

**As Reported by the Senate Transportation, Commerce and Labor  
Committee**

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**Sub. H. B. No. 53**

**Representative Grossman**

**Cosponsors: Representatives Smith, R., Cera, Sears, Scherer, Green,  
Perales, Burkley, Sprague, Reece, Amstutz, Anielski, Antonio, Baker, Barnes,  
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Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips,  
Reineke, Rezabek, Rogers, Ruhl, Ryan, Sheehy, Slesnick, Smith, K.,  
Strahorn, Terhar, Thompson, Young, Speaker Rosenberger**

**Senator Manning**

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**A B I L L**

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5537.99, 5543.22, 5577.044, 5705.19, 5728.08,	29
5735.23, 5735.26, 5735.291, 5735.30, and 5739.02;	30
to amend, for the purpose of adopting new section	31
numbers as indicated in parentheses, sections	32
4981.01 (5501.57), 4981.02 (5501.58), 4981.03	33
(5501.581), 4981.031 (5501.59), 4981.032	34
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(5501.655), 4981.34 (5501.656), 4981.35 48  
(5501.601), and 4981.40 (5501.602); to enact 49  
sections 4503.111, 4503.86, 4507.213, 4508.11, 50  
4511.351, 4513.70, 5501.08, 5501.491, 5516.15, 51  
5531.30, and 5533.261; and to repeal sections 52  
4501.19, 4501.28, 4981.20, 4981.21, 5502.131, 53  
5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 54  
5528.38, and 5528.39 of the Revised Code and to 55  
amend Sections 729.10 and 729.11 of Am. Sub. H.B. 56  
483 of the 130th General Assembly and Section 57  
227.10 of Am. H.B. 497 of the 130th General 58  
Assembly to make appropriations for programs 59  
related to transportation and public safety for 60  
the biennium beginning July 1, 2015, and ending 61  
June 30, 2017, and to provide authorization and 62  
conditions for the operation of those programs; 63  
and to amend the versions of sections 4501.01 and 64  
4507.11 of the Revised Code that are scheduled to 65  
take effect January 1, 2017, to continue the 66  
provisions of this act on and after that effective 67  
date. 68

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

**Section 101.01.** That sections 122.14, 125.834, 126.06, 69  
126.11, 127.14, 163.06, 163.09, 163.15, 163.21, 164.05, 166.25, 70  
307.202, 505.69, 717.01, 1548.07, 2953.36, 2953.61, 3772.10, 71  
4117.10, 4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 72  
4501.11, 4501.21, 4501.26, 4501.34, 4503.04, 4503.102, 4503.103, 73  
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4503.544, 4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 75  
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4506.15, 4506.16, 4506.17, 4506.20, 4506.21, 4507.03, 4507.071, 77

4507.11, 4507.21, 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 78  
4508.06, 4508.10, 4509.05, 4509.101, 4509.81, 4511.01, 4511.21, 79  
4511.213, 4511.53, 4511.69, 4513.263, 4513.60, 4513.601, 4513.61, 80  
4513.68, 4513.69, 4517.03, 4517.10, 4519.63, 4582.06, 4582.31, 81  
4749.07, 4921.25, 4981.01, 4981.02, 4981.03, 4981.031, 4981.032, 82  
4981.033, 4981.04, 4981.05, 4981.06, 4981.07, 4981.08, 4981.09, 83  
4981.091, 4981.10, 4981.11, 4981.12, 4981.13, 4981.131, 4981.14, 84  
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4981.33, 4981.34, 4981.40, 5501.03, 5501.55, 5501.56, 5502.03, 87  
5502.39, 5502.67, 5512.05, 5512.07, 5519.01, 5528.31, 5528.40, 88  
5531.08, 5534.04, 5537.16, 5537.35, 5537.99, 5543.22, 5577.044, 89  
5705.19, 5728.08, 5735.23, 5735.26, 5735.291, 5735.30, and 5739.02 90  
be amended; sections 4981.01 (5501.57), 4981.02 (5501.58), 4981.03 91  
(5501.581), 4981.031 (5501.59), 4981.032 (5501.591), 4981.033 92  
(5501.592), 4981.04 (5501.60), 4981.05 (5501.593), 4981.06 93  
(5501.61), 4981.07 (5501.611), 4981.08 (5501.612), 4981.09 94  
(5501.66), 4981.091 (5501.661), 4981.10 (5501.613), 4981.11 95  
(5501.64), 4981.12 (5501.641), 4981.13 (5501.642), 4981.131 96  
(5501.643), 4981.14 (5501.582), 4981.15 (5501.644), 4981.16 97  
(5501.645), 4981.17 (5501.646), 4981.18 (5501.647), 4981.19 98  
(5501.648), 4981.22 (5501.649), 4981.24 (5501.614), 4981.25 99  
(5501.62), 4981.26 (5501.63), 4981.28 (5501.65), 4981.29 100  
(5501.651), 4981.30 (5501.652), 4981.31 (5501.653), 4981.32 101  
(5501.654), 4981.33 (5501.655), 4981.34 (5501.656), 4981.35 102  
(5501.601), and 4981.40 (5501.602) be amended for the purpose of 103  
adopting new section numbers as indicated in parentheses; and 104  
sections 4503.111, 4503.86, 4507.213, 4508.11, 4511.351, 4513.70, 105  
5501.08, 5501.491, 5516.15, 5531.30, and 5533.261 of the Revised 106  
Code be enacted to read as follows: 107

**Sec. 122.14.** There is hereby created in the state treasury 108

the roadwork development fund. The fund shall consist of the 109  
investment earnings of the security deposit fund created by 110  
section 4509.27 of the Revised Code and revenue transferred to it 111  
by the director of budget and management from the highway 112  
operating fund created in section 5735.291 of the Revised Code. 113  
The fund shall be used by the ~~department of~~ development services 114  
agency in accordance with Section 5a of Article XII, Ohio 115  
Constitution, to make road improvements associated with retaining 116  
or attracting business for this state, including the construction, 117  
reconstruction, maintenance, or repair of public roads that 118  
provide access to a public airport or are located within a public 119  
airport. All investment earnings of the fund shall be credited to 120  
the fund. 121

**Sec. 125.834.** (A) The department of administrative services 122  
shall ensure that all new motor vehicles acquired ~~on and after~~ 123  
~~July 1, 2006,~~ by the state for use by state agencies under section 124  
125.832 of the Revised Code are capable of using alternative 125  
fuels. A state agency that is acquiring new motor vehicles under 126  
division (G)(1) of section 125.832 of the Revised Code shall 127  
report annually, in a manner prescribed by the director of 128  
administrative services, the number of new motor vehicles acquired 129  
by the state agency and the number of those motor vehicles that 130  
are capable of using alternative fuel. 131

(B) The department shall not purchase or lease, or authorize 132  
the purchase or lease by a state agency of, any motor vehicles 133  
that are incapable of using alternative fuels, unless one or more 134  
of the following apply: 135

(1) The department or state agency is unable to acquire or 136  
operate motor vehicles within the cost limitations described in 137  
rules adopted under division (D) of this section. 138

(2) The use of alternative fuels would not meet the energy 139

conservation and exhaust emissions criteria described in rules 140  
adopted under division (D) of this section. 141

(3) An emergency exists or exigent circumstances exist, as 142  
determined by the department of administrative services. 143

(C) ~~Not later than ninety days after October 12, 2006, all~~ 144  
All motor vehicles owned or leased by the state that are capable 145  
of using an alternative fuel shall use an alternative fuel if the 146  
fuel is reasonably available at a reasonable price. ~~Subject to~~ 147  
~~division (D) of this section, motor vehicles owned or leased by~~ 148  
~~the state shall use at least sixty thousand gallons of E85 blend~~ 149  
~~fuel per calendar year by January 1, 2007, with an increase of~~ 150  
~~five thousand gallons per calendar year each calendar year~~ 151  
~~thereafter, and at least one million gallons of blended biodiesel~~ 152  
~~per calendar year by January 1, 2007, with an increase of one~~ 153  
~~hundred thousand gallons per calendar year each calendar year~~ 154  
~~thereafter.~~ The director of administrative services, under Chapter 155  
119. of the Revised Code, shall adopt rules to implement the fuel 156  
use requirement of this division, and the directors and heads of 157  
all state departments and agencies shall issue a directive to all 158  
state employees who use state motor vehicles informing them of the 159  
fuel use requirement. The directive shall instruct state employees 160  
to purchase alternative fuels at retail fuel facilities whenever 161  
possible. 162

As used in this division, "motor vehicle" has the same 163  
meaning as in section 125.831 of the Revised Code and also 164  
includes all on-road and off-road vehicles powered by diesel fuel, 165  
regardless of gross vehicle weight. 166

(D) The director of administrative services shall adopt and 167  
may amend, under Chapter 119. of the Revised Code, rules that 168  
include both of the following: 169

(1) Requirements for state agencies in the procurement of 170

alternative fuels and motor vehicles capable of using alternative 171  
fuels, and cost limitations for the acquisition and operation of 172  
such vehicles; 173

(2) Energy conservation and exhaust emissions criteria for 174  
motor vehicles capable of using alternative fuels. 175

**Sec. 126.06.** The total operating fund consists of all funds 176  
in the state treasury except the auto registration distribution 177  
fund, local motor vehicle license tax fund, development bond 178  
retirement fund, facilities establishment fund, gasoline excise 179  
tax fund, higher education improvement fund, highway improvement 180  
bond retirement fund, ~~highway obligations bond retirement fund,~~ 181  
highway capital improvement fund, improvements bond retirement 182  
fund, mental health facilities improvement fund, parks and 183  
recreation improvement fund, public improvements bond retirement 184  
fund, school district income tax fund, state agency facilities 185  
improvement fund, state and local government highway distribution 186  
fund, state highway safety fund, Vietnam conflict compensation 187  
fund, any other fund determined by the director of budget and 188  
management to be a bond fund or bond retirement fund, and such 189  
portion of the highway operating fund as is determined by the 190  
director of budget and management and the director of 191  
transportation to be restricted by Section 5a of Article XII, Ohio 192  
Constitution. 193

When determining the availability of money in the total 194  
operating fund to pay claims chargeable to a fund contained within 195  
the total operating fund, the director of budget and management 196  
shall use the same procedures and criteria the director employs in 197  
determining the availability of money in a fund contained within 198  
the total operating fund. The director may establish limits on the 199  
negative cash balance of the general revenue fund within the total 200  
operating fund, but in no case shall the negative cash balance of 201

the general revenue fund exceed ten per cent of the total revenue 202  
of the general revenue fund in the preceding fiscal year. 203

**Sec. 126.11.** (A)(1) The director of budget and management 204  
shall, upon consultation with the treasurer of state, coordinate 205  
and approve the scheduling of initial sales of publicly offered 206  
securities of the state and of publicly offered fractionalized 207  
interests in or securitized issues of public obligations of the 208  
state. The director shall from time to time develop and distribute 209  
to state issuers an approved sale schedule for each of the 210  
obligations covered by division (A) or (B) of this section. 211  
Division (A) of this section applies only to those obligations on 212  
which the state or a state agency is the direct obligor or obligor 213  
on any backup security or related credit enhancement facility or 214  
source of money subject to state appropriations that is intended 215  
for payment of those obligations. 216

(2) The issuers of obligations pursuant to section 151.03, 217  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 218  
Revised Code shall submit to the director: 219

(a) For review and approval: the projected sale date, amount, 220  
and type of obligations proposed to be sold; their purpose, 221  
security, and source of payment; the proposed structure and 222  
maturity schedule; the trust agreement and any supplemental 223  
agreements; and any credit enhancement facilities or interest rate 224  
hedges for the obligations; 225

(b) For review and comment: the authorizing order or 226  
resolution; preliminary and final offering documents; method of 227  
sale; preliminary and final pricing information; and any written 228  
reports or recommendations of financial advisors or consultants 229  
relating to those obligations; 230

(c) Promptly after each sale of those obligations: final 231  
terms, including sale price, maturity schedule and yields, and 232



sources and uses; names of the original purchasers or 233  
underwriters; a copy of the final offering document and of the 234  
transcript of proceedings; and any other pertinent information 235  
requested by the director. 236

(3) The issuer of obligations pursuant to section 151.06 or 237  
151.40 or Chapter 154. of the Revised Code shall submit to the 238  
director: 239

(a) For review and mutual agreement: the projected sale date, 240  
amount, and type of obligations proposed to be sold; their 241  
purpose, security, and source of payment; the proposed structure 242  
and maturity schedule; the trust agreement and any supplemental 243  
agreements; and any credit enhancement facilities or interest rate 244  
hedges for the obligations; 245

(b) For review and comment: the authorizing order or 246  
resolution; preliminary and final offering documents; method of 247  
sale; preliminary and final pricing information; and any written 248  
reports or recommendations of financial advisors or consultants 249  
relating to those obligations; 250

(c) Promptly after each sale of those obligations: final 251  
terms, including sale price, maturity schedule and yields, and 252  
sources and uses; names of the original purchasers or 253  
underwriters; a copy of the final offering document and of the 254  
transcript of proceedings; and any other pertinent information 255  
requested by the director. 256

(4) The issuers of obligations pursuant to Chapter 166., 257  
~~4981.7~~ 5540., or 6121., ~~or~~ section 5531.10, or sections 5501.57 to 258  
5501.661 of the Revised Code shall submit to the director: 259

(a) For review and comment: the projected sale date, amount, 260  
and type of obligations proposed to be sold; the purpose, 261  
security, and source of payment; and preliminary and final 262  
offering documents; 263

(b) Promptly after each sale of those obligations: final 264  
terms, including a maturity schedule; names of the original 265  
purchasers or underwriters; a copy of the complete continuing 266  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 267  
rule as from time to time in effect; and any other pertinent 268  
information requested by the director. 269

(5) Not later than thirty days after the end of a fiscal 270  
year, each issuer of obligations subject to divisions (A) and (B) 271  
of this section shall submit to the director and to the treasurer 272  
of state a sale plan for the then current fiscal year for each 273  
type of obligation, projecting the amount and term of each 274  
issuance, the method of sale, and the month of sale. 275

(B) Issuers of obligations pursuant to section 3318.085 or 276  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 277  
Code shall submit to the director copies of the preliminary and 278  
final offering documents upon their availability if not previously 279  
submitted pursuant to division (A) of this section. 280

(C) Not later than the first day of January of each year, 281  
every state agency obligated to make payments on outstanding 282  
public obligations with respect to which fractionalized interests 283  
have been publicly issued, such as certificates of participation, 284  
shall submit a report to the director of the amounts payable from 285  
state appropriations under those public obligations during the 286  
then current and next two fiscal years, identifying the 287  
appropriation or intended appropriation from which payment is 288  
expected to be made. 289

(D)(1) Information relating generally to the historic, 290  
current, or future demographics or economy or financial condition 291  
or funds or general operations of the state, and descriptions of 292  
any state contractual obligations relating to public obligations, 293  
to be contained in any offering document, continuing disclosure 294  
document, or written presentation prepared, approved, or provided, 295

or committed to be provided, by an issuer in connection with the 296  
original issuance and sale of, or rating, remarketing, or credit 297  
enhancement facilities relating to, public obligations referred to 298  
in division (A) of this section shall be approved as to format and 299  
accuracy by the director before being presented, published, or 300  
disseminated in preliminary, draft, or final form, or publicly 301  
filed in paper, electronic, or other format. 302

(2) Except for information described in division (D)(1) of 303  
this section that is to be contained in an offering document, 304  
continuing disclosure document, or written presentation, division 305  
(D)(1) of this section does not inhibit direct communication 306  
between an issuer and a rating agency, remarketing agent, or 307  
credit enhancement provider concerning an issuance of public 308  
obligations referred to in division (A) of this section or matters 309  
associated with that issuance. 310

(3) The materials approved and provided pursuant to division 311  
(D) of this section are the information relating to the particular 312  
subjects provided by the state or state agencies that are required 313  
or contemplated by any applicable state or federal securities laws 314  
and any commitments by the state or state agencies made under 315  
those laws. Reliance for the purpose should not be placed on any 316  
other information publicly provided, in any format including 317  
electronic, by any state agency for other purposes, including 318  
general information provided to the public or to portions of the 319  
public. A statement to that effect shall be included in those 320  
materials so approved or provided. 321

(E) Issuers of obligations referred to in division (A) of 322  
this section may take steps, by formal agreement, covenants in the 323  
proceedings, or otherwise, as may be necessary or appropriate to 324  
comply or permit compliance with applicable lawful disclosure 325  
requirements relating to those obligations, and may, subject to 326  
division (D) of this section, provide, make available, or file 327

copies of any required disclosure materials as necessary or 328  
appropriate. Any such formal agreement or covenant relating to 329  
subjects referred to in division (D) of this section, and any 330  
description of that agreement or covenant to be contained in any 331  
offering document, shall be approved by the director before being 332  
entered into or published or publicly disseminated in preliminary, 333  
draft, or final form or publicly filed in paper, electronic, or 334  
other format. The director shall be responsible for making all 335  
filings in compliance with those requirements relating to direct 336  
obligations of the state, including fractionalized interests in 337  
those obligations. 338

(F) No state agency or official shall, without the approval 339  
of the director of budget and management and either the general 340  
assembly or the state controlling board, do either of the 341  
following: 342

(1) Enter into or commit to enter into a public obligation 343  
under which fractionalized interests in the payments are to be 344  
publicly offered, which payments are anticipated to be made from 345  
money from any source appropriated or to be appropriated by the 346  
general assembly or in which the provision stated in section 9.94 347  
of the Revised Code is not included; 348

(2) Except as otherwise expressly authorized for the purpose 349  
by law, agree or commit to provide, from money from any source to 350  
be appropriated in the future by the general assembly, financial 351  
assistance to or participation in the costs of capital facilities, 352  
or the payment of debt charges, directly or by way of a credit 353  
enhancement facility, a reserve, rental payments, or otherwise, on 354  
obligations issued to pay costs of capital facilities. 355

(G) As used in this section, "interest rate hedge" has the 356  
same meaning as in section 9.98 of the Revised Code; "credit 357  
enhancement facilities," "debt charges," "fractionalized interests 358  
in public obligations," "obligor," "public issuer," and 359

"securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.

