 1341

(6) (a) An insurance agent shall not submit an application 1342
to the plan for automobile insurance coverage unless the agent 1343
exercises due diligence in confirming that the person seeking 1344
insurance is unable to obtain coverage through an insurer 1345
authorized to do business in this state. 1346

(b) For the purposes of this section, due diligence 1347
requires an insurance agent to contact at least five of the 1348
authorized insurers the agent represents or, if the agent does 1349
not represent five authorized insurers that customarily write 1350
automobile insurance coverage, as many of such insurers as the 1351
agent represents. 1352

(c) An insurance agent may assume that insurance coverage 1353
cannot be procured for the applicant through ordinary methods 1354
after each insurer contacted under division (H) (6) (b) of this 1355
section declines to provide coverage. 1356

(d) An insurance agent may assume that an authorized 1357
insurer declines to provide coverage to the applicant seeking 1358
insurance upon either of the following: 1359

(i) Receiving notice from the insurer declining coverage; 1360

(ii) Receiving no response from the insurer within ten 1361
days after the date the insurance agent initially makes contact 1362
with the insurer. 1363

(e) The determination of whether an insurance agent has 1364
adequately complied with the due diligence requirements is at 1365
the discretion of the manager of the plan. 1366

(f) An agent shall not submit an application on behalf of 1367
an applicant to the plan for any automobile insurance policy if 1368
any insurer admitted, authorized, or otherwise eligible to do 1369
business in this state has in any way communicated a willingness 1370
to insure the applicant, even if coverage provided by the plan 1371
costs less than other insurers. 1372

(g) The manager of the plan may revoke the registration of 1373
an insurance agent who fails to comply with division (H) (6) of 1374
this section. 1375

Sec. 4513.071. (A) Every motor vehicle, trailer, 1376
semitrailer, and pole trailer when operated upon a highway shall 1377
be equipped with two or more stop lights, except that passenger 1378
cars manufactured or assembled prior to January 1, 1967, 1379
motorcycles, and motor-driven cycles shall be equipped with at 1380
least one stop light. Stop lights shall be mounted on the rear 1381
of the vehicle, actuated upon application of the service brake, 1382
and may be incorporated with other rear lights. Such stop lights 1383
when actuated shall emit a red light visible from a distance of 1384
five hundred feet to the rear, provided that in the case of a 1385
train of vehicles only the stop lights on the rear-most vehicle 1386
need be visible from the distance specified. 1387

Such stop lights when actuated shall give a steady warning 1388
light to the rear of a vehicle or train of vehicles to indicate 1389
the intention of the operator to diminish the speed of or stop a 1390
vehicle or train of vehicles. 1391

When stop lights are used as required by this section, 1392

they shall be constructed or installed so as to provide adequate 1393
and reliable illumination and shall conform to the appropriate 1394
rules and regulations established under section 4513.19 of the 1395
Revised Code. 1396

~~Historical~~ A historical motor vehicles as defined in 1397
section 4503.181 of the Revised Code, vehicle that was not 1398
originally manufactured with stop lights, are or a replica motor 1399
vehicle that replicates a motor vehicle that was not originally 1400
manufactured with stop lights is not subject to this section. 1401

(B) Whoever violates this section is guilty of a minor 1402
misdemeanor. 1403

(C) As used in this section, "replica motor vehicle" means 1404
a replica motor vehicle for which a certificate of title is 1405
issued under section 4505.072 of the Revised Code. 1406

Sec. 4513.38. (A) No person shall be prohibited from 1407
owning or operating a licensed collector's vehicle ~~or,~~ 1408
historical motor vehicle, or replica motor vehicle that is 1409
equipped with a feature of design, type of material, or article 1410
of equipment that was not in violation of any motor vehicle 1411
equipment law of this state or of its political subdivisions in 1412
effect during the calendar year the vehicle was manufactured or 1413
the calendar year that it replicates, and no licensed 1414
collector's vehicle ~~or,~~ historical motor vehicle, or replica 1415
motor vehicle shall be prohibited from displaying or using any 1416
such feature of design, type of material, or article of 1417
equipment. 1418