**Sec. 127.14.** The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act:

(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly;

(B) Transfers of all or part of an appropriation from one fiscal year to another;

(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;

(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been credited in the absence of the fund from which the transfers are

authorized to be made, except that the controlling board may not	391
authorize such transfers from the accrued leave liability fund,	392
auto registration distribution fund, local motor vehicle license	393
tax fund, budget stabilization fund, building improvement fund,	394
development bond retirement fund, facilities establishment fund,	395
gasoline excise tax fund, general revenue fund, higher education	396
improvement fund, highway improvement bond retirement fund,	397
<del>highway obligations bond retirement fund,</del> highway capital	398
improvement fund, highway operating fund, horse racing tax fund,	399
improvements bond retirement fund, public library fund, liquor	400
control fund, local government fund, local transportation	401
improvement program fund, medicaid reserve fund, mental health	402
facilities improvement fund, Ohio fairs fund, parks and recreation	403
improvement fund, public improvements bond retirement fund, school	404
district income tax fund, state agency facilities improvement	405
fund, state and local government highway distribution fund, state	406
highway safety fund, state lottery fund, undivided liquor permit	407
fund, Vietnam conflict compensation bond retirement fund,	408
volunteer fire fighters' dependents fund, waterways safety fund,	409
wildlife fund, workers' compensation fund, or any fund not	410
specified in this division that the director of budget and	411
management determines to be a bond fund or bond retirement fund;	412
(E) Transfers of all or part of those appropriations included	413
in the emergency purposes account of the controlling board;	414
(F) Temporary transfers of all or part of an appropriation or	415
other moneys into and between existing funds, or new funds, as may	416
be established by law when needed for capital outlays for which	417
notes or bonds will be issued;	418
(G) Transfer or release of all or part of an appropriation to	419
a state agency requiring controlling board approval of such	420
transfer or release as provided by law;	421
(H) Temporary transfer of funds included in the emergency	422

purposes appropriation of the controlling board. Such temporary 423  
transfers may be made subject to conditions specified by the 424  
controlling board at the time temporary transfers are authorized. 425  
No transfers shall be made under this division for the purpose of 426  
effecting new or changed levels of program service not authorized 427  
by the general assembly. 428

As used in this section, "request" means an application by a 429  
state agency or the director of budget and management seeking some 430  
action by the controlling board. 431

When authorizing the transfer of all or part of an 432  
appropriation under this section, the controlling board may 433  
authorize the transfer to an existing appropriation item and the 434  
creation of and transfer to a new appropriation item. 435

Whenever there is a transfer of all or part of funds included 436  
in the emergency purposes appropriation by the controlling board, 437  
pursuant to division (E) of this section, the state agency or the 438  
director of budget and management receiving such transfer shall 439  
keep a detailed record of the use of the transferred funds. At the 440  
earliest scheduled meeting of the controlling board following the 441  
accomplishment of the purposes specified in the request originally 442  
seeking the transfer, or following the total expenditure of the 443  
transferred funds for the specified purposes, the state agency or 444  
the director of budget and management shall submit a report on the 445  
expenditure of such funds to the board. The portion of any 446  
appropriation so transferred which is not required to accomplish 447  
the purposes designated in the original request to the controlling 448  
board shall be returned to the proper appropriation of the 449  
controlling board at this time. 450

Notwithstanding any provisions of law providing for the 451  
deposit of revenues received by a state agency to the credit of a 452  
particular fund in the state treasury, whenever there is a 453  
temporary transfer of funds included in the emergency purposes 454

appropriation of the controlling board pursuant to division (H) of 455  
this section, revenues received by any state agency receiving such 456  
a temporary transfer of funds shall, as directed by the 457  
controlling board, be transferred back to the emergency purposes 458  
appropriation. 459

The board may delegate to the director of budget and 460  
management authority to approve transfers among items of 461  
appropriation under division (A) of this section. 462

**Sec. 163.06.** (A) A public agency, other than an agency 463  
appropriating property for the purposes described in division (B) 464  
of this section, that qualifies pursuant to Section 19 of Article 465  
I, Ohio Constitution, may deposit with the court at the time of 466  
filing the petition the value of such property appropriated 467  
together with the damages, if any, to the residue, as determined 468  
by the public agency, and thereupon take possession of and enter 469  
upon the property appropriated. The right of possession upon 470  
deposit as provided in this division shall not extend to 471  
structures. 472

(B) A public agency appropriating property for the purpose of 473  
making or repairing roads which shall be open to the public, 474  
without charge, or for the purpose of implementing rail service 475  
under ~~Chapter 4981.~~ sections 5501.57 to 5501.661 of the Revised 476  
Code, may deposit with the court at the time of filing the 477  
petition the value of such property appropriated together with the 478  
damages, if any, to the residue, as determined by the public 479  
agency, and stated in an attached declaration of intention to 480  
obtain possession and thereupon take possession of and enter upon 481  
the property appropriated, including structures situated upon the 482  
land appropriated for such purpose or situated partly upon the 483  
land appropriated therefor and partly upon adjoining land, so that 484  
such structures cannot be divided upon the line between such lands 485



without manifest injury thereto. The jury, in assessing 486  
compensation to any owner of land appropriated under this division 487  
shall assess the value thereof in accordance with section 163.14 488  
of the Revised Code. The owner or occupant of such structures 489  
shall vacate the same within sixty days after service of summons 490  
as required under section 163.07 of the Revised Code, after which 491  
time the agency may remove said structures. In the event such 492  
structures are to be removed before the jury has fixed the value 493  
of the same, the court, upon motion of the agency, shall: 494

(1) Order appraisals to be made by three persons, one to be 495  
named by the owner, one by the county auditor, and one by the 496  
agency. Such appraisals may be used as evidence by the owner or 497  
the agency in the trial of said case but shall not be binding on 498  
said owner, agency, or the jury, and the expense of said 499  
appraisals shall be approved by the court and charged as costs in 500  
said case. 501

(2) Cause pictures to be taken of all sides of said 502  
structures; 503

(3) Compile a complete description of said structures, which 504  
shall be preserved as evidence in said case to which the owner or 505  
occupants shall have access. 506

(C) Any time after the deposit is made by the public agency 507  
under division (A) or (B) of this section, the owner may apply to 508  
the court to withdraw the deposit, and such withdrawal shall in no 509  
way interfere with the action except that the sum so withdrawn 510  
shall be deducted from the sum of the final verdict or award. Upon 511  
such application being made the court shall direct that the sum be 512  
paid to such owner subject to the rights of other parties in 513  
interest provided such parties make timely application as provided 514  
in section 163.18 of the Revised Code. Interest shall not accrue 515  
on any sums withdrawable as provided in this division. 516

Sec. 163.09. (A) If no answer is filed pursuant to section 517  
163.08 of the Revised Code, and no approval ordered by the court 518  
to a settlement of the rights of all necessary parties, the court, 519  
on motion of a public agency, shall declare the value of the 520  
property taken and the damages, if any, to the residue to be as 521  
set forth in any document properly filed with the clerk of the 522  
court of common pleas by the public agency. In all other cases, 523  
the court shall fix a time, within twenty days from the last date 524  
that the answer could have been filed, for the assessment of 525  
compensation by a jury. 526

(B)(1) When an answer is filed pursuant to section 163.08 of 527  
the Revised Code and any of the matters relating to the right to 528  
make the appropriation, the inability of the parties to agree, or 529  
the necessity for the appropriation are specifically denied in the 530  
manner provided in that section, the court shall set a day, not 531  
less than five or more than fifteen days from the date the answer 532  
was filed, to hear those matters. Upon those matters, the burden 533  
of proof is upon the agency by a preponderance of the evidence 534  
except as follows: 535

(a) A resolution or ordinance of the governing or controlling 536  
body, council, or board of the agency declaring the necessity for 537  
the appropriation creates a rebuttable presumption of the 538  
necessity for the appropriation if the agency is not appropriating 539  
the property because it is a blighted parcel or part of a blighted 540  
area or slum. 541

(b) The presentation by a public utility or common carrier of 542  
evidence of the necessity for the appropriation creates a 543  
rebuttable presumption of the necessity for the appropriation. 544

(c) Approval by a state or federal regulatory authority of an 545  
appropriation by a public utility or common carrier creates an 546  
irrebuttable presumption of the necessity for the appropriation. 547

(2) Subject to the irrebuttable presumption in division 548  
(B)(1)(c) of this section, only the judge may determine the 549  
necessity of the appropriation. If, as to any or all of the 550  
property or other interests sought to be appropriated, the court 551  
determines the matters in favor of the agency, the court shall set 552  
a time for the assessment of compensation by the jury not less 553  
than sixty days from the date of the journalization of that 554  
determination, subject to the right of the parties to request 555  
mediation under section 163.051 of the Revised Code and the right 556  
of the owner to an immediate appeal under division (B)(3) of this 557  
section. Except as provided in division (B)(3) of this section, an 558  
order of the court in favor of the agency on any of the matters or 559  
on qualification under section 163.06 of the Revised Code shall 560  
not be a final order for purposes of appeal. An order of the court 561  
against the agency on any of the matters or on the question of 562  
qualification under section 163.06 of the Revised Code shall be a 563  
final order for purposes of appeal. If a public agency has taken 564  
possession prior to such an order and such an order, after any 565  
appeal, is against the agency on any of the matters, the agency 566  
shall restore the property to the owner in its original condition 567  
or respond in damages, which may include the items set forth in 568  
division (A)(2) of section 163.21 of the Revised Code, recoverable 569  
by civil action, to which the state consents. 570

(3) An owner has a right to an immediate appeal if the order 571  
of the court is in favor of the agency in any of the matters the 572  
owner denied in the answer, unless the agency is appropriating 573  
property in time of war or other public exigency imperatively 574  
requiring its immediate seizure, for the purpose of making or 575  
repairing roads which shall be open to the public without charge, 576  
for the purpose of implementing rail service under ~~Chapter 4981-~~ 577  
sections 5501.57 to 5501.661 of the Revised Code, or under section 578  
307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 579  
Revised Code or by a public utility owned and operated by a 580

municipal corporation as the result of a public exigency. 581

(C) When an answer is filed pursuant to section 163.08 of the 582  
Revised Code, and none of the matters set forth in division (B) of 583  
this section is specifically denied, the court shall fix a time 584  
within twenty days from the date the answer was filed for the 585  
assessment of compensation by a jury. 586

(D) If answers are filed pursuant to divisions (B) and (C) of 587  
this section, or an answer is filed on behalf of fewer than all 588  
the named owners, the court shall set the hearing or hearings at 589  
such times as are reasonable under all the circumstances, but in 590  
no event later than twenty days after the issues are joined as to 591  
all necessary parties or twenty days after rule therefor, 592  
whichever is earlier. 593

(E) The court, with the consent of the parties, may order two 594  
or more cases to be consolidated and tried together, but the 595  
rights of each owner to compensation, damages, or both shall be 596  
separately determined by the jury in its verdict. 597

(F) If an answer is filed under section 163.08 of the Revised 598  
Code with respect to the value of property, the trier of fact 599  
shall determine that value based on the evidence presented, with 600  
neither party having the burden of proof with respect to that 601  
value. 602

(G) If the court determines the matter in the favor of the 603  
owner as to the necessity of the appropriation or whether the use 604  
for which the agency seeks to appropriate the property is a public 605  
use, in a final, unappealable order, the court shall award the 606  
owner reasonable attorney's fees, expenses, and costs. 607

**Sec. 163.15.** (A) As soon as the agency pays to the party 608  
entitled thereto or deposits with the court the amount of the 609  
award and the costs assessed against the agency, it may take 610

possession; provided, that this shall not be construed to limit 611  
the right of a public agency to enter and take possession, as 612  
provided in section 163.06 of the Revised Code. When the agency is 613  
entitled to possession the court shall enter an order to such 614  
effect upon the record and, if necessary, process shall be issued 615  
to place the agency in possession. Whenever a final journal entry 616  
in an appropriation proceeding, granting to this state a fee title 617  
or any lesser estate or interest in real property is filed and 618  
journalized by the clerk of courts, the clerk of courts shall 619  
forthwith transmit to the county auditor a certified copy of said 620  
final journal entry who shall transfer the property on the 621  
auditor's books and transmit said entry with proper endorsement to 622  
the county recorder for recording. The costs of filing such final 623  
journal entry with the county auditor and the county recorder 624  
shall be taxed as costs in the appropriation proceedings the same 625  
as other costs are taxed under section 163.16 of the Revised Code. 626

(B)(1) Whenever the appropriation of real property requires 627  
the owner, a commercial tenant, or a residential tenant identified 628  
by the owner in a notice filed with the court to move or relocate, 629  
the agency shall make a payment to that person, upon proper 630  
application as approved by the agency, for all of the following: 631

(a) Actual reasonable expenses in moving the person and the 632  
person's family, business, farm operation, or other personal 633  
property; 634

(b) Actual direct losses of tangible personal property as a 635  
result of moving or discontinuing a business or farm operation, 636  
but not to exceed an amount equal to the reasonable expenses that 637  
would have been required to relocate such property, as determined 638  
by the agency; 639

(c) Actual reasonable expenses in searching for a replacement 640  
business or farm, but not to exceed two thousand five hundred 641  
dollars; 642

(d) Actual and reasonable expenses necessary to reestablish a 643  
farm, nonprofit organization, or small business at its new site, 644  
but not to exceed twenty-five thousand dollars. 645

(2) If the agency does not approve a payment for which the 646  
owner applied under division (B)(1) of this section, the trier of 647  
fact, upon presentation of proof, shall determine whether to award 648  
a payment for the expenses described in division (B)(1) of this 649  
section and the amount of any award. The owner shall have the 650  
burden of proof with respect to those expenses. 651

(3)(a) In addition to any payments an owner of a business may 652  
receive under division (B)(1) of this section, an owner of a 653  
business who is required by an appropriation of real property to 654  
relocate the business may recover damages for the owner's actual 655  
economic loss resulting from the appropriation, as proven by the 656  
owner by a preponderance of the evidence. Compensation for actual 657  
economic loss under this division shall not include any attorney's 658  
fees and shall not duplicate any amount awarded as compensation 659  
under this chapter. 660

(b) The amount of compensation awarded under division 661  
(B)(3)(a) of this section shall not exceed twelve months net 662  
profit of the business on an annualized basis. Except as otherwise 663  
provided in division (B)(3)(c) of this section, if the agency is 664  
appropriating property in time of war or other public exigency 665  
imperatively requiring its immediate seizure, for the purpose of 666  
making or repairing roads that shall be open to the public without 667  
charge, for the purpose of implementing rail service under ~~Chapter~~ 668  
~~4981-~~ sections 5501.57 to 5501.661 of the Revised Code, or under 669  
section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of 670  
the Revised Code as the result of a public exigency, or the agency 671  
is a municipal corporation that is appropriating property as a 672  
result of a public exigency, the period for which the net profit 673  
of the business is calculated shall be twelve months minus the 674

time period from the date the agency gives the notice required by 675  
section 163.04 of the Revised Code to the date the agency deposits 676  
the value of the property with the court pursuant to section 677  
163.06 of the Revised Code or pays that amount to the owner, but 678  
in no event shall the compensation time period be less than 679  
fifteen days. If the period on which the loss is calculated is 680  
reduced to fifteen days and the relocation is unusually complex, 681  
the owner may request the agency to increase that period by up to 682  
fifteen additional days. If the agency fails to pay the 683  
compensation as provided under division (B)(3)(a) of this section 684  
or denies the request, the owner may seek an award of such 685  
compensation pursuant to this section. 686

(c) In case of an act of God or other public exigency that 687  
requires an immediate taking of property to protect public health 688  
or safety or in case of a voluntary conveyance, the amount of 689  
compensation awarded under division (B)(3)(a) of this section 690  
shall not exceed fifteen days net profit of the business on an 691  
annualized basis. The owner may request the agency to increase 692  
that period by up to fifteen additional days. If the agency fails 693  
to pay the compensation as provided under division (B)(3)(a) of 694  
this section or denies the request, the owner may seek an award of 695  
such compensation pursuant to this section. 696

**Sec. 163.21.** (A)(1) If it has not taken possession of 697  
property that is appropriated, an agency may abandon appropriation 698  
proceedings under sections 163.01 to 163.22 of the Revised Code at 699  
any time after the proceedings are commenced but not later than 700  
ninety days after the final determination of the cause. 701

(2) In all cases of abandonment as described in division 702  
(A)(1) of this section, the court shall enter a judgment against 703  
the agency for costs, including jury fees, and shall enter a 704  
judgment in favor of each affected owner, in amounts that the 705

court considers to be just, for each of the following that the owner incurred:

- (a) Witness fees, including expert witness fees;
- (b) Attorney's fees;
- (c) Other actual expenses.

(B)(1) In appropriation proceedings under sections 163.01 to 163.22 of the Revised Code or as authorized by divisions (A) and (B) of section 163.02 of the Revised Code for appropriation proceedings in time of a public exigency under other sections of the Revised Code, if the court determines that an agency is not entitled to appropriate particular property, the court shall enter both of the following:

- (a) A judgment against the agency for costs, including jury fees;
- (b) A judgment in favor of each affected owner, in amounts that the court considers to be just, for the owner's reasonable disbursements and expenses, to include witness fees, expert witness fees, attorney's fees, appraisal and engineering fees, and for other actual expenses that the owner incurred in connection with the proceedings.

(2) Any award to an owner pursuant to this section shall be paid by the head of the agency for whose benefit the appropriation proceedings were initiated.

(C)(1) Except as otherwise provided in division (C)(2) or (3) of this section and subject to division (C)(5) of this section, when an agency appropriates property and the final award of compensation is greater than one hundred twenty-five per cent of the agency's good faith offer for the property or, if before commencing the appropriation proceeding the agency made a revised offer based on conditions indigenous to the property that could



not reasonably have been discovered at the time of the good faith 736  
offer, one hundred twenty-five per cent of the revised offer, the 737  
court shall enter judgment in favor of the owner, in amounts the 738  
court considers just, for all costs and expenses, including 739  
attorney's and appraisal fees, that the owner actually incurred. 740

(2) The court shall not enter judgment for costs and 741  
expenses, including attorney's fees and appraisal fees, if the 742  
agency is appropriating property in time of war or other public 743  
exigency imperatively requiring its immediate seizure, for the 744  
purpose of making or repairing roads that shall be open to the 745  
public without charge, for the purpose of implementing rail 746  
service under ~~Chapter 4981~~, sections 5501.57 to 5501.661 of the 747  
Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221, 748  
6117.39, or 6119.11 of the Revised Code as the result of a public 749  
exigency, or the agency is a municipal corporation that is 750  
appropriating property as a result of a public exigency, except 751  
that the court shall enter judgment in favor of the owner for 752  
costs and expenses, including attorney's and appraisal fees, that 753  
the owner actually incurred only if the property being 754  
appropriated is land used for agricultural purposes as defined in 755  
section 303.01 or 519.01 of the Revised Code, or the county 756  
auditor of the county in which the land is located has determined 757  
under section 5713.31 of the Revised Code that the land is "land 758  
devoted exclusively to agricultural use" as defined in section 759  
5713.30 of the Revised Code and the final award of compensation is 760  
more than one hundred fifty per cent of the agency's good faith 761  
offer or a revised offer made by the agency under division (C)(1) 762  
or (3) of this section. 763

(3) The court shall not enter judgment for costs and 764  
expenses, including attorney's fees and appraisal fees, that the 765  
owner actually incurred if the owner and the agency exchanged 766  
appraisals prior to the filing of the petition and the final award 767

of compensation was not more than one hundred twenty-five per cent 768  
of the agency's first offer for the property made subsequent to 769  
the exchange of appraisals and at least thirty days before the 770  
filing of the petition. 771

(4) An award of costs and expenses, including attorney's and 772  
appraisal fees, that the owner actually incurred, under division 773  
(C) of this section shall not exceed the lesser of twenty-five per 774  
cent of the amount by which the final award of compensation 775  
exceeds the agency's initial good faith offer or revised offer or 776  
twenty-five per cent of the amount by which the final award of 777  
compensation exceeds the agency's last written offer made not less 778  
than forty-five days before the date initially designated for 779  
trial by the court. 780

(5)(a) An award of costs and expenses, including attorney's 781  
and appraisal fees, that the owner actually incurred, made under 782  
division (G) of section 163.09 of the Revised Code is not subject 783  
to the conditions and limitations set forth in divisions (C)(1), 784  
(2), (3), and (4) of this section. 785

(b) The court shall not enter judgment for costs and 786  
expenses, including attorney's fees and appraisal fees, under 787  
division (C) of this section unless not less than fifty days prior 788  
to the date initially designated by the court for trial the owner 789  
provided the agency with an appraisal or summary appraisal of the 790  
property being appropriated or with the owner's sworn statement 791  
setting forth the value of the property and an explanation of how 792  
the owner arrived at that value. 793

**Sec. 164.05.** (A) The director of the Ohio public works 794  
commission shall do all of the following: 795

(1) Approve requests for financial assistance from district 796  
public works integrating committees and enter into agreements with 797  
one or more local subdivisions to provide loans, grants, and local 798

debt support and credit enhancements for a capital improvement project if the director determines that:

(a) The project is an eligible project pursuant to this chapter;

(b) The financial assistance for the project has been properly approved and requested by the district committee of the district which includes the recipient of the loan or grant;

(c) The amount of the financial assistance, when added to all other financial assistance provided during the fiscal year for projects within the district, does not exceed that district's allocation of money from the state capital improvements fund for that fiscal year;

(d) The district committee has provided such documentation and other evidence as the director may require that the district committee has satisfied the requirements of section 164.06 or 164.14 of the Revised Code;

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support and credit enhancements for eligible projects is consistent with divisions (E) and (F) of this section.

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in accordance with procedures specified in rules adopted by the director pursuant to division (A)(4) of this section.

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a

deputy with the necessary qualifications to act as the director 830  
when the director is absent or temporarily unable to carry out the 831  
duties of office. 832

(4) Adopt rules establishing the procedures for making 833  
applications, reviewing, approving, and rejecting projects for 834  
which assistance is authorized under this chapter, and any other 835  
rules needed to implement the provisions of this chapter. Such 836  
rules shall be adopted under Chapter 119. of the Revised Code. 837

(5) Provide information and other assistance to local 838  
subdivisions and district public works integrating committees in 839  
developing their requests for financial assistance for capital 840  
improvements under this chapter and encourage cooperation and 841  
coordination of requests and the development of multisubdivision 842  
and multidistrict projects in order to maximize the benefits that 843  
may be derived by districts from each year's allocation; 844

(6) Require local subdivisions, to the extent practicable, to 845  
use Ohio products, materials, services, and labor in connection 846  
with any capital improvement project financed in whole or in part 847  
under this chapter; 848

(7) Notify the director of budget and management of all 849  
approved projects, and supply all information necessary to track 850  
approved projects through the state accounting system; 851

(8) Appoint the administrator of the Ohio small government 852  
capital improvements commission; 853

(9) Do all other acts, enter into contracts, and execute all 854  
instruments necessary or appropriate to carry out this chapter; 855

(10) Develop a standardized methodology for evaluating 856  
capital improvement needs which will be used by local subdivisions 857  
in preparing the plans required by division (C) of section 164.06 858  
of the Revised Code. The director shall develop this methodology 859  
not later than July 1, 1991. 860

(11) Establish a program to provide local subdivisions with 861  
technical assistance in preparing project applications. The 862  
program shall be designed to assist local subdivisions that lack 863  
the financial or technical resources to prepare project 864  
applications on their own. 865

(B) When the director of the Ohio public works commission 866  
decides to conditionally approve or disapprove projects, the 867  
director's decisions and the reasons for which they are made shall 868  
be made in writing. These written decisions shall be conclusive 869  
for the purposes of the validity and enforceability of such 870  
determinations. 871

(C) Fees, charges, rates of interest, times of payment of 872  
interest and principal, and other terms, conditions, and 873  
provisions of and security for financial assistance provided 874  
pursuant to the provisions of this chapter shall be such as the 875  
director determines to be appropriate. If any payments required by 876  
a loan agreement entered into pursuant to this chapter are not 877  
paid, the funds which would otherwise be apportioned to the local 878  
subdivision from the county undivided local government fund, 879  
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 880  
at the direction of the director of the Ohio public works 881  
commission, be reduced by the amount payable. The county treasurer 882  
shall, at the direction of the director, pay the amount of such 883  
reductions to the state capital improvements revolving loan fund. 884  
The director may renegotiate a loan repayment schedule with a 885  
local subdivision whose payments from the county undivided local 886  
government fund could be reduced pursuant to this division, but 887  
such a renegotiation may occur only one time with respect to any 888  
particular loan agreement. 889

(D) Grants approved for the repair and replacement of 890  
existing infrastructure pursuant to this chapter shall not exceed 891  
ninety per cent of the estimated total cost of the capital 892

improvement project. Grants approved for new or expanded 893  
infrastructure shall not exceed fifty per cent of the estimated 894  
cost of the new or expansion elements of the capital improvement 895  
project. A local subdivision share of the estimated cost of a 896  
capital improvement may consist of any of the following: 897

(1) The reasonable value, as determined by the director or 898  
the administrator, of labor, materials, and equipment that will be 899  
contributed by the local subdivision in performing the capital 900  
improvement project; 901

(2) Moneys received by the local subdivision in any form from 902  
an authority, commission, or agency of the United States for use 903  
in performing the capital improvement project; 904

(3) Loans made to the local subdivision under this chapter; 905

(4) Engineering costs incurred by the local subdivision in 906  
performing engineering activities related to the project. 907

A local subdivision share of the cost of a capital 908  
improvement shall not include any amounts awarded to it from the 909  
local transportation improvement program fund created in section 910  
164.14 of the Revised Code. 911

(E) The following portion of a district public works 912  
integrating committee's annual allocation share pursuant to 913  
section 164.08 of the Revised Code may be awarded to subdivisions 914  
only in the form of interest-free, low-interest, market rate of 915  
interest, or blended-rate loans: 916

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	919
Year 2	0%	920
Year 3	10%	921
Year 4	12%	922
Year 5	15%	923

Year 6	20%	924
Year 7, 8, 9, and 10	22%	925

(F) The following portion of a district public works  
integrating committee's annual allocation pursuant to section  
164.08 of the Revised Code shall be awarded to subdivisions in the  
form of local debt ~~supported~~ support and credit enhancements:

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 1	0%	933
Year 2	0%	934
Year 3	3%	935
Year 4	5%	936
Year 5	5%	937
Year 6	7%	938
Year 7	7%	939
Year 8	8%	940
Year 9	8%	941
Year 10	8%	942

(G) For the period commencing on March 29, 1988, and ending  
on June 30, 1993, for the period commencing July 1, 1993, and  
ending June 30, 1999, and for each five-year period thereafter,  
the total amount of financial assistance awarded under sections  
164.01 to 164.08 of the Revised Code for capital improvement  
projects located wholly or partially within a county shall be  
equal to at least thirty per cent of the amount of what the county  
would have been allocated from the obligations authorized to be  
sold under this chapter during each period, if such amounts had  
been allocable to each county on a per capita basis.

(H) The amount of the annual allocations made pursuant to  
divisions (B)(1) and (5) of section 164.08 of the Revised Code  
which can be used for new or expanded infrastructure is limited as

follows:		956
	PORTION WHICH MAY	957
YEAR IN WHICH	BE USED FOR NEW OR	958
MONEYS ARE ALLOCATED	EXPANSION INFRASTRUCTURE	959
Year 1	5%	960
Year 2	5%	961
Year 3	10%	962
Year 4	10%	963
Year 5	10%	964
Year 6	15%	965
Year 7	15%	966
Year 8	20%	967
Year 9	20%	968
Year 10 and each year		969
thereafter	20%	970

(I) The following portion of a district public works  
 integrating committee's annual allocation share pursuant to  
 section 164.08 of the Revised Code shall be awarded to  
 subdivisions in the form of interest-free, low-interest, market  
 rate of interest, or blended-rate loans, or local debt support and  
 credit enhancements:

	PORTION USED FOR LOANS	977
YEAR IN WHICH	OR LOCAL DEBT SUPPORT	978
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	979
Year <del>11</del> <u>30</u> and each year		980
thereafter	<del>20</del> <u>15</u> %	981

(J) No project shall be approved under this section unless  
 the project is designed to have a useful life of at least seven  
 years. In addition, the average useful life of all projects for  
 which grants or loans are awarded in each district during a  
 program year shall not be less than twenty years.



**Sec. 166.25.** (A) The director of development services, with 987  
the approval of the controlling board and subject to the other 988  
applicable provisions of this chapter, may lend money in the 989  
logistics and distribution infrastructure fund to persons for the 990  
purpose of paying allowable costs of eligible logistics and 991  
distribution projects. 992

(B) In determining the eligible logistics and distribution 993  
projects to be assisted and the nature, amount, and terms of 994  
assistance to be provided for an eligible logistics and 995  
distribution project, the director shall consult with appropriate 996  
governmental agencies, including the department of transportation 997  
~~and the Ohio rail development commission.~~ 998

(C) Any loan made pursuant to this section shall be evidenced 999  
by a loan agreement, which shall contain such terms as the 1000  
director determines necessary or appropriate, including 1001  
performance measures and reporting requirements. The director may 1002  
take actions necessary or appropriate to collect or otherwise deal 1003  
with any loan made under this section, including requiring a loan 1004  
recipient to repay the amount of the loan plus interest at a rate 1005  
of three per cent above the federal short term interest rate or 1006  
any other rate determined by the director. 1007

**Sec. 307.202.** As used in this section, "rail property" and 1008  
"rail service" have the same meanings as in section ~~4981.01~~ 1009  
5501.57 of the Revised Code. 1010

The board of county commissioners may acquire, rehabilitate, 1011  
and develop rail property and rail service, and may enter into 1012  
agreements with the ~~Ohio rail development commission~~ division of 1013  
freight, boards of township trustees, legislative authorities of 1014  
municipal corporations, other boards of county commissioners, with 1015  
other governmental agencies or organizations, and with private 1016

agencies or organizations in order to achieve those purposes. 1017

**Sec. 505.69.** As used in this section, "rail property" and 1018  
"rail service" have the same meanings as in section ~~4981.01~~ 1019  
5501.57 of the Revised Code. 1020

The board of township trustees may acquire, rehabilitate, and 1021  
develop rail property and rail service, and may enter into 1022  
agreements with the ~~Ohio rail development commission~~ division of 1023  
freight, boards of county commissioners, legislative authorities 1024  
of municipal corporations, other boards of township trustees, with 1025  
other governmental agencies or organizations, and with private 1026  
agencies or organizations in order to achieve those purposes. 1027

**Sec. 717.01.** Each municipal corporation may do any of the 1028  
following: 1029

(A) Acquire by purchase or condemnation real estate with or 1030  
without buildings on it, and easements or interests in real 1031  
estate; 1032

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 1033  
improve a building or improvement that it is authorized to acquire 1034  
or construct; 1035

(C) Erect a crematory or provide other means for disposing of 1036  
garbage or refuse, and erect public comfort stations; 1037

(D) Purchase turnpike roads and make them free; 1038

(E) Construct wharves and landings on navigable waters; 1039

(F) Construct infirmaries, workhouses, prisons, police 1040  
stations, houses of refuge and correction, market houses, public 1041  
halls, public offices, municipal garages, repair shops, storage 1042  
houses, and warehouses; 1043

(G) Construct or acquire waterworks for supplying water to 1044  
the municipal corporation and its inhabitants and extend the 1045

waterworks system outside of the municipal corporation limits;	1046
(H) Construct or purchase gas works or works for the	1047
generation and transmission of electricity, for the supplying of	1048
gas or electricity to the municipal corporation and its	1049
inhabitants;	1050
(I) Provide grounds for cemeteries or crematories, enclose	1051
and embellish them, and construct vaults or crematories;	1052
(J) Construct sewers, sewage disposal works, flushing	1053
tunnels, drains, and ditches;	1054
(K) Construct free public libraries and reading rooms, and	1055
free recreation centers;	1056
(L) Establish free public baths and municipal lodging houses;	1057
(M) Construct monuments or memorial buildings to commemorate	1058
the services of soldiers, sailors, and marines of the state and	1059
nation;	1060
(N) Provide land for and improve parks, boulevards, and	1061
public playgrounds;	1062
(O) Construct hospitals and pesthouses;	1063
(P) Open, construct, widen, extend, improve, resurface, or	1064
change the line of any street or public highway;	1065
(Q) Construct and improve levees, dams, waterways,	1066
waterfronts, and embankments and improve any watercourse passing	1067
through the municipal corporation;	1068
(R) Construct or improve viaducts, bridges, and culverts;	1069
(S)(1) Construct any building necessary for the police or	1070
fire department;	1071
(2) Purchase fire engines or fire boats;	1072
(3) Construct water towers or fire cisterns;	1073

(4) Place underground the wires or signal apparatus of any	1074
police or fire department.	1075
(T) Construct any municipal ice plant for the purpose of	1076
manufacturing ice for the citizens of a municipal corporation;	1077
(U) Construct subways under any street or boulevard or	1078
elsewhere;	1079
(V) Acquire by purchase, gift, devise, bequest, lease,	1080
condemnation proceedings, or otherwise, real or personal property,	1081
and thereon and thereof to establish, construct, enlarge, improve,	1082
equip, maintain, and operate airports, landing fields, or other	1083
air navigation facilities, either within or outside the limits of	1084
a municipal corporation, and acquire by purchase, gift, devise,	1085
lease, or condemnation proceedings rights-of-way for connections	1086
with highways, waterways, and electric, steam, and interurban	1087
railroads, and improve and equip such facilities with structures	1088
necessary or appropriate for such purposes. No municipal	1089
corporation may take or disturb property or facilities belonging	1090
to any public utility or to a common carrier engaged in interstate	1091
commerce, which property or facilities are required for the proper	1092
and convenient operation of the utility or carrier, unless	1093
provision is made for the restoration, relocation, or duplication	1094
of the property or facilities elsewhere at the sole cost of the	1095
municipal corporation.	1096
(W) Provide by agreement with any regional airport authority,	1097
created under section 308.03 of the Revised Code, for the making	1098
of necessary surveys, appraisals, and examinations preliminary to	1099
the acquisition or construction of any airport or airport facility	1100
and pay the portion of the expense of the surveys, appraisals, and	1101
examinations as set forth in the agreement;	1102
(X) Provide by agreement with any regional airport authority,	1103
created under section 308.03 of the Revised Code, for the	1104

acquisition, construction, maintenance, or operation of any 1105  
airport or airport facility owned or to be owned and operated by 1106  
the regional airport authority or owned or to be owned and 1107  
operated by the municipal corporation and pay the portion of the 1108  
expense of it as set forth in the agreement; 1109

(Y) Acquire by gift, purchase, lease, or condemnation, land, 1110  
forest, and water rights necessary for conservation of forest 1111  
reserves, water parks, or reservoirs, either within or without the 1112  
limits of the municipal corporation, and improve and equip the 1113  
forest and water parks with structures, equipment, and 1114  
reforestation necessary or appropriate for any purpose for the 1115  
utilization of any of the forest and water benefits that may 1116  
properly accrue therefrom to the municipal corporation; 1117

(Z) Acquire real property by purchase, gift, or devise and 1118  
construct and maintain on it public swimming pools, either within 1119  
or outside the limits of the municipal corporation; 1120

(AA) Construct or rehabilitate, equip, maintain, operate, and 1121  
lease facilities for housing of elderly persons and for persons of 1122  
low and moderate income, and appurtenant facilities. No municipal 1123  
corporation shall deny housing accommodations to or withhold 1124  
housing accommodations from elderly persons or persons of low and 1125  
moderate income because of race, color, religion, sex, familial 1126  
status as defined in section 4112.01 of the Revised Code, military 1127  
status as defined in that section, disability as defined in that 1128  
section, ancestry, or national origin. Any elderly person or 1129  
person of low or moderate income who is denied housing 1130  
accommodations or has them withheld by a municipal corporation 1131  
because of race, color, religion, sex, familial status as defined 1132  
in section 4112.01 of the Revised Code, military status as defined 1133  
in that section, disability as defined in that section, ancestry, 1134  
or national origin may file a charge with the Ohio civil rights 1135  
commission as provided in Chapter 4112. of the Revised Code. 1136

(BB) Acquire, rehabilitate, and develop rail property or rail 1137  
service, and enter into agreements with the ~~Ohio rail development~~ 1138  
~~commission~~ division of freight, boards of county commissioners, 1139  
boards of township trustees, legislative authorities of other 1140  
municipal corporations, with other governmental agencies or 1141  
organizations, and with private agencies or organizations in order 1142  
to achieve those purposes; 1143

(CC) Appropriate and contribute money to a soil and water 1144  
conservation district for use under Chapter 1515. of the Revised 1145  
Code; 1146

(DD) Authorize the board of county commissioners, pursuant to 1147  
a contract authorizing the action, to contract on the municipal 1148  
corporation's behalf for the administration and enforcement within 1149  
its jurisdiction of the state building code by another county or 1150  
another municipal corporation located within or outside the 1151  
county. The contract for administration and enforcement shall 1152  
provide for obtaining certification pursuant to division (E) of 1153  
section 3781.10 of the Revised Code for the exercise of 1154  
administration and enforcement authority within the municipal 1155  
corporation seeking those services and shall specify which 1156  
political subdivision is responsible for securing that 1157  
certification. 1158

(EE) Expend money for providing and maintaining services and 1159  
facilities for senior citizens. 1160

"Airport," "landing field," and "air navigation facility," as 1161  
defined in section 4561.01 of the Revised Code, apply to division 1162  
(V) of this section. 1163

As used in divisions (W) and (X) of this section, "airport" 1164  
and "airport facility" have the same meanings as in section 308.01 1165  
of the Revised Code. 1166

As used in division (BB) of this section, "rail property" and 1167

"rail service" have the same meanings as in section ~~4981.01~~ 1168  
5501.57 of the Revised Code. 1169

**Sec. 1548.07.** (A) An application for a certificate of title 1170  
shall be sworn to before a notary public or other officer 1171  
empowered to administer oaths by the lawful owner or purchaser of 1172  
the watercraft or outboard motor and shall contain the following 1173  
information in the form and together with any other information 1174  
that the chief of the division of watercraft may require: 1175

(1) Name, address, and social security number or employer's 1176  
tax identification number of the applicant; 1177

(2) Statement of how the watercraft or outboard motor was 1178  
acquired; 1179

(3) Name and address of the previous owner; 1180

(4) A statement of all liens, mortgages, or other 1181  
encumbrances on the watercraft or outboard motor, including a 1182  
description of the nature and amount of each lien, mortgage, or 1183  
encumbrance, and the name and address of each holder of the lien, 1184  
mortgage, or encumbrance; 1185

(5) If there are no outstanding liens, mortgages, or other 1186  
encumbrances, a statement of that fact; 1187

(6) A description of the watercraft, including the make, 1188  
year, length, series or model, if any, body type, and hull 1189  
identification number or serial number, ~~and make, manufacturer's~~ 1190  
~~serial number, and horsepower of any inboard motor or motors;~~ or a 1191  
description of the outboard motor, including the make, year, 1192  
series or model, if any, manufacturer's serial number, and 1193  
horsepower; 1194

(7) The purchase price, trade-in allowed, and amount of sales 1195  
or use tax paid under Chapter 5739. or 5741. of the Revised Code. 1196