No person shall be prohibited from owning or operating a 1419
licensed collector's vehicle ~~or,~~ historical motor vehicle, or 1420
replica motor vehicle for failing to comply with an equipment 1421

provision contained in Chapter 4513. of the Revised Code or in 1422
any state rule that was enacted or adopted in a year subsequent 1423
to that in which the vehicle was manufactured or the calendar 1424
year that it replicates, and no licensed collector's vehicle ~~or,~~ 1425
historical motor vehicle, or replica motor vehicle shall be 1426
required to comply with an equipment provision enacted into 1427
Chapter 4513. of the Revised Code or adopted by state rule 1428
subsequent to the calendar year in which it was manufactured or 1429
the calendar year that it replicates. No political subdivision 1430
shall require an owner of a licensed collector's vehicle ~~or,~~ 1431
historical motor vehicle, or replica motor vehicle to comply 1432
with equipment provisions contained in laws or rules that were 1433
enacted or adopted subsequent to the calendar year in which the 1434
vehicle was manufactured or the calendar year that it 1435
replicates, and no political subdivision shall prohibit the 1436
operation of a licensed collector's vehicle ~~or,~~ historical motor 1437
vehicle, or replica motor vehicle for failure to comply with any 1438
such equipment laws or rules. 1439

(B) As used in this section, "replica motor vehicle" means 1440
a replica motor vehicle for which a certificate of title is 1441
issued under section 4505.072 of the Revised Code. 1442

Sec. 4513.41. (A) No owner of a licensed collector's 1443
vehicle, a historical motor vehicle, a replica motor vehicle, or 1444
a collector's vehicle that is an agricultural tractor or 1445
traction engine shall be required to comply with an emission, 1446
noise control, or fuel usage provision contained in a law or 1447
rule of this state or its political subdivisions that was 1448
enacted or adopted subsequent to the calendar year in which the 1449
vehicle was manufactured or the calendar year that it 1450
replicates. 1451

(B) No person shall be prohibited from operating a 1452
licensed collector's vehicle, a historical motor vehicle, a 1453
replica motor vehicle, or a collector's vehicle that is an 1454
agricultural tractor or traction engine for failing to comply 1455
with an emission, noise control, or fuel usage law or rule of 1456
this state or its political subdivisions that was enacted or 1457
adopted subsequent to the calendar year in which his vehicle was 1458
manufactured or the calendar year that it replicates. 1459

(C) Except as provided in section 4505.061 of the Revised 1460
Code, no person shall be required to submit ~~his~~ the person's 1461
collector's vehicle to a physical inspection prior to or in 1462
connection with an issuance of title to, or the sale or transfer 1463
of ownership of such vehicle, except that a police officer may 1464
inspect it to determine ownership. 1465

In accordance with section 1.51 of the Revised Code, this 1466
section shall, without exception, prevail over any special or 1467
local provision of the Revised Code that requires owners or 1468
operators of collector's vehicles to comply with standards of 1469
emission, noise, fuel usage, or physical condition in connection 1470
with an issuance of title to, or the sale or transfer of 1471
ownership of such vehicle or part thereof. 1472

(D) As used in this section, "replica motor vehicle" means 1473
a replica motor vehicle for which a certificate of title is 1474
issued under section 4505.072 of the Revised Code. 1475

Sec. 4729.362. (A) (1) Except as provided in division (B) 1476
of this section, prior to selling a dangerous drug at retail, a 1477
licensed terminal distributor of dangerous drugs shall provide 1478
notice, in the manner specified in division (A) (2) of this 1479
section, that a prescription reader can be made available. If 1480
the person purchasing the drug requests a prescription reader, 1481

the terminal distributor shall provide a prescription reader for 1482
at least the duration of the prescription. 1483

(2) A licensed terminal distributor shall provide the 1484
notice required by division (A)(1) of this section as follows: 1485

(a) For in-person transactions, the notice shall be 1486
provided to the purchaser of the drug if the licensed terminal 1487
distributor has reason to believe that the purchaser is blind or 1488
visually impaired or is purchasing the drug on behalf of a 1489
patient who is blind or visually impaired. 1490

(b) For transactions in which the drug will be delivered 1491
to a patient by mail, parcel post, or common carrier, the notice 1492
shall be provided to the person purchasing the drug. 1493

(B) This section does not apply in either of the following 1494
circumstances: 1495

(1) When the drug is personally furnished by a licensed 1496
health professional authorized to prescribe drugs; 1497

(2) When the licensed terminal distributor dispensing the 1498
drug is any of the following: 1499

(a) An institutional pharmacy; 1500

(b) A pharmacy participating in the drug repository 1501
program pursuant to section 3715.871 of the Revised Code, but 1502
only if the drug being dispensed was donated or given under the 1503
program; 1504

(c) A pharmacy in a jail, state correctional institution, 1505
federal correctional facility or complex, or juvenile detention 1506
facility; 1507

(d) A pharmacy operated by a government entity. 1508

(C) This section does not affect any law relative to 1509
labeling requirements for drugs. 1510

(D) As used in this section: 1511

(1) "Dangerous drug" has the same meaning as set forth in 1512
division (F) of section 4729.01 of the Revised Code. 1513