(B) If the application is made by two persons regarding a 1197

watercraft or outboard motor in which they wish to establish joint 1198  
ownership with right of survivorship, they may do so as provided 1199  
in section 2131.12 of the Revised Code. 1200

(C) If the applicant wishes to designate a watercraft or 1201  
outboard motor in beneficiary form, the applicant may do so as 1202  
provided in section 2131.13 of the Revised Code. 1203

(D) If the watercraft or outboard motor contains a permanent 1204  
identification number placed on the watercraft or outboard motor 1205  
by the manufacturer, this number shall be used as the serial 1206  
number or hull identification number. If there is no 1207  
manufacturer's identification number, or if the manufacturer's 1208  
identification number has been removed or obliterated, the chief, 1209  
upon receipt of a prescribed application and proof of ownership, 1210  
may assign an identification number for the watercraft or outboard 1211  
motor, and this number shall be permanently affixed or imprinted 1212  
by the applicant, at the place and in the manner designated by the 1213  
chief, upon the watercraft or outboard motor for which it is 1214  
assigned. 1215

**Sec. 2953.36.** Sections 2953.31 to 2953.35 of the Revised Code 1216  
do not apply to any of the following: 1217

(A) Convictions when the offender is subject to a mandatory 1218  
prison term; 1219

(B) Convictions under section 2907.02, 2907.03, 2907.04, 1220  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 1221  
2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. of the 1222  
Revised Code, or a conviction for a violation of a municipal 1223  
ordinance that is substantially similar to any section contained 1224  
in any of those chapters, except as otherwise provided in section 1225  
2953.61 of the Revised Code; 1226

(C) Convictions of an offense of violence when the offense is 1227



a misdemeanor of the first degree or a felony and when the offense 1228  
is not a violation of section 2917.03 of the Revised Code and is 1229  
not a violation of section 2903.13, 2917.01, or 2917.31 of the 1230  
Revised Code that is a misdemeanor of the first degree; 1231

(D) Convictions on or after October 10, 2007, under section 1232  
2907.07 of the Revised Code or a conviction on or after October 1233  
10, 2007, for a violation of a municipal ordinance that is 1234  
substantially similar to that section; 1235

(E) Convictions on or after October 10, 2007, under section 1236  
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 1237  
2907.32, or 2907.33 of the Revised Code when the victim of the 1238  
offense was under eighteen years of age; 1239

(F) Convictions of an offense in circumstances in which the 1240  
victim of the offense was under eighteen years of age when the 1241  
offense is a misdemeanor of the first degree or a felony, except 1242  
for convictions under section 2919.21 of the Revised Code; 1243

(G) Convictions of a felony of the first or second degree; 1244

(H) Bail forfeitures in a traffic case as defined in Traffic 1245  
Rule 2. 1246

**Sec. 2953.61.** (A) Except as provided in division (B)(1) of 1247  
this section, a person charged with two or more offenses as a 1248  
result of or in connection with the same act may not apply to the 1249  
court pursuant to section 2953.32 or 2953.52 of the Revised Code 1250  
for the sealing of the person's record in relation to any of the 1251  
charges when at least one of the charges has a final disposition 1252  
that is different from the final disposition of the other charges 1253  
until such time as the person would be able to apply to the court 1254  
and have all of the records pertaining to all of those charges 1255  
sealed pursuant to section 2953.32 or 2953.52 of the Revised Code. 1256

(B)(1) When a person is charged with two or more offenses as 1257

a result of or in connection with the same act and the final 1258  
disposition of one, and only one, of the charges is a conviction 1259  
under any section of Chapter 4507., 4510., 4511., or 4549., other 1260  
than section 4511.19 or 4511.194 of the Revised Code, or under a 1261  
municipal ordinance that is substantially similar to any section 1262  
other than section 4511.19 or 4511.194 of the Revised Code 1263  
contained in any of those chapters, and if the records pertaining 1264  
to all the other charges would be eligible for sealing under 1265  
section 2953.52 of the Revised Code in the absence of that 1266  
conviction, the court may order that the records pertaining to all 1267  
the charges be sealed. In such a case, the court shall not order 1268  
that only a portion of the records be sealed. 1269

(2) Division (B)(1) of this section does not apply if the 1270  
person convicted of the offenses currently holds a commercial 1271  
driver's license or commercial driver's license temporary 1272  
instruction permit. 1273

**Sec. 3772.10.** (A) In determining whether to grant or maintain 1274  
the privilege of a casino operator, management company, holding 1275  
company, key employee, casino gaming employee, or gaming-related 1276  
vendor license, the Ohio casino control commission shall consider 1277  
all of the following, as applicable: 1278

(1) The reputation, experience, and financial integrity of 1279  
the applicant, its holding company, if applicable, and any other 1280  
person that directly or indirectly controls the applicant; 1281

(2) The financial ability of the applicant to purchase and 1282  
maintain adequate liability and casualty insurance and to provide 1283  
an adequate surety bond; 1284

(3) The past and present compliance of the applicant and its 1285  
affiliates or affiliated companies with casino-related licensing 1286  
requirements in this state or any other jurisdiction, including 1287  
whether the applicant has a history of noncompliance with the 1288

casino licensing requirements of any jurisdiction;	1289
(4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations;	1290 1291 1292 1293
(5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;	1294 1295 1296 1297
(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;	1298 1299 1300 1301
(7) If the applicant is or has been a defendant in litigation involving its business practices;	1302 1303
(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;	1304 1305
(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter.	1306 1307 1308 1309
(B) All applicants for a license under this chapter shall establish their suitability for a license by clear and convincing evidence. If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied.	1310 1311 1312 1313 1314 1315 1316 1317 1318

(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license under this chapter to an applicant if:

(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code.

(2) The applicant has submitted an application for license under this chapter that contains false information.

(3) The applicant is a commission member.

(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission.

(5) The applicant violates specific rules adopted by the commission related to denial of licensure.

(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is ~~employed by~~ an employee of a governmental unit of this state and in that capacity has significant influence or control, as determined by the commission, over the ability of a casino operator, management company, holding company, institutional investor, or gaming-related vendor to conduct business in this state. This division does not prohibit a casino operator or management company from hiring special duty law enforcement officers if the officers are not specifically involved in gaming-related regulatory functions.

(7) The commission otherwise determines the applicant is ineligible for the license.

(D)(1) The commission shall investigate the qualifications of each applicant under this chapter before any license is issued and before any finding with regard to acts or transactions for which commission approval is required is made. The commission shall

continue to observe the conduct of all licensees and all other 1349  
persons having a material involvement directly or indirectly with 1350  
a casino operator, management company, or holding company to 1351  
ensure that licenses are not issued to or held by, or that there 1352  
is not any material involvement with a casino operator, management 1353  
company, or holding company by, an unqualified, disqualified, or 1354  
unsuitable person or a person whose operations are conducted in an 1355  
unsuitable manner or in unsuitable or prohibited places or 1356  
locations. 1357

(2) The executive director may recommend to the commission 1358  
that it deny any application, or limit, condition, or restrict, or 1359  
suspend or revoke, any license or finding, or impose any fine upon 1360  
any licensee or other person according to this chapter and the 1361  
rules adopted thereunder. 1362

(3) A license issued under this chapter is a revocable 1363  
privilege. No licensee has a vested right in or under any license 1364  
issued under this chapter. The initial determination of the 1365  
commission to deny, or to limit, condition, or restrict, a license 1366  
may be appealed under section 2505.03 of the Revised Code. 1367

(E)(1) An institutional investor may be found to be suitable 1368  
or qualified by the commission under this chapter and the rules 1369  
adopted under this chapter. An institutional investor shall be 1370  
presumed suitable or qualified upon submitting documentation 1371  
sufficient to establish qualifications as an institutional 1372  
investor and upon certifying all of the following: 1373

(a) The institutional investor owns, holds, or controls 1374  
securities issued by a licensee or holding, intermediate, or 1375  
parent company of a licensee or in the ordinary course of business 1376  
for investment purposes only. 1377

(b) The institutional investor does not exercise influence 1378  
over the affairs of the issuer of such securities nor over any 1379

licensed subsidiary of the issuer of such securities. 1380

(c) The institutional investor does not intend to exercise 1381  
influence over the affairs of the issuer of such securities, nor 1382  
over any licensed subsidiary of the issuer of such securities, in 1383  
the future, and that it agrees to notify the commission in writing 1384  
within thirty days if such intent changes. 1385

(2) The exercise of voting privileges with regard to 1386  
securities shall not be deemed to constitute the exercise of 1387  
influence over the affairs of a licensee. 1388

(3) The commission shall rescind the presumption of 1389  
suitability for an institutional investor at anytime if the 1390  
institutional investor exercises or intends to exercise influence 1391  
or control over the affairs of the licensee. 1392

(4) This division shall not be construed to preclude the 1393  
commission from requesting information from or investigating the 1394  
suitability or qualifications of an institutional investor if: 1395

(a) The commission becomes aware of facts or information that 1396  
may result in the institutional investor being found unsuitable or 1397  
disqualified; or 1398

(b) The commission has any other reason to seek information 1399  
from the investor to determine whether it qualifies as an 1400  
institutional investor. 1401

(5) If the commission finds an institutional investor to be 1402  
unsuitable or unqualified, the commission shall so notify the 1403  
investor and the casino operator, holding company, management 1404  
company, or gaming-related vendor licensee in which the investor 1405  
invested. The commission shall allow the investor and the licensee 1406  
a reasonable amount of time, as specified by the commission on a 1407  
case-by-case basis, to cure the conditions that caused the 1408  
commission to find the investor unsuitable or unqualified. If 1409  
during the specified period of time the investor or the licensee 1410

does not or cannot cure the conditions that caused the commission 1411  
to find the investor unsuitable or unqualified, the commission may 1412  
allow the investor or licensee more time to cure the conditions or 1413  
the commission may begin proceedings to deny, suspend, or revoke 1414  
the license of the casino operator, holding company, management 1415  
company, or gaming-related vendor in which the investor invested 1416  
or to deny any of the same the renewal of any such license. 1417

(6) A private licensee or holding company shall provide the 1418  
same information to the commission as a public company would 1419  
provide in a form 13d or form 13g filing to the securities and 1420  
exchange commission. 1421

(F) Information provided on the application shall be used as 1422  
a basis for a thorough background investigation of each applicant. 1423  
A false or incomplete application is cause for denial of a license 1424  
by the commission. All applicants and licensees shall consent to 1425  
inspections, searches, and seizures and to the disclosure to the 1426  
commission and its agents of confidential records, including tax 1427  
records, held by any federal, state, or local agency, credit 1428  
bureau, or financial institution and to provide handwriting 1429  
exemplars, photographs, fingerprints, and information as 1430  
authorized in this chapter and in rules adopted by the commission. 1431

(G) The commission shall provide a written statement to each 1432  
applicant for a license under this chapter who is denied the 1433  
license that describes the reason or reasons for which the 1434  
applicant was denied the license. 1435

(H) Not later than January 31 in each calendar year, the 1436  
commission shall provide to the general assembly and the governor 1437  
a report that, for each type of license issued under this chapter, 1438  
specifies the number of applications made in the preceding 1439  
calendar year for each type of such license, the number of 1440  
applications denied in the preceding calendar year for each type 1441  
of such license, and the reasons for those denials. The 1442

information regarding the reasons for the denials shall specify 1443  
each reason that resulted in, or that was a factor resulting in, 1444  
denial for each type of license issued under this chapter and, for 1445  
each of those reasons, the total number of denials for each such 1446  
type that involved that reason. 1447

**Sec. 4117.10.** (A) An agreement between a public employer and 1448  
an exclusive representative entered into pursuant to this chapter 1449  
governs the wages, hours, and terms and conditions of public 1450  
employment covered by the agreement. If the agreement provides for 1451  
a final and binding arbitration of grievances, public employers, 1452  
employees, and employee organizations are subject solely to that 1453  
grievance procedure and the state personnel board of review or 1454  
civil service commissions have no jurisdiction to receive and 1455  
determine any appeals relating to matters that were the subject of 1456  
a final and binding grievance procedure. Where no agreement exists 1457  
or where an agreement makes no specification about a matter, the 1458  
public employer and public employees are subject to all applicable 1459  
state or local laws or ordinances pertaining to the wages, hours, 1460  
and terms and conditions of employment for public employees. Laws 1461  
pertaining to civil rights, affirmative action, unemployment 1462  
compensation, workers' compensation, the retirement of public 1463  
employees, and residency requirements, the minimum educational 1464  
requirements contained in the Revised Code pertaining to public 1465  
education including the requirement of a certificate by the fiscal 1466  
officer of a school district pursuant to section 5705.41 of the 1467  
Revised Code, the provisions of division (A) of section 124.34 of 1468  
the Revised Code governing the disciplining of officers and 1469  
employees who have been convicted of a felony, and the minimum 1470  
standards promulgated by the state board of education pursuant to 1471  
division (D) of section 3301.07 of the Revised Code prevail over 1472  
conflicting provisions of agreements between employee 1473  
organizations and public employers. The law pertaining to the 1474



leave of absence and compensation provided under section 5923.05 1475  
of the Revised Code prevails over any conflicting provisions of 1476  
such agreements if the terms of the agreement contain benefits 1477  
which are less than those contained in that section or the 1478  
agreement contains no such terms and the public authority is the 1479  
state or any agency, authority, commission, or board of the state 1480  
or if the public authority is another entity listed in division 1481  
(B) of section 4117.01 of the Revised Code that elects to provide 1482  
leave of absence and compensation as provided in section 5923.05 1483  
of the Revised Code. The law pertaining to the leave established 1484  
under section 5906.02 of the Revised Code prevails over any 1485  
conflicting provision of an agreement between an employee 1486  
organization and public employer if the terms of the agreement 1487  
contain benefits that are less than those contained in section 1488  
5906.02 of the Revised Code. Except for sections 306.08, 306.12, 1489  
306.35, and ~~4981.22~~ 5501.649 of the Revised Code and arrangements 1490  
entered into thereunder, ~~and section 4981.21 of the Revised Code~~ 1491  
~~as necessary to comply with section 13(c) of the "Urban Mass~~ 1492  
~~Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(e), as~~ 1493  
~~amended, and arrangements entered into thereunder,~~ this chapter 1494  
prevails over any and all other conflicting laws, resolutions, 1495  
provisions, present or future, except as otherwise specified in 1496  
this chapter or as otherwise specified by the general assembly. 1497  
Nothing in this section prohibits or shall be construed to 1498  
invalidate the provisions of an agreement establishing 1499  
supplemental workers' compensation or unemployment compensation 1500  
benefits or exceeding minimum requirements contained in the 1501  
Revised Code pertaining to public education or the minimum 1502  
standards promulgated by the state board of education pursuant to 1503  
division (D) of section 3301.07 of the Revised Code. 1504

(B) The public employer shall submit a request for funds 1505  
necessary to implement an agreement and for approval of any other 1506  
matter requiring the approval of the appropriate legislative body 1507

to the legislative body within fourteen days of the date on which 1508  
the parties finalize the agreement, unless otherwise specified, 1509  
but if the appropriate legislative body is not in session at the 1510  
time, then within fourteen days after it convenes. The legislative 1511  
body must approve or reject the submission as a whole, and the 1512  
submission is deemed approved if the legislative body fails to act 1513  
within thirty days after the public employer submits the 1514  
agreement. The parties may specify that those provisions of the 1515  
agreement not requiring action by a legislative body are effective 1516  
and operative in accordance with the terms of the agreement, 1517  
provided there has been compliance with division (C) of this 1518  
section. If the legislative body rejects the submission of the 1519  
public employer, either party may reopen all or part of the entire 1520  
agreement. 1521

As used in this section, "legislative body" includes the 1522  
governing board of a municipal corporation, school district, 1523  
college or university, village, township, or board of county 1524  
commissioners or any other body that has authority to approve the 1525  
budget of their public jurisdiction and, with regard to the state, 1526  
"legislative body" means the controlling board. 1527

(C) The chief executive officer, or the chief executive 1528  
officer's representative, of each municipal corporation, the 1529  
designated representative of the board of education of each school 1530  
district, college or university, or any other body that has 1531  
authority to approve the budget of their public jurisdiction, the 1532  
designated representative of the board of county commissioners and 1533  
of each elected officeholder of the county whose employees are 1534  
covered by the collective negotiations, and the designated 1535  
representative of the village or the board of township trustees of 1536  
each township is responsible for negotiations in the collective 1537  
bargaining process; except that the legislative body may accept or 1538  
reject a proposed collective bargaining agreement. When the 1539

matters about which there is agreement are reduced to writing and 1540  
approved by the employee organization and the legislative body, 1541  
the agreement is binding upon the legislative body, the employer, 1542  
and the employee organization and employees covered by the 1543  
agreement. 1544

(D) There is hereby established an office of collective 1545  
bargaining in the department of administrative services for the 1546  
purpose of negotiating with and entering into written agreements 1547  
between state agencies, departments, boards, and commissions and 1548  
the exclusive representative on matters of wages, hours, terms and 1549  
other conditions of employment and the continuation, modification, 1550  
or deletion of an existing provision of a collective bargaining 1551  
agreement. Nothing in any provision of law to the contrary shall 1552  
be interpreted as excluding the bureau of workers' compensation 1553  
and the industrial commission from the preceding sentence. This 1554  
office shall not negotiate on behalf of other statewide elected 1555  
officials or boards of trustees of state institutions of higher 1556  
education who shall be considered as separate public employers for 1557  
the purposes of this chapter; however, the office may negotiate on 1558  
behalf of these officials or trustees where authorized by the 1559  
officials or trustees. The staff of the office of collective 1560  
bargaining are in the unclassified service. The director of 1561  
administrative services shall fix the compensation of the staff. 1562

The office of collective bargaining shall: 1563

(1) Assist the director in formulating management's 1564  
philosophy for public collective bargaining as well as planning 1565  
bargaining strategies; 1566

(2) Conduct negotiations with the exclusive representatives 1567  
of each employee organization; 1568

(3) Coordinate the state's resources in all mediation, 1569  
fact-finding, and arbitration cases as well as in all labor 1570

disputes;	1571
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	1572 1573
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	1574 1575
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	1576 1577 1578 1579
<b>Sec. 4501.01.</b> As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:	1580 1581 1582
(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.	1583 1584 1585 1586 1587 1588 1589
(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a	1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600

marina, when drawn or towed on a public road or highway for a 1601  
distance of no more than ten miles and at a speed of twenty-five 1602  
miles per hour or less. 1603

(C) "Agricultural tractor" and "traction engine" mean any 1604  
self-propelling vehicle that is designed or used for drawing other 1605  
vehicles or wheeled machinery, but has no provisions for carrying 1606  
loads independently of such other vehicles, and that is used 1607  
principally for agricultural purposes. 1608

(D) "Commercial tractor," except as defined in division (C) 1609  
of this section, means any motor vehicle that has motive power and 1610  
either is designed or used for drawing other motor vehicles, or is 1611  
designed or used for drawing another motor vehicle while carrying 1612  
a portion of the other motor vehicle or its load, or both. 1613

(E) "Passenger car" means any motor vehicle that is designed 1614  
and used for carrying not more than nine persons and includes any 1615  
motor vehicle that is designed and used for carrying not more than 1616  
fifteen persons in a ridesharing arrangement. 1617

(F) "Collector's vehicle" means any motor vehicle or 1618  
agricultural tractor or traction engine that is of special 1619  
interest, that has a fair market value of one hundred dollars or 1620  
more, whether operable or not, and that is owned, operated, 1621  
collected, preserved, restored, maintained, or used essentially as 1622  
a collector's item, leisure pursuit, or investment, but not as the 1623  
owner's principal means of transportation. "Licensed collector's 1624  
vehicle" means a collector's vehicle, other than an agricultural 1625  
tractor or traction engine, that displays current, valid license 1626  
tags issued under section 4503.45 of the Revised Code, or a 1627  
similar type of motor vehicle that displays current, valid license 1628  
tags issued under substantially equivalent provisions in the laws 1629  
of other states. 1630

(G) "Historical motor vehicle" means any motor vehicle that 1631

is over twenty-five years old and is owned solely as a collector's 1632  
item and for participation in club activities, exhibitions, tours, 1633  
parades, and similar uses, but that in no event is used for 1634  
general transportation. 1635

(H) "Noncommercial motor vehicle" means any motor vehicle, 1636  
including a farm truck as defined in section 4503.04 of the 1637  
Revised Code, that is designed by the manufacturer to carry a load 1638  
of no more than one ton and is used exclusively for purposes other 1639  
than engaging in business for profit. 1640

(I) "Bus" means any motor vehicle that has motor power and is 1641  
designed and used for carrying more than nine passengers, except 1642  
any motor vehicle that is designed and used for carrying not more 1643  
than fifteen passengers in a ridesharing arrangement. 1644

(J) "Commercial car" or "truck" means any motor vehicle that 1645  
has motor power and is designed and used for carrying merchandise 1646  
or freight, or that is used as a commercial tractor. 1647

(K) "Bicycle" means every device, other than a device that is 1648  
designed solely for use as a play vehicle by a child, that is 1649  
propelled solely by human power upon which a person may ride, and 1650  
that has two or more wheels, any of which is more than fourteen 1651  
inches in diameter. 1652

(L) "Motorized bicycle" means any vehicle that either has two 1653  
tandem wheels or one wheel in the front and two wheels in the 1654  
rear, that is capable of being pedaled, and that is equipped with 1655  
a helper motor of not more than fifty cubic centimeters piston 1656  
displacement that produces no more than one brake horsepower and 1657  
is capable of propelling the vehicle at a speed of no greater than 1658  
twenty miles per hour on a level surface. 1659

(M) "Trailer" means any vehicle without motive power that is 1660  
designed or used for carrying property or persons wholly on its 1661  
own structure and for being drawn by a motor vehicle, and includes 1662

any such vehicle that is formed by or operated as a combination of 1663  
a semitrailer and a vehicle of the dolly type such as that 1664  
commonly known as a trailer dolly, a vehicle used to transport 1665  
agricultural produce or agricultural production materials between 1666  
a local place of storage or supply and the farm when drawn or 1667  
towed on a public road or highway at a speed greater than 1668  
twenty-five miles per hour, and a vehicle that is designed and 1669  
used exclusively to transport a boat between a place of storage 1670  
and a marina, or in and around a marina, when drawn or towed on a 1671  
public road or highway for a distance of more than ten miles or at 1672  
a speed of more than twenty-five miles per hour. "Trailer" does 1673  
not include a manufactured home or travel trailer. 1674

(N) "Noncommercial trailer" means any trailer, except a 1675  
travel trailer or trailer that is used to transport a boat as 1676  
described in division (B) of this section, but, where applicable, 1677  
includes a vehicle that is used to transport a boat as described 1678  
in division (M) of this section, that has a gross weight of no 1679  
more than ten thousand pounds, and that is used exclusively for 1680  
purposes other than engaging in business for a profit, such as the 1681  
transportation of personal items for personal or recreational 1682  
purposes. 1683

(O) "Mobile home" means a building unit or assembly of closed 1684  
construction that is fabricated in an off-site facility, is more 1685  
than thirty-five body feet in length or, when erected on site, is 1686  
three hundred twenty or more square feet, is built on a permanent 1687  
chassis, is transportable in one or more sections, and does not 1688  
qualify as a manufactured home as defined in division (C)(4) of 1689  
section 3781.06 of the Revised Code or as an industrialized unit 1690  
as defined in division (C)(3) of section 3781.06 of the Revised 1691  
Code. 1692

(P) "Semitrailer" means any vehicle of the trailer type that 1693  
does not have motive power and is so designed or used with another 1694

and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

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

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

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

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

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

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

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

(a) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.

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



food, and for sleeping. 1725

(c) "Truck camper" means a nonself-propelled recreational 1726  
vehicle that does not have wheels for road use and is designed to 1727  
be placed upon and attached to a motor vehicle. "Truck camper" 1728  
does not include truck covers that consist of walls and a roof, 1729  
but do not have floors and facilities enabling them to be used as 1730  
a dwelling. 1731

(d) "Fifth wheel trailer" means a vehicle that is of such 1732  
size and weight as to be movable without a special highway permit, 1733  
that has a gross trailer area of four hundred square feet or less, 1734  
that is constructed with a raised forward section that allows a 1735  
bi-level floor plan, and that is designed to be towed by a vehicle 1736  
equipped with a fifth-wheel hitch ordinarily installed in the bed 1737  
of a truck. 1738

(e) "Park trailer" means a vehicle that is commonly known as 1739  
a park model recreational vehicle, meets the American national 1740  
standard institute standard A119.5 (1988) for park trailers, is 1741  
built on a single chassis, has a gross trailer area of four 1742  
hundred square feet or less when set up, is designed for seasonal 1743  
or temporary living quarters, and may be connected to utilities 1744  
necessary for the operation of installed features and appliances. 1745

(R) "Pneumatic tires" means tires of rubber and fabric or 1746  
tires of similar material, that are inflated with air. 1747

(S) "Solid tires" means tires of rubber or similar elastic 1748  
material that are not dependent upon confined air for support of 1749  
the load. 1750

(T) "Solid tire vehicle" means any vehicle that is equipped 1751  
with two or more solid tires. 1752

(U) "Farm machinery" means all machines and tools that are 1753  
used in the production, harvesting, and care of farm products, and 1754  
includes trailers that are used to transport agricultural produce 1755

or agricultural production materials between a local place of 1756  
storage or supply and the farm, agricultural tractors, threshing 1757  
machinery, hay-baling machinery, corn shellers, hammermills, and 1758  
machinery used in the production of horticultural, agricultural, 1759  
and vegetable products. 1760

(V) "Owner" includes any person or firm, other than a 1761  
manufacturer or dealer, that has title to a motor vehicle, except 1762  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 1763  
includes in addition manufacturers and dealers. 1764

(W) "Manufacturer" and "dealer" include all persons and firms 1765  
that are regularly engaged in the business of manufacturing, 1766  
selling, displaying, offering for sale, or dealing in motor 1767  
vehicles, at an established place of business that is used 1768  
exclusively for the purpose of manufacturing, selling, displaying, 1769  
offering for sale, or dealing in motor vehicles. A place of 1770  
business that is used for manufacturing, selling, displaying, 1771  
offering for sale, or dealing in motor vehicles shall be deemed to 1772  
be used exclusively for those purposes even though snowmobiles or 1773  
all-purpose vehicles are sold or displayed for sale thereat, even 1774  
though farm machinery is sold or displayed for sale thereat, or 1775  
even though repair, accessory, gasoline and oil, storage, parts, 1776  
service, or paint departments are maintained thereat, or, in any 1777  
county having a population of less than seventy-five thousand at 1778  
the last federal census, even though a department in a place of 1779  
business is used to dismantle, salvage, or rebuild motor vehicles 1780  
by means of used parts, if such departments are operated for the 1781  
purpose of furthering and assisting in the business of 1782  
manufacturing, selling, displaying, offering for sale, or dealing 1783  
in motor vehicles. Places of business or departments in a place of 1784  
business used to dismantle, salvage, or rebuild motor vehicles by 1785  
means of using used parts are not considered as being maintained 1786  
for the purpose of assisting or furthering the manufacturing, 1787

selling, displaying, and offering for sale or dealing in motor vehicles. 1788  
1789

(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways. 1790  
1791

(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. 1792  
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(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada. 1801  
1802

(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts. 1803  
1804

(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. 1805  
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(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle. 1808  
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(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 distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership. 1811  
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(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

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

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

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

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

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American

association of motor vehicle administrators, and that promotes and 1850  
encourages the fullest possible use of the highway system by 1851  
authorizing apportioned registration of fleets of vehicles and 1852  
recognizing registration of vehicles apportioned in member 1853  
jurisdictions. 1854

(II) "Restricted plate" means a license plate that has a 1855  
restriction of time, geographic area, mileage, or commodity, and 1856  
includes license plates issued to farm trucks under division (J) 1857  
of section 4503.04 of the Revised Code. 1858

(JJ) "Gross vehicle weight," with regard to any commercial 1859  
car, trailer, semitrailer, or bus that is taxed at the rates 1860  
established under section 4503.042 or 4503.65 of the Revised Code, 1861  
means the unladen weight of the vehicle fully equipped plus the 1862  
maximum weight of the load to be carried on the vehicle. 1863

(KK) "Combined gross vehicle weight" with regard to any 1864  
combination of a commercial car, trailer, and semitrailer, that is 1865  
taxed at the rates established under section 4503.042 or 4503.65 1866  
of the Revised Code, means the total unladen weight of the 1867  
combination of vehicles fully equipped plus the maximum weight of 1868  
the load to be carried on that combination of vehicles. 1869

(LL) "Chauffeured limousine" means a motor vehicle that is 1870  
designed to carry nine or fewer passengers and is operated for 1871  
hire pursuant to a prearranged contract for the transportation of 1872  
passengers on public roads and highways along a route under the 1873  
control of the person hiring the vehicle and not over a defined 1874  
and regular route. "Prearranged contract" means an agreement, made 1875  
in advance of boarding, to provide transportation from a specific 1876  
location in a chauffeured limousine. "Chauffeured limousine" does 1877  
not include any vehicle that is used exclusively in the business 1878  
of funeral directing. 1879

(MM) "Manufactured home" has the same meaning as in division 1880

(C)(4) of section 3781.06 of the Revised Code. 1881

(NN) "Acquired situs," with respect to a manufactured home or 1882  
a mobile home, means to become located in this state by the 1883  
placement of the home on real property, but does not include the 1884  
placement of a manufactured home or a mobile home in the inventory 1885  
of a new motor vehicle dealer or the inventory of a manufacturer, 1886  
remanufacturer, or distributor of manufactured or mobile homes. 1887

(OO) "Electronic" includes electrical, digital, magnetic, 1888  
optical, electromagnetic, or any other form of technology that 1889  
entails capabilities similar to these technologies. 1890

(PP) "Electronic record" means a record generated, 1891  
communicated, received, or stored by electronic means for use in 1892  
an information system or for transmission from one information 1893  
system to another. 1894

(QQ) "Electronic signature" means a signature in electronic 1895  
form attached to or logically associated with an electronic 1896  
record. 1897

(RR) "Financial transaction device" has the same meaning as 1898  
in division (A) of section 113.40 of the Revised Code. 1899

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1900  
dealer licensed under Chapter 4517. of the Revised Code whom the 1901  
registrar of motor vehicles determines meets the criteria 1902  
designated in section 4503.035 of the Revised Code for electronic 1903  
motor vehicle dealers and designates as an electronic motor 1904  
vehicle dealer under that section. 1905

(TT) "Electric personal assistive mobility device" means a 1906  
self-balancing two non-tandem wheeled device that is designed to 1907  
transport only one person, has an electric propulsion system of an 1908  
average of seven hundred fifty watts, and when ridden on a paved 1909  
level surface by an operator who weighs one hundred seventy pounds 1910  
has a maximum speed of less than twenty miles per hour. 1911

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

(VV) "Utility vehicle" means a self-propelled vehicle  
designed with a bed, principally for the purpose of transporting  
material or cargo in connection with construction, agricultural,  
forestry, grounds maintenance, lawn and garden, materials  
handling, or similar activities. "Utility vehicle" includes a  
vehicle with a maximum attainable speed of twenty miles per hour  
or less that is used exclusively within the boundaries of state  
parks by state park employees or volunteers for the operation or  
maintenance of state park facilities.

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

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

**Sec. 4501.03.** The registrar of motor vehicles shall open an  
account with each county and district of registration in the  
state, and may assign each county and district of registration in  
the state a unique code for identification purposes. Except as  
provided in section 4501.044 or division (A)(1) of section  
4501.045 of the Revised Code, the registrar shall pay all moneys  
the registrar receives under sections 4503.02 and 4503.12 of the

Revised Code into the state treasury to the credit of the auto 1943  
registration distribution fund, which is hereby created, for 1944  
distribution in the manner provided for in this section and 1945  
section 4501.04 of the Revised Code. All other moneys received by 1946  
the registrar shall be deposited in the state bureau of motor 1947  
vehicles fund established in section 4501.25 of the Revised Code 1948  
for the purposes enumerated in that section, unless otherwise 1949  
provided by law. 1950

All moneys credited to the auto registration distribution 1951  
fund shall be distributed to the counties and districts of 1952  
registration, ~~after receipt of certifications from the~~ 1953  
~~commissioners of the sinking fund certifying, as required by~~ 1954  
~~sections 5528.15 and 5528.35 of the Revised Code, that there are~~ 1955  
~~sufficient moneys to the credit of the highway improvement bond~~ 1956  
~~retirement fund created by section 5528.12 of the Revised Code to~~ 1957  
~~meet in full all payments of interest, principal, and charges for~~ 1958  
~~the retirement of bonds and other obligations issued pursuant to~~ 1959  
~~Section 2g of Article VIII, Ohio Constitution, and sections~~ 1960  
~~5528.10 and 5528.11 of the Revised Code due and payable during the~~ 1961  
~~current calendar year, and that there are sufficient moneys to the~~ 1962  
~~credit of the highway obligations bond retirement fund created by~~ 1963  
~~section 5528.32 of the Revised Code to meet in full all payments~~ 1964  
~~of interest, principal, and charges for the retirement of highway~~ 1965  
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 1966  
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 1967  
~~due and payable during the current calendar year, in the manner~~ 1968  
provided in section 4501.04 of the Revised Code. 1969

The treasurer of state may invest any portion of the moneys 1970  
credited to the auto registration distribution fund, in the same 1971  
manner and subject to all the laws with respect to the investment 1972  
of state funds by the treasurer of state, and all investment 1973  
earnings of the fund shall be credited to the fund. 1974



Once each month the registrar shall prepare vouchers in favor of the county auditor of each county for the amount of the tax collection pursuant to sections 4503.02 and 4503.12 of the Revised Code apportioned to the county and to the districts of registration located wholly or in part in the county auditor's county. The county auditor shall distribute the proceeds of the tax collections due the county and the districts of registration in the manner provided in section 4501.04 of the Revised Code.

All moneys received by the registrar under sections 4503.02 and 4503.12 of the Revised Code shall be distributed to counties, townships, and municipal corporations within thirty days of the expiration of the registration year, except that a sum equal to five per cent of the total amount received under sections 4503.02 and 4503.12 of the Revised Code may be reserved to make final adjustments in accordance with the formula for distribution set forth in section 4501.04 of the Revised Code. If amounts set aside to make the adjustments are inadequate, necessary adjustments shall be made immediately out of funds available for distribution for the following two registration years.

**Sec. 4501.04.** All moneys paid into the auto registration distribution fund under section 4501.03 of the Revised Code, except moneys received under section 4503.02 of the Revised Code in accordance with section 4501.13 of the Revised Code, and except moneys paid for costs of audits under section 4501.03 of the Revised Code, ~~after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII,~~

~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be distributed as follows:~~

(A) Thirty-four per cent of all such moneys are for the use of the municipal corporation or county which constitutes the district of registration. The portion of such money due to the municipal corporation shall be paid into its treasury forthwith upon receipt by the county auditor, and shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for such purposes.

The county portion of such funds shall be retained in the county treasury and shall be used for the planning, maintenance, repair, construction, and repaving of public streets, and maintaining and repairing bridges and viaducts; the payment of principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred

pursuant to section 5531.09 of the Revised Code for the purpose of 2039  
acquiring or constructing roads, highways, bridges, or viaducts or 2040  
acquiring or making other highway improvements for which the board 2041  
of county commissioners may issue bonds under such chapter; and 2042  
for no other purpose. 2043

(B) Five per cent of all such moneys, together with interest 2044  
earned by the treasurer of state as provided in section 4501.03 of 2045  
the Revised Code, shall constitute a fund for the use of the 2046  
several counties for the purposes specified in division (C) of 2047  
this section. The moneys shall be divided equally among all the 2048  
counties in the state and shall be paid out by the registrar of 2049  
motor vehicles in equal proportions to the county auditor of each 2050  
county within the state. 2051

(C) Forty-seven per cent of all such moneys shall be for the 2052  
use of the county in which the owner resides or in which the place 2053  
is located at which the established business or branch business in 2054  
connection with which the motor vehicle registered is used, for 2055  
the planning, construction, reconstruction, improvement, 2056  
maintenance, and repair of roads and highways; maintaining and 2057  
repairing bridges and viaducts; and the payment of principal, 2058  
interest, and charges on bonds and other obligations issued 2059  
pursuant to Chapter 133. of the Revised Code or incurred pursuant 2060  
to section 5531.09 of the Revised Code for the purpose of 2061  
acquiring or constructing roads, highways, bridges, or viaducts or 2062  
acquiring or making other highway improvements for which the board 2063  
of county commissioners may issue bonds under such chapter. 2064

(D) Nine per cent of all such moneys shall be for the use of 2065  
the several counties for the purposes specified in division (C) of 2066  
this section and shall be distributed to the several counties in 2067  
the ratio which the total number of miles of county roads under 2068  
the jurisdiction of each board of county commissioners in each 2069  
county bears to the total number of miles of county roads in the 2070

state, as determined by the director of transportation. Before 2071  
such distribution is made each board of county commissioners shall 2072  
certify in writing to the director the actual number of miles 2073  
under its statutory jurisdiction which are used by and maintained 2074  
for the public. 2075

(E) Five per cent of all such moneys shall be for the use of 2076  
the several townships and shall be distributed to the several 2077  
townships in the ratio which the total number of miles of township 2078  
roads under the jurisdiction of each board of township trustees in 2079  
each township bears to the total number of miles of township roads 2080  
in the state, as determined by the director of transportation. 2081  
Before such distribution is made each board of township trustees 2082  
shall certify in writing to the director the actual number of 2083  
miles under its statutory jurisdiction which are used by and 2084  
maintained for the public. 2085

**Sec. 4501.044.** (A) All moneys received under section 4503.65 2086  
of the Revised Code and from the tax imposed by section 4503.02 of 2087  
the Revised Code on vehicles that are apportionable and to which 2088  
the rates specified in divisions (A)(1) to (21) and division (B) 2089  
of section 4503.042 of the Revised Code apply shall be paid into 2090  
the international registration plan distribution fund, which is 2091  
hereby created in the state treasury, and distributed as follows: 2092

(1) First, to make payments to other states that are members 2093  
of the international registration plan of the portions of 2094  
registration taxes the states are eligible to receive because of 2095  
the operation within their borders of apportionable vehicles that 2096  
are registered in Ohio; 2097