(2) "Institutional pharmacy" means a pharmacy that is part 1514
of or is operated in conjunction with any of the following 1515
health care facilities: an ambulatory surgical facility, nursing 1516
home, residential care facility, freestanding rehabilitation 1517
facility, hospice care program, home and community-based 1518
services provider, or residential facility for individuals with 1519
mental illness or developmental disabilities. "Institutional 1520
pharmacy" includes both of the following: 1521

(a) A pharmacy on the premises of a health care facility 1522
identified in division (D) (2) of this section that provides a 1523
system of distributing and supplying medication to the facility 1524
or its patients, whether or not operated by the facility; 1525

(b) A pharmacy off the premises of a health care facility 1526
identified in division (D) (2) of this section that provides 1527
services only to patients of one or more health care facilities. 1528

(3) "Terminal distributor of dangerous drugs" has the same 1529
meaning as set forth in division (Q) of section 4729.01 of the 1530
Revised Code, and specifically includes retail pharmacies, as 1531
well as mail-order or other pharmacies that deliver dangerous 1532
drugs by mail, parcel post, or common carrier. 1533

(4) "Prescription reader" means a device that audibly 1534
conveys the information that is required by law or rule to be 1535
contained on a label affixed to the container in which a 1536
dangerous drug is dispensed for a patient who is visually 1537

impaired or otherwise would have difficulty reading the label. 1538
The information to be audibly conveyed shall include any 1539
cautions that may be required by federal and state law and any 1540
information regarding drug interactions, contraindications, and 1541
side effects that are also provided to sighted patients and 1542
patients who have no difficulty reading the label. 1543

Sec. 5164.093. (A) The medicaid program shall cover 1544
prescription readers provided by a licensed terminal distributor 1545
of dangerous drugs pursuant to section 4729.362 of the Revised 1546
Code. 1547

(B) As used in this section, "prescription reader" has the 1548
same meaning as in section 4729.362 of the Revised Code. 1549

Sec. 5167.12. If prescribed drugs are included in the care 1550
management system: 1551

(A) Medicaid MCO plans may include strategies for the 1552
management of drug utilization, but any such strategies are 1553
subject to the limitations and requirements of this section and 1554
the approval of the department of medicaid. 1555

(B) A medicaid MCO plan shall not impose a prior 1556
authorization requirement in the case of a drug to which all of 1557
the following apply: 1558

(1) The drug is an antidepressant or antipsychotic. 1559

(2) The drug is administered or dispensed in a standard 1560
tablet or capsule form, except that in the case of an 1561
antipsychotic, the drug also may be administered or dispensed in 1562
a long-acting injectable form. 1563

(3) The drug is prescribed by any of the following: 1564

(a) A physician who has registered the physician's 1565

psychiatric specialty with the department; 1566

(b) A psychiatrist who is practicing at a location on 1567
behalf of a community mental health services provider whose 1568
mental health services are certified by the department of mental 1569
health and addiction services under section 5119.36 of the 1570
Revised Code; 1571

(c) A certified nurse practitioner, as defined in section 1572
4723.01 of the Revised Code, who is certified in psychiatric 1573
mental health by a national certifying organization approved by 1574
the board of nursing under section 4723.46 of the Revised Code; 1575

(d) A clinical nurse specialist, as defined in section 1576
4723.01 of the Revised Code, who is certified in psychiatric 1577
mental health by a national certifying organization approved by 1578
the board of nursing under section 4723.46 of the Revised Code. 1579

(4) The drug is prescribed for a use that is indicated on 1580
the drug's labeling, as approved by the federal food and drug 1581
administration. 1582

(C) The department shall authorize a medicaid MCO plan to 1583
include a pharmacy utilization management program under which 1584
prior authorization through the program is established as a 1585
condition of obtaining a controlled substance pursuant to a 1586
prescription. 1587

(D) Each medicaid managed care organization and medicaid 1588
MCO plan shall comply with sections 5164.091, 5164.093, 5164.10, 1589
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if 1590
the organization were the department and the plan were the 1591
medicaid program. 1592

Section 2. That existing sections 1317.05, 1317.06, 1593
3905.426, 4501.01, 4503.21, 4505.08, 4509.06, 4509.70, 4513.071, 1594

4513.38, 4513.41, and 5167.12 of the Revised Code are hereby 1595
repealed. 1596

Section 3. Section 3902.64 of the Revised Code, as enacted 1597
by this act, applies only to health benefit plans, as defined in 1598
section 3922.01 of the Revised Code, delivered, issued for 1599
delivery, modified, or renewed in this state on or after the 1600
effective date of this section. 1601

Section 4. The enactment by this act of section 3902.63 of 1602
the Revised Code shall be known as Madeline's Law. 1603