(2) Second, two and five-tenths per cent of all the moneys 2098  
received from apportionable vehicles under section 4503.65 of the 2099  
Revised Code that are collected from other international 2100  
registration plan jurisdictions commencing on and after October 1, 2101

2009, shall be deposited into the state highway safety fund 2102  
established in section 4501.06 of the Revised Code; 2103

(3) Third, forty-two and six-tenths per cent of the moneys 2104  
received from apportionable vehicles under divisions (A)(8) to 2105  
(21) of section 4503.042 and forty-two and six-tenths per cent of 2106  
the balance remaining from the moneys received under section 2107  
4503.65 of the Revised Code after distribution under division 2108  
(A)(2) of this section shall be deposited in the state treasury to 2109  
the credit of the ~~highway obligations bond retirement fund created~~ 2110  
~~by section 5528.32 of the Revised Code and used solely for the~~ 2111  
~~purposes set forth in that section, except that, from the date the~~ 2112  
~~commissioners of the sinking fund make the certification to the~~ 2113  
~~treasurer of state on the sufficiency of funds in the highway~~ 2114  
~~obligation bond retirement fund as required by section 5528.38 of~~ 2115  
~~the Revised Code, and until the thirty first day of December of~~ 2116  
~~the year in which the certification is made, the amounts~~ 2117  
~~distributed under division (A)(3) of this section shall be~~ 2118  
~~credited to the state highway operating safety fund created by~~ 2119  
section ~~5735.291~~ 4501.06 of the Revised Code; 2120

(4) Fourth, an amount estimated as the annual costs that the 2121  
department of taxation will incur in conducting audits of persons 2122  
who have registered motor vehicles under the international 2123  
registration plan, one-twelfth of which amount shall be paid by 2124  
the registrar of motor vehicles into the international 2125  
registration plan auditing fund created by section 5703.12 of the 2126  
Revised Code by the fifteenth day of each month; 2127

(5) Fifth, to the state bureau of motor vehicles fund 2128  
established in section 4501.25 of the Revised Code, to offset 2129  
operating expenses incurred by the bureau of motor vehicles in 2130  
administering the international registration plan; 2131

(6) Any moneys remaining in the international registration 2132  
plan distribution fund after distribution under divisions (A)(1) 2133

to (5) of this section shall be distributed in accordance with 2134  
division (B) of this section. 2135

(B)(1) Moneys received from the tax imposed by section 2136  
4503.02 of the Revised Code on vehicles that are apportionable and 2137  
to which the rates specified in divisions (A)(1) to (21) and 2138  
division (B) of section 4503.042 of the Revised Code apply shall 2139  
be distributed and used in the manner provided in section 4501.04 2140  
of the Revised Code and rules adopted by the registrar of motor 2141  
vehicles for moneys deposited to the credit of the auto 2142  
registration distribution fund. 2143

(2) Moneys received from collections under section 4503.65 of 2144  
the Revised Code shall be distributed under divisions (B)(2) and 2145  
(3) of this section. 2146

Each county, township, and municipal corporation shall 2147  
receive an amount such that the ratio that the amount of moneys 2148  
received by that county, township, or municipal corporation under 2149  
division (B)(1) of this section from apportionable vehicles 2150  
registered in Ohio and under section 4503.65 of the Revised Code 2151  
from apportionable vehicles registered in other international 2152  
registration plan jurisdictions bears to the total amount of 2153  
moneys received by all counties, townships, and municipal 2154  
corporations under division (B)(1) of this section from 2155  
apportionable vehicles registered in Ohio and under section 2156  
4503.65 of the Revised Code from apportionable vehicles registered 2157  
in other international registration plan jurisdictions equals the 2158  
ratio that the amount of moneys that the county, township, or 2159  
municipal corporation would receive from apportionable vehicles 2160  
registered in Ohio were the moneys from such vehicles distributed 2161  
under section 4501.04 of the Revised Code, based solely on the 2162  
weight schedules contained in section 4503.042 of the Revised 2163  
Code, bears to the total amount of money that all counties, 2164  
townships, and municipal corporations would receive from 2165

apportionable vehicles registered in Ohio were the moneys from 2166  
such vehicles distributed under section 4501.04 of the Revised 2167  
Code, based solely on the weight schedules contained in section 2168  
4503.042 of the Revised Code. 2169

No county, township, or municipal corporation shall receive 2170  
under division (B)(2) of this section an amount greater than the 2171  
amount of money that that county, township, or municipal 2172  
corporation would receive from apportionable vehicles registered 2173  
in Ohio were the money from the taxation of such vehicles 2174  
distributed under section 4501.04 of the Revised Code based solely 2175  
on the weight schedules contained in section 4503.042 of the 2176  
Revised Code. 2177

(3) If, at the end of the distribution year, the total of all 2178  
moneys received under section 4503.65 of the Revised Code exceeds 2179  
the total moneys subject to distribution under division (B)(2) of 2180  
this section, the registrar shall distribute to each county, 2181  
township, and municipal corporation a portion of the excess. The 2182  
excess shall be distributed to counties, townships, and municipal 2183  
corporations in the same proportion that the revenues received by 2184  
each county, township, and municipal corporation from collections 2185  
under section 4503.02 and from collections under section 4503.65 2186  
of the Revised Code during that distribution year bears to the 2187  
total revenues received by counties, townships, and municipal 2188  
corporations from taxes levied under section 4503.02 and from 2189  
collections under section 4503.65 of the Revised Code during that 2190  
distribution year. 2191

(C) All moneys received from the administrative fee imposed 2192  
by division (C) of section 4503.042 of the Revised Code shall be 2193  
deposited to the credit of the state bureau of motor vehicles fund 2194  
established in section 4501.25 of the Revised Code, to offset 2195  
operating expenses incurred by the bureau of motor vehicles in 2196  
administering the international registration plan. 2197

(D) All investment earnings of the international registration  
plan distribution fund shall be credited to the fund.

**Sec. 4501.045.** (A) All moneys received from the tax imposed  
by section 4503.02 of the Revised Code on commercial cars and  
buses that are not apportionable and to which the rates provided  
under divisions (A)(8) to (21) of section 4503.042 of the Revised  
Code apply, shall be distributed as follows:

(1) First, forty-two and six-tenths per cent shall be  
deposited in the state treasury to the credit of the state highway  
~~obligations bond retirement~~ safety fund created by section ~~5528.32~~  
4501.06 of the Revised Code, to be used solely for the purposes  
set forth in that section;

(2) Second, the balance remaining after distribution under  
division (A)(1) of this section shall be deposited to the credit  
of the auto registration distribution fund for distribution in the  
manner provided in sections 4501.03 and 4501.04 of the Revised  
Code.

(B) All moneys received from the tax imposed by section  
4503.02 of the Revised Code on commercial cars and buses that are  
not apportionable and to which the rates provided under divisions  
(A)(1) to (7) and division (B) of section 4503.042 of the Revised  
Code apply, shall be deposited to the credit of the auto  
registration distribution fund for distribution in the manner  
provided in sections 4501.03 and 4501.04 of the Revised Code.

(C) All moneys received from the tax imposed by section  
4503.02 of the Revised Code on trailers and semitrailers shall be  
deposited to the credit of the auto registration distribution fund  
for distribution in the manner provided in sections 4501.03 and  
4501.04 of the Revised Code.

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or



referred to in division (A)(3) of section 4501.044, division 2228  
(A)(1) of section 4501.045, division (O) of section 4503.04, 2229  
division (E) of section 4503.042, division (B) of section 4503.07, 2230  
division (C)(1) of section 4503.10, division (D) of section 2231  
4503.182, division (A) of section 4503.19, division (D)(2) of 2232  
section 4507.24, division (A) of section 4508.06, and sections 2233  
4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4507.23, 4508.05, 2234  
4513.53, and 5502.12 of the Revised Code, and the taxes charged in 2235  
section 4503.65 that are distributed in accordance with division 2236  
(A)(2) of section 4501.044 of the Revised Code unless otherwise 2237  
designated by law, shall be deposited in the state treasury to the 2238  
credit of the state highway safety fund, which is hereby created. 2239  
Money credited to the fund shall, ~~after receipt of certifications~~ 2240  
~~from the commissioners of the sinking fund certifying that there~~ 2241  
~~are sufficient moneys to the credit of the highway obligations~~ 2242  
~~bond retirement fund created by section 5528.32 of the Revised~~ 2243  
~~Code to meet in full all payments of interest, principal, and~~ 2244  
~~charges for the retirement of highway obligations issued pursuant~~ 2245  
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 2246  
~~5528.30 and 5528.31 of the Revised Code due and payable during the~~ 2247  
~~current calendar year,~~ be used for the purpose of enforcing and 2248  
paying the expenses of administering the law relative to the 2249  
registration and operation of motor vehicles on the public roads 2250  
or highways. Amounts credited to the fund may also be used to pay 2251  
the expenses of administering and enforcing the laws under which 2252  
such fees were collected. All investment earnings of the state 2253  
highway safety fund shall be credited to the fund. 2254

**Sec. 4501.11.** (A) There is hereby created in the state 2255  
treasury the security, investigations, and policing fund. 2256  
Notwithstanding section 5503.04 of the Revised Code, no fines 2257  
collected from or money arising from bonds or bail forfeited by 2258  
persons apprehended or arrested by state highway patrol troopers 2259

shall be credited to the general revenue fund until sufficient 2260  
revenue to fund appropriations for the activities described under 2261  
division (B) of this section are credited to the security, 2262  
investigations, and policing fund. All investment earnings of the 2263  
security, investigations, and policing fund shall be credited to 2264  
that fund. 2265

This division does not apply to fines for violations of 2266  
division (B) of section 4513.263 of the Revised Code, or to fines 2267  
for violations of any municipal ordinance that is substantively 2268  
comparable to that division, which fines shall be delivered to the 2269  
treasurer of state as provided in division (E) of section 4513.263 2270  
of the Revised Code. 2271

(B) The money credited to the security, investigations, and 2272  
policing fund shall be used to pay the costs of: 2273

(1) Providing security for the governor, other officials and 2274  
dignitaries, the capitol square, and other state property pursuant 2275  
to division (E) of section 5503.02 of the Revised Code; 2276

(2) Undertaking major criminal investigations that involve 2277  
state property interests; 2278

(3) Providing traffic control and security for the Ohio 2279  
expositions commission on a full-time, year-round basis; 2280

(4) Performing nonhighway-related duties of the state highway 2281  
patrol at the Ohio state fair; 2282

~~(5) Coordinating homeland security activities. 2283~~

**Sec. 4501.21.** (A) There is hereby created in the state 2284  
treasury the license plate contribution fund. The fund shall 2285  
consist of all contributions paid by motor vehicle registrants and 2286  
collected by the registrar of motor vehicles pursuant to sections 2287  
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 2288  
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 2289

4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 2290  
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 2291  
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 2292  
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 2293  
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 2294  
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 2295  
Revised Code. 2296

(B) The registrar shall pay the contributions the registrar 2297  
collects in the fund as follows: 2298

The registrar shall pay the contributions received pursuant 2299  
to section 4503.491 of the Revised Code to the breast cancer fund 2300  
of Ohio, which shall use that money only to pay for programs that 2301  
provide assistance and education to Ohio breast cancer patients 2302  
and that improve access for such patients to quality health care 2303  
and clinical trials and shall not use any of the money for 2304  
abortion information, counseling, services, or other 2305  
abortion-related activities. 2306

The registrar shall pay the contributions the registrar 2307  
receives pursuant to section 4503.492 of the Revised Code to the 2308  
organization cancer support community central Ohio, which shall 2309  
deposit the money into the Sheryl L. Kraner Fund of that 2310  
organization. Cancer support community central Ohio shall expend 2311  
the money it receives pursuant to this division only in the same 2312  
manner and for the same purposes as that organization expends 2313  
other money in that fund. 2314

The registrar shall pay the contributions received pursuant 2315  
to section 4503.493 of the Revised Code to the autism society of 2316  
Ohio, which shall use the contributions for programs and autism 2317  
awareness efforts throughout the state. 2318

The registrar shall pay the contributions the registrar 2319  
receives pursuant to section 4503.494 of the Revised Code to the 2320

national multiple sclerosis society for distribution in equal 2321  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 2322  
chapters of the national multiple sclerosis society. These 2323  
chapters shall use the money they receive under this section to 2324  
assist in paying the expenses they incur in providing services 2325  
directly to their clients. 2326

The registrar shall pay the contributions the registrar 2327  
receives pursuant to section 4503.496 of the Revised Code to the 2328  
Ohio sickle cell and health association, which shall use the 2329  
contributions to help support educational, clinical, and social 2330  
support services for adults who have sickle cell disease. 2331

The registrar shall pay the contributions the registrar 2332  
receives pursuant to section 4503.498 of the Revised Code to 2333  
special olympics Ohio, inc., which shall use the contributions for 2334  
its programs, charitable efforts, and other activities. 2335

The registrar shall pay the contributions the registrar 2336  
receives pursuant to section 4503.499 of the Revised Code to the 2337  
children's glioma cancer foundation, which shall use the 2338  
contributions for its research and other programs. 2339

The registrar shall pay the contributions the registrar 2340  
receives pursuant to section 4503.50 of the Revised Code to the 2341  
future farmers of America foundation, which shall deposit the 2342  
contributions into its general account to be used for educational 2343  
and scholarship purposes of the future farmers of America 2344  
foundation. 2345

The registrar shall pay the contributions the registrar 2346  
receives pursuant to section 4503.501 of the Revised Code to the 2347  
4-H youth development program of the Ohio state university 2348  
extension program, which shall use those contributions to pay the 2349  
expenses it incurs in conducting its educational activities. 2350

The registrar shall pay the contributions received pursuant 2351

to section 4503.502 of the Revised Code to the Ohio cattlemen's 2352  
foundation, which shall use those contributions for scholarships 2353  
and other educational activities. 2354

The registrar shall pay the contributions received pursuant 2355  
to section 4503.505 of the Revised Code to the organization Ohio 2356  
region phi theta kappa, which shall use those contributions for 2357  
scholarships for students who are members of that organization. 2358

The registrar shall pay each contribution the registrar 2359  
receives pursuant to section 4503.51 of the Revised Code to the 2360  
university or college whose name or marking or design appears on 2361  
collegiate license plates that are issued to a person under that 2362  
section. A university or college that receives contributions from 2363  
the fund shall deposit the contributions into its general 2364  
scholarship fund. 2365

The registrar shall pay the contributions the registrar 2366  
receives pursuant to section 4503.522 of the Revised Code to the 2367  
"friends of Perry's victory and international peace memorial, 2368  
incorporated," a nonprofit corporation organized under the laws of 2369  
this state, to assist that organization in paying the expenses it 2370  
incurs in sponsoring or holding charitable, educational, and 2371  
cultural events at the monument. 2372

The registrar shall pay the contributions the registrar 2373  
receives pursuant to section 4503.523 of the Revised Code to the 2374  
fairport lights foundation, which shall use the money to pay for 2375  
the restoration, maintenance, and preservation of the lighthouses 2376  
of fairport harbor. 2377

The registrar shall pay the contributions the registrar 2378  
receives pursuant to section 4503.524 of the Revised Code to the 2379  
Massillon tiger football booster club, which shall use the 2380  
contributions only to promote and support the football team of 2381  
Washington high school of the Massillon city school district. 2382

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to 2414  
the registrar pursuant to section 4503.545 of the Revised Code to 2415  
the national rifle association foundation, which shall use the 2416  
money to pay the costs of the educational activities and programs 2417  
the foundation holds or sponsors in this state. 2418

The registrar shall pay to the Ohio pet fund the 2419  
contributions the registrar receives pursuant to section 4503.551 2420  
of the Revised Code and any other money from any other source, 2421  
including donations, gifts, and grants, that is designated by the 2422  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 2423  
use the moneys it receives under this section to support programs 2424  
for the sterilization of dogs and cats and for educational 2425  
programs concerning the proper veterinary care of those animals, 2426  
and for expenses of the Ohio pet fund that are reasonably 2427  
necessary for it to obtain and maintain its tax-exempt status and 2428  
to perform its duties. 2429

The registrar shall pay the contributions the registrar 2430  
receives pursuant to section 4503.552 of the Revised Code to the 2431  
rock and roll hall of fame and museum, incorporated. 2432

The registrar shall pay the contributions the registrar 2433  
receives pursuant to section 4503.553 of the Revised Code to the 2434  
Ohio coalition for animals, incorporated, a nonprofit corporation. 2435  
Except as provided in division (B) of this section, the coalition 2436  
shall distribute the money to its members, and the members shall 2437  
use the money only to pay for educational, charitable, and other 2438  
programs of each coalition member that provide care for unwanted, 2439  
abused, and neglected horses. The Ohio coalition for animals may 2440  
use a portion of the money to pay for reasonable marketing costs 2441  
incurred in the design and promotion of the license plate and for 2442  
administrative costs incurred in the disbursement and management 2443  
of funds received under this section. 2444

The registrar shall pay the contributions the registrar 2445

receives pursuant to section 4503.554 of the Revised Code to the 2446  
Ohio state council of the knights of Columbus, which shall use the 2447  
contributions to pay for its charitable activities and programs. 2448

The registrar shall pay the contributions the registrar 2449  
receives pursuant to section 4503.561 of the Revised Code to the 2450  
state of Ohio chapter of ducks unlimited, inc., which shall 2451  
deposit the contributions into a special bank account that it 2452  
establishes. The special bank account shall be separate and 2453  
distinct from any other account the state of Ohio chapter of ducks 2454  
unlimited, inc., maintains and shall be used exclusively for the 2455  
purpose of protecting, enhancing, restoring, and managing wetlands 2456  
and conserving wildlife habitat. The state of Ohio chapter of 2457  
ducks unlimited, inc., annually shall notify the registrar in 2458  
writing of the name, address, and account to which such payments 2459  
are to be made. 2460

The registrar shall pay the contributions the registrar 2461  
receives pursuant to section 4503.562 of the Revised Code to the 2462  
Mahoning river consortium, which shall use the money to pay the 2463  
expenses it incurs in restoring and maintaining the Mahoning river 2464  
watershed. 2465

The registrar shall pay the contributions the registrar 2466  
receives pursuant to section 4503.564 of the Revised Code to 2467  
Antioch college for the use of the Glen Helen ecology institute to 2468  
pay expenses related to the Glen Helen nature preserve. 2469

The registrar shall pay the contributions the registrar 2470  
receives pursuant to section 4503.576 of the Revised Code to the 2471  
Ohio state beekeepers association, which shall use those 2472  
contributions to promote beekeeping, provide educational 2473  
information about beekeeping, and to support other state and local 2474  
beekeeping programs. 2475

The registrar shall pay to a sports commission created 2476



pursuant to section 4503.591 of the Revised Code each contribution 2477  
the registrar receives under that section that an applicant pays 2478  
to obtain license plates that bear the logo of a professional 2479  
sports team located in the county of that sports commission and 2480  
that is participating in the license plate program pursuant to 2481  
division (E) of that section, irrespective of the county of 2482  
residence of an applicant. 2483

The registrar shall pay to a community charity each 2484  
contribution the registrar receives under section 4503.591 of the 2485  
Revised Code that an applicant pays to obtain license plates that 2486  
bear the logo of a professional sports team that is participating 2487  
in the license plate program pursuant to division (G) of that 2488  
section. 2489

The registrar shall pay the contributions the registrar 2490  
receives pursuant to section 4503.67 of the Revised Code to the 2491  
Dan Beard council of the boy scouts of America. The council shall 2492  
distribute all contributions in an equitable manner throughout the 2493  
state to regional councils of the boy scouts. 2494

The registrar shall pay the contributions the registrar 2495  
receives pursuant to section 4503.68 of the Revised Code to the 2496  
great river council of the girl scouts of the United States of 2497  
America. The council shall distribute all contributions in an 2498  
equitable manner throughout the state to regional councils of the 2499  
girl scouts. 2500

The registrar shall pay the contributions the registrar 2501  
receives pursuant to section 4503.69 of the Revised Code to the 2502  
Dan Beard council of the boy scouts of America. The council shall 2503  
distribute all contributions in an equitable manner throughout the 2504  
state to regional councils of the boy scouts. 2505

The registrar shall pay the contributions the registrar 2506  
receives pursuant to section 4503.701 of the Revised Code to the 2507

Prince Hall grand lodge of free and accepted masons of Ohio, which 2508  
shall use the contributions for scholarship purposes. 2509

The registrar shall pay the contributions the registrar 2510  
receives pursuant to section 4503.71 of the Revised Code to the 2511  
fraternal order of police of Ohio, incorporated, which shall 2512  
deposit the fees into its general account to be used for purposes 2513  
of the fraternal order of police of Ohio, incorporated. 2514

The registrar shall pay the contributions the registrar 2515  
receives pursuant to section 4503.711 of the Revised Code to the 2516  
fraternal order of police of Ohio, incorporated, which shall 2517  
deposit the contributions into an account that it creates to be 2518  
used for the purpose of advancing and protecting the law 2519  
enforcement profession, promoting improved law enforcement 2520  
methods, and teaching respect for law and order. 2521

The registrar shall pay the contributions received pursuant 2522  
to section 4503.712 of the Revised Code to Ohio concerns of police 2523  
survivors, which shall use those contributions to provide whatever 2524  
assistance may be appropriate to the families of Ohio law 2525  
enforcement officers who are killed in the line of duty. 2526

The registrar shall pay the contributions received pursuant 2527  
to section 4503.713 of the Revised Code to the greater Cleveland 2528  
peace officers memorial society, which shall use those 2529  
contributions to honor law enforcement officers who have died in 2530  
the line of duty and support its charitable purposes. 2531

The registrar shall pay the contributions the registrar 2532  
receives pursuant to section 4503.72 of the Revised Code to the 2533  
organization known on March 31, 2003, as the Ohio CASA/GAL 2534  
association, a private, nonprofit corporation organized under 2535  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 2536  
shall use these contributions to pay the expenses it incurs in 2537  
administering a program to secure the proper representation in the 2538

courts of this state of abused, neglected, and dependent children, 2539  
and for the training and supervision of persons participating in 2540  
that program. 2541

The registrar shall pay the contributions the registrar 2542  
receives pursuant to section 4503.73 of the Revised Code to Wright 2543  
B. Flyer, incorporated, which shall deposit the contributions into 2544  
its general account to be used for purposes of Wright B. Flyer, 2545  
incorporated. 2546

The registrar shall pay the contributions the registrar 2547  
receives pursuant to section 4503.732 of the Revised Code to the 2548  
Siegel & Shuster society, a nonprofit organization dedicated to 2549  
commemorating and celebrating the creation of Superman in 2550  
Cleveland, Ohio. 2551

The registrar shall pay the contributions the registrar 2552  
receives pursuant to section 4503.74 of the Revised Code to the 2553  
Columbus zoological park association, which shall disburse the 2554  
moneys to Ohio's major metropolitan zoos, as defined in section 2555  
4503.74 of the Revised Code, in accordance with a written 2556  
agreement entered into by the major metropolitan zoos. 2557

The registrar shall pay the contributions the registrar 2558  
receives pursuant to section 4503.75 of the Revised Code to the 2559  
rotary foundation, located on March 31, 2003, in Evanston, 2560  
Illinois, to be placed in a fund known as the permanent fund and 2561  
used to endow educational and humanitarian programs of the rotary 2562  
foundation. 2563

The registrar shall pay the contributions the registrar 2564  
receives pursuant to section 4503.751 of the Revised Code to the 2565  
Ohio association of realtors, which shall deposit the 2566  
contributions into a property disaster relief fund maintained 2567  
under the Ohio realtors charitable and education foundation. 2568

The registrar shall pay the contributions the registrar 2569

receives pursuant to section 4503.85 of the Revised Code to the 2570  
Ohio sea grant college program to be used for Lake Erie area 2571  
research projects. 2572

The registrar shall pay the contributions the registrar 2573  
receives pursuant to section 4503.86 of the Revised Code to the 2574  
Ohio Lincoln highway historic byway, which shall use those 2575  
contributions solely to promote and support the historical 2576  
preservation and advertisement of the Lincoln highway in this 2577  
state. 2578

The registrar shall pay the contributions the registrar 2579  
receives pursuant to section 4503.89 of the Revised Code to the 2580  
American red cross of greater Columbus on behalf of the Ohio 2581  
chapters of the American red cross, which shall use the 2582  
contributions for disaster readiness, preparedness, and response 2583  
programs on a statewide basis. 2584

The registrar shall pay the contributions the registrar 2585  
receives pursuant to section 4503.90 of the Revised Code to the 2586  
nationwide children's hospital foundation. 2587

The registrar shall pay the contributions received pursuant 2588  
to section 4503.92 of the Revised Code to support our troops, 2589  
incorporated, a national nonprofit corporation, which shall use 2590  
those contributions in accordance with its articles of 2591  
incorporation and for the benefit of servicemembers of the armed 2592  
forces of the United States and their families when they are in 2593  
financial need. 2594

The registrar shall pay the contributions the registrar 2595  
receives pursuant to section 4503.94 of the Revised Code to the 2596  
Michelle's leading star foundation, which shall use the money 2597  
solely to fund the rental, lease, or purchase of the simulated 2598  
driving curriculum of the Michelle's leading star foundation by 2599  
boards of education of city, exempted village, local, and joint 2600

vocational school districts. 2601

(C) All investment earnings of the license plate contribution 2602  
fund shall be credited to the fund. Not later than the first day 2603  
of May of every year, the registrar shall distribute to each 2604  
entity described in division (B) of this section the investment 2605  
income the fund earned the previous calendar year. The amount of 2606  
such a distribution paid to an entity shall be proportionate to 2607  
the amount of money the entity received from the fund during the 2608  
previous calendar year. 2609

**Sec. 4501.26.** The unidentified public safety receipts fund is 2610  
hereby created in the state treasury. The fund shall consist of 2611  
money received by the department of public safety that is 2612  
provisional in nature or for which proper identification or 2613  
disposition cannot immediately be determined. Refunds and other 2614  
disbursements from the fund shall be made once proper 2615  
identification and disposition is determined. All investment 2616  
earnings of the fund shall be credited to the state bureau of 2617  
motor vehicles fund created in section 4501.25 of the Revised 2618  
Code. 2619

**Sec. 4501.34.** (A) The registrar of motor vehicles may adopt 2620  
and publish rules to govern the registrar's proceedings. All 2621  
proceedings of the registrar shall be open to the public, and all 2622  
documents in the registrar's possession are public records. The 2623  
registrar shall adopt a seal bearing the inscription: "Motor 2624  
Vehicle Registrar of Ohio." The seal shall be affixed to all writs 2625  
and authenticated copies of records, and, when it has been so 2626  
attached, the copies shall be received in evidence with the same 2627  
effect as other public records. All courts shall take judicial 2628  
notice of the seal. 2629

(B) Upon the request of any person accompanied by a 2630

nonrefundable fee of five dollars per name, the registrar may 2631  
furnish lists of names and addresses as they appear upon the 2632  
applications for driver's licenses, provided that any further 2633  
information contained in the applications shall not be disclosed. 2634  
The registrar shall pay ~~two dollars~~ of each five-dollar fee 2635  
collected into the state treasury to the credit of the state 2636  
bureau of motor vehicles fund established in section 4501.25 of 2637  
the Revised Code. ~~Of the remaining three dollars of each such fee~~ 2638  
~~the registrar collects, the registrar shall deposit sixty cents~~ 2639  
~~into the state treasury to the credit of the trauma and emergency~~ 2640  
~~medical services fund established in section 4513.263 of the~~ 2641  
~~Revised Code, sixty cents into the state treasury to the credit of~~ 2642  
~~the homeland security fund established in section 5502.03 of the~~ 2643  
~~Revised Code, thirty cents into the state treasury to the credit~~ 2644  
~~of the investigations fund established in section 5502.131 of the~~ 2645  
~~Revised Code, one dollar and twenty five cents into the state~~ 2646  
~~treasury to the credit of the emergency management agency service~~ 2647  
~~and reimbursement fund established in section 5502.39 of the~~ 2648  
~~Revised Code, and twenty five cents into the state treasury to the~~ 2649  
~~credit of the justice program services fund established in section~~ 2650  
~~5502.67 of the Revised Code.~~ 2651

This division does not apply to the list of qualified driver 2652  
licensees required to be compiled and filed pursuant to section 2653  
2313.06 of the Revised Code. 2654

**Sec. 4503.04.** Except as provided in sections 4503.042 and 2655  
4503.65 of the Revised Code for the registration of commercial 2656  
cars, trailers, semitrailers, and certain buses, the rates of the 2657  
taxes imposed by section 4503.02 of the Revised Code shall be as 2658  
follows: 2659

(A) For motor vehicles having three wheels or less, the 2660  
license tax is: 2661

(1) For each motorized bicycle, ten dollars;	2662
(2) For each motorcycle <u>or cab-enclosed motorcycle</u> , fourteen dollars.	2663 2664
(B) For each passenger car, twenty dollars;	2665
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	2666 2667
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	2668 2669 2670 2671 2672 2673
(E) For each noncommercial trailer, the license tax is:	2674
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	2675 2676 2677
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	2678 2679 2680
(F) Notwithstanding its weight, twelve dollars for any:	2681
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	2682 2683 2684
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	2685 2686 2687 2688
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	2689 2690

(G) Notwithstanding its weight, twenty dollars for any bus 2691  
used principally for the transportation of persons in a 2692  
ridesharing arrangement. 2693

(H) For each transit bus having motor power the license tax 2694  
is twelve dollars. 2695

"Transit bus" means either a motor vehicle having a seating 2696  
capacity of more than seven persons which is operated and used by 2697  
any person in the rendition of a public mass transportation 2698  
service primarily in a municipal corporation or municipal 2699  
corporations and provided at least seventy-five per cent of the 2700  
annual mileage of such service and use is within such municipal 2701  
corporation or municipal corporations or a motor vehicle having a 2702  
seating capacity of more than seven persons which is operated 2703  
solely for the transportation of persons associated with a 2704  
charitable or nonprofit corporation, but does not mean any motor 2705  
vehicle having a seating capacity of more than seven persons when 2706  
such vehicle is used in a ridesharing capacity or any bus 2707  
described by division (F)(3) of this section. 2708

The application for registration of such transit bus shall be 2709  
accompanied by an affidavit prescribed by the registrar of motor 2710  
vehicles and signed by the person or an agent of the firm or 2711  
corporation operating such bus stating that the bus has a seating 2712  
capacity of more than seven persons, and that it is either to be 2713  
operated and used in the rendition of a public mass transportation 2714  
service and that at least seventy-five per cent of the annual 2715  
mileage of such operation and use shall be within one or more 2716  
municipal corporations or that it is to be operated solely for the 2717  
transportation of persons associated with a charitable or 2718  
nonprofit corporation. 2719

The form of the license plate, and the manner of its 2720  
attachment to the vehicle, shall be prescribed by the registrar of 2721  
motor vehicles. 2722



(I) ~~The~~ Except as otherwise provided in division (A) or (J) 2723  
of this section, the minimum tax for any vehicle having motor 2724  
power ~~other than a farm truck, a motorized bicycle, or motorcycle~~ 2725  
is ten dollars and eighty cents, and for each noncommercial 2726  
trailer, five dollars. 2727

(J)(1) Except as otherwise provided in division (J) of this 2728  
section, for each farm truck, except a noncommercial motor 2729  
vehicle, that is owned, controlled, or operated by one or more 2730  
farmers exclusively in farm use as defined in this section, and 2731  
not for commercial purposes, and provided that at least 2732  
seventy-five per cent of such farm use is by or for the one or 2733  
more owners, controllers, or operators of the farm in the 2734  
operation of which a farm truck is used, the license tax is five 2735  
dollars plus: 2736

(a) Fifty cents per one hundred pounds or part thereof for 2737  
the first three thousand pounds; 2738

(b) Seventy cents per one hundred pounds or part thereof in 2739  
excess of three thousand pounds up to and including four thousand 2740  
pounds; 2741

(c) Ninety cents per one hundred pounds or part thereof in 2742  
excess of four thousand pounds up to and including six thousand 2743  
pounds; 2744

(d) Two dollars for each one hundred pounds or part thereof 2745  
in excess of six thousand pounds up to and including ten thousand 2746  
pounds; 2747

(e) Two dollars and twenty-five cents for each one hundred 2748  
pounds or part thereof in excess of ten thousand pounds; 2749

(f) The minimum license tax for any farm truck shall be 2750  
twelve dollars. 2751

(2) The owner of a farm truck may register the truck for a 2752

period of one-half year by paying one-half the registration tax 2753  
imposed on the truck under this chapter and one-half the amount of 2754  
any tax imposed on the truck under Chapter 4504. of the Revised 2755  
Code. 2756

(3) A farm bus may be registered for a period of two hundred 2757  
ten days from the date of issue of the license plates for the bus, 2758  
for a fee of ten dollars, provided such license plates shall not 2759  
be issued for more than one such period in any calendar year. Such 2760  
use does not include the operation of trucks by commercial 2761  
processors of agricultural products. 2762

(4) License plates for farm trucks and for farm buses shall 2763  
have some distinguishing marks, letters, colors, or other 2764  
characteristics to be determined by the director of public safety. 2765

(5) Every person registering a farm truck or bus under this 2766  
section shall furnish an affidavit certifying that the truck or 2767  
bus licensed to that person is to be so used as to meet the 2768  
requirements necessary for the farm truck or farm bus 2769  
classification. 2770

Any farmer may use a truck owned by the farmer for commercial 2771  
purposes by paying the difference between the commercial truck 2772  
registration fee and the farm truck registration fee for the 2773  
remaining part of the registration period for which the truck is 2774  
registered. Such remainder shall be calculated from the beginning 2775  
of the semiannual period in which application for such commercial 2776  
license is made. 2777

Taxes at the rates provided in this section are in lieu of 2778  
all taxes on or with respect to the ownership of such motor 2779  
vehicles, except as provided in section 4503.042 and section 2780  
4503.06 of the Revised Code. 2781

(K) Other than trucks registered under the international 2782  
registration plan in another jurisdiction and for which this state 2783

has received an apportioned registration fee, the license tax for 2784  
each truck which is owned, controlled, or operated by a 2785  
nonresident, and licensed in another state, and which is used 2786  
exclusively for the transportation of nonprocessed agricultural 2787  
products intrastate, from the place of production to the place of 2788  
processing, is twenty-four dollars. 2789

"Truck," as used in this division, means any pickup truck, 2790  
straight truck, semitrailer, or trailer other than a travel 2791  
trailer. Nonprocessed agricultural products, as used in this 2792  
division, does not include livestock or grain. 2793

A license issued under this division shall be issued for a 2794  
period of one hundred thirty days in the same manner in which all 2795  
other licenses are issued under this section, provided that no 2796  
truck shall be so licensed for more than one 2797  
one-hundred-thirty-day period during any calendar year. 2798

The license issued pursuant to this division shall consist of 2799  
a windshield decal to be designed by the director of public 2800  
safety. 2801

Every person registering a truck under this division shall 2802  
furnish an affidavit certifying that the truck licensed to the 2803  
person is to be used exclusively for the purposes specified in 2804  
this division. 2805

(L) Every person registering a motor vehicle as a 2806  
noncommercial motor vehicle as defined in section 4501.01 of the 2807  
Revised Code, or registering a trailer as a noncommercial trailer 2808  
as defined in that section, shall furnish an affidavit certifying 2809  
that the motor vehicle or trailer so licensed to the person is to 2810  
be so used as to meet the requirements necessary for the 2811  
noncommercial vehicle classification. 2812

(M) Every person registering a van or bus as provided in 2813  
divisions (F)(2) and (3) of this section shall furnish a notarized 2814

statement certifying that the van or bus licensed to the person is 2815  
to be used for the purposes specified in those divisions. The form 2816  
of the license plate issued for such motor vehicles shall be 2817  
prescribed by the registrar. 2818

(N) Every person registering as a passenger car a motor 2819  
vehicle designed and used for carrying more than nine but not more 2820  
than fifteen passengers, and every person registering a bus as 2821  
provided in division (G) of this section, shall furnish an 2822  
affidavit certifying that the vehicle so licensed to the person is 2823  
to be used in a ridesharing arrangement and that the person will 2824  
have in effect whenever the vehicle is used in a ridesharing 2825  
arrangement a policy of liability insurance with respect to the 2826  
motor vehicle in amounts and coverages no less than those required 2827  
by section 4509.79 of the Revised Code. The form of the license 2828  
plate issued for such a motor vehicle shall be prescribed by the 2829  
registrar. 2830

(O)(1) Commencing on October 1, 2009, if an application for 2831  
registration renewal is not applied for prior to the expiration 2832  
date of the registration or within thirty days after that date, 2833  
the registrar or deputy registrar shall collect a fee of ten 2834  
dollars for the issuance of the vehicle registration. For any 2835  
motor vehicle that is used on a seasonal basis, whether used for 2836  
general transportation or not, and that has not been used on the 2837  
public roads or highways since the expiration of the registration, 2838  
the registrar or deputy registrar shall waive the fee established 2839  
under this division if the application is accompanied by 2840  
supporting evidence of seasonal use as the registrar may require. 2841  
The registrar or deputy registrar may waive the fee for other good 2842  
cause shown if the application is accompanied by supporting 2843  
evidence as the registrar may require. The fee shall be in 2844  
addition to all other fees established by this section. A deputy 2845  
registrar shall retain fifty cents of the fee and shall transmit 2846

the remaining amount to the registrar at the time and in the 2847  
manner provided by section 4503.10 of the Revised Code. The 2848  
registrar shall deposit all moneys received under this division 2849  
into the state highway safety fund established in section 4501.06 2850  
of the Revised Code. 2851

(2) Division (O)(1) of this section does not apply to a farm 2852  
truck or farm bus registered under division (J) of this section. 2853

(P) As used in this section: 2854

(1) "Van" means any motor vehicle having a single rear axle 2855  
and an enclosed body without a second seat. 2856

(2) "Handicapped person" means any person who has lost the 2857  
use of one or both legs, or one or both arms, or is blind, deaf, 2858  
or so severely disabled as to be unable to move about without the 2859  
aid of crutches or a wheelchair. 2860

(3) "Farm truck" means a truck used in the transportation 2861  
from the farm of products of the farm, including livestock and its 2862  
products, poultry and its products, floricultural and 2863  
horticultural products, and in the transportation to the farm of 2864  
supplies for the farm, including tile, fence, and every other 2865  
thing or commodity used in agricultural, floricultural, 2866  
horticultural, livestock, and poultry production and livestock, 2867  
poultry, and other animals and things used for breeding, feeding, 2868  
or other purposes connected with the operation of the farm. 2869

(4) "Farm bus" means a bus used only for the transportation 2870  
of agricultural employees and used only in the transportation of 2871  
such employees as are necessary in the operation of the farm. 2872

(5) "Farm supplies" includes fuel used exclusively in the 2873  
operation of a farm, including one or more homes located on and 2874  
used in the operation of one or more farms, and furniture and 2875  
other things used in and around such homes. 2876

Sec. 4503.102. (A) The registrar of motor vehicles shall 2877  
adopt rules to establish a centralized system of motor vehicle 2878  
registration renewal by mail or by electronic means. Any person 2879  
owning a motor vehicle that was registered in the person's name 2880  
during the preceding registration year shall renew the 2881  
registration of the motor vehicle not more than ninety days prior 2882  
to the expiration date of the registration either by mail or by 2883  
electronic means through the centralized system of registration 2884  
established under this section, or in person at any office of the 2885  
registrar or at a deputy registrar's office. 2886

(B)(1) No less than forty-five days prior to the expiration 2887  
date of any motor vehicle registration, the registrar shall mail a 2888  
renewal notice to the person in whose name the motor vehicle is 2889  
registered. The renewal notice shall clearly state that the 2890  
registration of the motor vehicle may be renewed by mail or 2891  
electronic means through the centralized system of registration or 2892  
in person at any office of the registrar or at a deputy 2893  
registrar's office and shall be preprinted with information 2894  
including, but not limited to, the owner's name and residence 2895  
address as shown in the records of the bureau of motor vehicles, a 2896  
brief description of the motor vehicle to be registered, notice of 2897  
the license taxes and fees due on the motor vehicle, the toll-free 2898  
telephone number of the registrar as required under division 2899

(D)(1) of section 4503.031 of the Revised Code, a statement that 2900  
payment for a renewal may be made by financial transaction device 2901  
using the toll-free telephone number, and any additional 2902  
information the registrar may require by rule. The renewal notice 2903  
shall not include the social security number of either the owner 2904  
of the motor vehicle or the person in whose name the motor vehicle 2905  
is registered. The renewal notice shall be sent by regular mail to 2906  
the owner's last known address as shown in the records of the 2907  
bureau of motor vehicles. 2908

(2) If the application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, ~~together with.~~ The owner shall include with the notice a financial transaction device number when renewing in person or by electronic means but not by mail, when permitted by rule of the registrar, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a mail service fee of two dollars and seventy five cents commencing on July 1, 2001, three dollars and twenty five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, plus postage as indicated on the notice, if the registration is renewed or fulfilled by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. For purposes of the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D)(1) of section 4503.031 of the Revised Code for renewals made by mail. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the

current registration year have not been paid, if division (D) of 2941  
section 2935.27, division (A) of section 2937.221, division (A) of 2942  
section 4503.13, division (B) of section 4510.22, or division 2943  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 2944  
of the renewal notice, or if the owner or lessee does not have an 2945  
inspection certificate for the motor vehicle as provided in 2946  
section 3704.14 of the Revised Code, if that section is 2947  
applicable, the license shall be refused, and the registrar or 2948  
deputy registrar shall so notify the owner. This section does not 2949  
require the payment of license or registration taxes on a motor 2950  
vehicle for any preceding year, or for any preceding period of a 2951  
year, if the motor vehicle was not taxable for that preceding year 2952  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 2953  
4503.16 or Chapter 4504. of the Revised Code. 2954

(E)(1) Failure to receive a renewal notice does not relieve a 2955  
motor vehicle owner from the responsibility to renew the 2956  
registration for the motor vehicle. Any person who has a motor 2957  
vehicle registered in this state and who does not receive a 2958  
renewal notice as provided in division (B) of this section prior 2959  
to the expiration date of the registration shall request an 2960  
application for registration from the registrar or a deputy 2961  
registrar and sign the application manually or by electronic means 2962  
and submit the application and pay any applicable license taxes 2963  
and fees to the registrar or deputy registrar. 2964

(2) If the owner of a motor vehicle submits an application 2965  
for registration and the registrar is prohibited by division (D) 2966  
of section 2935.27, division (A) of section 2937.221, division (A) 2967  
of section 4503.13, division (B) of section 4510.22, or division 2968  
(B)(1) of section 4521.10 of the Revised Code from accepting the 2969  
application, the registrar shall return the application and the 2970  
payment to the owner. If the owner of a motor vehicle submits a 2971  
registration renewal application to the registrar by electronic 2972



means and the registrar is prohibited from accepting the 2973  
application as provided in this division, the registrar shall 2974  
notify the owner of this fact and deny the application and return 2975  
the payment or give a credit on the financial transaction device 2976  
account of the owner in the manner the registrar prescribes by 2977  
rule adopted pursuant to division (A) of this section. 2978

(F) Every deputy registrar shall post in a prominent place at 2979  
the deputy's office a notice informing the public of the mail 2980  
registration system required by this section and also shall post a 2981  
notice that every owner of a motor vehicle and every chauffeur 2982  
holding a certificate of registration is required to notify the 2983  
registrar in writing of any change of residence within ten days 2984  
after the change occurs. The notice shall be in such form as the 2985  
registrar prescribes by rule. 2986

(G) ~~The two dollars and seventy five cents fee collected from~~ 2987  
~~July 1, 2001, through December 31, 2002, the three dollars and~~ 2988  
~~twenty five cents fee collected from January 1, 2003, through~~ 2989  
~~December 31, 2003, and the~~ Of each three dollars dollar and fifty 2990  
cents cent service fee collected after January 1, 2004 from a 2991  
person who renews a motor vehicle registration by electronic means 2992  
or by mail, one dollar and seventy-five cents, plus postage ~~and~~ 2993  
~~any financial transaction device surcharge~~ collected by the 2994  
registrar ~~for registration by mail~~ and any financial transaction 2995  
device surcharge collected by the registrar, shall be paid to the 2996  
credit of the state bureau of motor vehicles fund established by 2997  
section 4501.25 of the Revised Code. The registrar shall remit the 2998  
remaining one dollar and seventy-five cents of each service fee to 2999  
the deputy registrar whose office is located closest to the 3000  
address of the person who paid the service fee as shown in the 3001  
records of the bureau. The registrar shall make such remittances 3002  
on a monthly basis. 3003

(H)(1) Pursuant to section 113.40 of the Revised Code, the 3004

registrar ~~may~~ shall implement a program permitting payment of 3005  
motor vehicle registration taxes and fees, driver's license and 3006  
commercial driver's license fees, and any other taxes, fees, 3007  
penalties, or charges imposed or levied by the state by means of a 3008  
financial transaction device for transactions occurring online, at 3009  
any office of the registrar, and at all deputy registrar 3010  
locations. The program shall take effect not later than July 1, 3011  
2016. The registrar ~~may~~ shall adopt rules as necessary for this 3012  
purpose, but all such rules are subject to any action, policy, or 3013  
procedure of the board of deposit or treasurer of state taken or 3014  
adopted under section 113.40 of the Revised Code. 3015

(2) ~~Commencing~~ The rules adopted under division (H)(1) of 3016  
this section shall require a deputy registrar to accept payments 3017  
by means of a financial transaction device beginning on the 3018  
effective date of the rules unless the deputy registrar contract 3019  
entered into by the deputy registrar prohibits the acceptance of 3020  
such payments by financial transaction device. However, commencing 3021  
with deputy registrar contract awards that have a start date of 3022  
July 1, ~~2008~~ 2016, and for all contract awards thereafter, the 3023  
registrar shall ~~incorporate in the review process a score for~~ 3024  
~~whether or not a proposer states~~ require that the proposer ~~will~~ 3025  
accept payment by means of a financial transaction device, 3026  
including credit cards and debit cards, for all department of 3027  
public safety transactions conducted at that deputy registrar 3028  
location. 3029

~~A deputy registrar shall not be required to accept payment by~~ 3030  
~~means of a financial transaction device unless the deputy~~ 3031  
~~registrar agreed to do so in the deputy registrar's contract. The~~ 3032  
bureau ~~shall~~ and deputy registrars are not ~~be~~ required to pay any 3033  
costs ~~incurred by a deputy registrar who accepts~~ that result from 3034  
accepting payment by means of a financial transaction device ~~that~~ 3035  
~~result from the deputy registrar accepting payment by means of a~~ 3036

~~financial transaction device. A deputy registrar may charge a~~ 3037  
~~person who tenders payment for a department transaction by means~~ 3038  
~~of a financial transaction device any cost the deputy registrar~~ 3039  
~~incurs from accepting payment by the financial transaction device,~~ 3040  
~~but the deputy registrar shall not require the person to pay any~~ 3041  
~~additional fee of any kind in connection with the use by the~~ 3042  
~~person of the financial transaction device.~~ 3043

(3) A ~~In accordance with division (H)(1) of this section and~~ 3044  
~~rules adopted by the registrar under that division, a county~~ 3045  
~~auditor or clerk of a court of common pleas that is designated a~~ 3046  
~~deputy registrar may choose to shall~~ accept payment by means of a 3047  
financial transaction device, including credit cards and debit 3048  
cards, for all department ~~of public safety~~ transactions conducted 3049  
at the office of the county auditor ~~or clerk~~ in the county 3050  
auditor's ~~or clerk's~~ capacity as deputy registrar. The bureau 3051  
~~shall~~ ~~is~~ not be required to pay any costs incurred by a county 3052  
auditor ~~who accepts~~ ~~or clerk that result from accepting~~ payment by 3053  
means of a financial transaction device ~~that result from the~~ 3054  
~~county auditor accepting payment by means of a financial~~ 3055  
~~transaction device~~ for any ~~such~~ department ~~of public safety~~ 3056  
transaction. 3057

(I) For persons who reside in counties where tailpipe 3058  
emissions inspections are required under the motor vehicle 3059  
inspection and maintenance program, the notice required by 3060  
division (B) of this section shall also include the toll-free 3061  
telephone number maintained by the Ohio environmental protection 3062  
agency to provide information concerning the locations of 3063  
emissions testing centers. 3064

**Sec. 4503.103.** (A)(1) The registrar of motor vehicles may 3065  
adopt rules to permit any person or lessee, other than a person 3066  
receiving an apportioned license plate under the international 3067

registration plan, who owns or leases one or more motor vehicles 3068  
to file a written application for registration for no more than 3069  
five succeeding registration years. The rules adopted by the 3070  
registrar may designate the classes of motor vehicles that are 3071  
eligible for such registration. At the time of application, all 3072  
annual taxes and fees shall be paid for each year for which the 3073  
person is registering. 3074

(2)(a) Not later than December 31, 2013, the registrar shall 3075  
adopt rules to permit any person or lessee who owns or leases a 3076  
trailer or semitrailer that is subject to the tax rates prescribed 3077  
in section 4503.042 of the Revised Code for such trailers or 3078  
semitrailers to file a written application for registration for 3079  
any number of succeeding registration years, including a permanent 3080  
registration. At the time of application, all annual taxes and 3081  
fees shall be paid for each year for which the person is 3082  
registering, provided that the annual taxes due, regardless of the 3083  
number of years for which the person is registering, shall not 3084  
exceed two hundred dollars. A person who registers a vehicle under 3085  
division (A)(2) of this section shall pay for each year of 3086  
registration the additional fee established under division (C)(1) 3087  
of section 4503.10 of the Revised Code, provided that the 3088  
additional fee due, regardless of the number of years for which 3089  
the person is registering, shall not exceed eighty-eight dollars. 3090  
The person also shall pay one single deputy registrar service fee 3091  
in the amount specified in division (D) of section 4503.10 of the 3092  
Revised Code or one single bureau of motor vehicles service fee in 3093  
the amount specified in division (G) of that section, as 3094  
applicable, regardless of the number of years for which the person 3095  
is registering. 3096

(b) In addition, each person registering a trailer or 3097  
semitrailer under division (A)(2)(a) of this section shall pay any 3098  
applicable local motor vehicle license tax levied under Chapter 3099

4504. of Revised Code for each year for which the person is 3100  
registering, provided that not more than eight times any such 3101  
annual local taxes shall be due upon registration. 3102

(c) The period of registration for a trailer or semitrailer 3103  
registered under division (A)(2)(a) of this section is exclusive 3104  
to the trailer or semitrailer for which that certificate of 3105  
registration is issued and is not transferable to any other 3106  
trailer or semitrailer if the registration is a permanent 3107  
registration. 3108

(3) Except as provided in division (A)(4) of this section, 3109  
the registrar shall adopt rules to permit any person who owns a 3110  
motor vehicle to file an application for registration for not more 3111  
than five succeeding registration years. At the time of 3112  
application, the person shall pay the annual taxes and fees for 3113  
each registration year, calculated in accordance with division (C) 3114  
of section 4503.11 of the Revised Code. A person who is 3115  
registering a vehicle under division (A)(3) of this section shall 3116  
pay for each year of registration the additional fee established 3117  
under division (C)(1) of section 4503.10 of the Revised Code. The 3118  
person shall also pay the deputy registrar service fee or the 3119  
bureau of motor vehicles service fee, as follows: 3120

(a) For a two-year registration, the service fee is five 3121  
dollars and twenty-five cents. 3122

(b) For a three-year registration, the service fee is eight 3123  
dollars. 3124

(c) For a four- or five-year registration, the service fee is 3125  
ten dollars. 3126

(4) Division (A)(3) of this section does not apply to a 3127  
person receiving an apportioned license plate under the 3128  
international registration plan, or the owner of a commercial car 3129  
used solely in intrastate commerce, or the owner of a bus as 3130

defined in section 4513.50 of the Revised Code. 3131

(B) No person applying for a multi-year registration under 3132  
division (A) of this section is entitled to a refund of any taxes 3133  
or fees paid. 3134

(C) The registrar shall not issue to any applicant who has 3135  
been issued a final, nonappealable order under division (D) of 3136  
this section a multi-year registration or renewal thereof under 3137  
this division or rules adopted under it for any motor vehicle that 3138  
is required to be inspected under section 3704.14 of the Revised 3139  
Code the district of registration of which, as determined under 3140  
section 4503.10 of the Revised Code, is or is located in the 3141  
county named in the order. 3142

(D) Upon receipt from the director of environmental 3143  
protection of a notice issued under rules adopted under section 3144  
3704.14 of the Revised Code indicating that an owner of a motor 3145  
vehicle that is required to be inspected under that section who 3146  
obtained a multi-year registration for the vehicle under division 3147  
(A) of this section or rules adopted under that division has not 3148  
obtained a required inspection certificate for the vehicle, the 3149  
registrar in accordance with Chapter 119. of the Revised Code 3150  
shall issue an order to the owner impounding the certificate of 3151  
registration and identification license plates for the vehicle. 3152  
The order also shall prohibit the owner from obtaining or renewing 3153  
a multi-year registration for any vehicle that is required to be 3154  
inspected under that section, the district of registration of 3155  
which is or is located in the same county as the county named in 3156  
the order during the number of years after expiration of the 3157  
current multi-year registration that equals the number of years 3158  
for which the current multi-year registration was issued. 3159

An order issued under this division shall require the owner 3160  
to surrender to the registrar the certificate of registration and 3161  
license plates for the vehicle named in the order within five days 3162

after its issuance. If the owner fails to do so within that time, 3163  
the registrar shall certify that fact to the county sheriff or 3164  
local police officials who shall recover the certificate of 3165  
registration and license plates for the vehicle. 3166

(E) Upon the occurrence of either of the following 3167  
circumstances, the registrar in accordance with Chapter 119. of 3168  
the Revised Code shall issue to the owner a modified order 3169  
rescinding the provisions of the order issued under division (D) 3170  
of this section impounding the certificate of registration and 3171  
license plates for the vehicle named in that original order: 3172

(1) Receipt from the director of environmental protection of 3173  
a subsequent notice under rules adopted under section 3704.14 of 3174  
the Revised Code that the owner has obtained the inspection 3175  
certificate for the vehicle as required under those rules; 3176

(2) Presentation to the registrar by the owner of the 3177  
required inspection certificate for the vehicle. 3178

(F) The owner of a motor vehicle for which the certificate of 3179  
registration and license plates have been impounded pursuant to an 3180  
order issued under division (D) of this section, upon issuance of 3181  
a modified order under division (E) of this section, may apply to 3182  
the registrar for their return. A fee of two dollars and fifty 3183  
cents shall be charged for the return of the certificate of 3184  
registration and license plates for each vehicle named in the 3185  
application. 3186

**Sec. 4503.11.** (A) Except as provided by sections 4503.103, 3187  
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3188  
person who is the owner or chauffeur of a motor vehicle operated 3189  
or driven upon the public roads or highways shall fail to file 3190  
annually the application for registration or to pay the tax 3191  
therefor. 3192

(B) Except as provided by sections 4503.12 and 4503.16 of the Revised Code, the taxes payable on all applications made under sections 4503.10 and 4503.102 of the Revised Code shall be the sum of the tax due under division (B)(1)(a) or (b) of this section plus the tax due under division (B)(2)(a) or (b) of this section:

(1)(a) If the application is made before the second month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code, the tax due is the full amount of the tax provided in section 4503.04 of the Revised Code;

(b) If the application is made during or after the second month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code, and prior to the beginning of the next such registration period, the amount of the tax provided in section 4503.04 of the Revised Code shall be reduced by one-twelfth of the amount of such tax, rounded upward to the nearest cent, multiplied by the number of full months that have elapsed in the current registration period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

(2)(a) If the application is made before the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code, the amount of tax due is the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code;

(b) If the application is made during or after the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code and prior to the beginning of the next such registration period, the amount of tax due is one-half of the amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code.



(C) The taxes payable on all applications made under division (A)(3) of section 4503.103 of the Revised Code shall be the sum of the tax due under division (B)(1)(a) or (b) of this section plus the tax due under division (B)(2)(a) or (b) of this section for the first year plus the full amount of the tax provided in section 4503.04 of the Revised Code and the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code for each succeeding year.

(D) Whoever violates this section is guilty of a minor misdemeanor ~~of the fourth degree~~.

Sec. 4503.111. (A) Within thirty days of becoming a resident of this state, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this state. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this state under a license issued by another state and the person's nonresident operating privileges established under section 4507.04 of the Revised Code are suspended.

(B) For purposes of division (A) of this section, "resident" means any person to whom any of the following applies:

(1) The person has registered to vote in this state.

(2) The person attends a college or university in this state and receives an in-state tuition rate.

(3) The person states the person's address, for purposes of federal or state income taxes, as being in this state.

(4) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

(5) The person is determined by the registrar of motor

vehicles to be a resident in accordance with standards adopted by 3255  
the registrar under section 4507.01 of the Revised Code. 3256

**Sec. 4503.182.** (A) A purchaser of a motor vehicle, upon 3257  
application and proof of purchase of the vehicle, may be issued a 3258  
temporary license placard or windshield sticker for the motor 3259  
vehicle. 3260

The purchaser of a vehicle applying for a temporary license 3261  
placard or windshield sticker under this section shall execute an 3262  
affidavit stating that the purchaser has not been issued 3263  
previously during the current registration year a license plate 3264  
that could legally be transferred to the vehicle. 3265

Placards or windshield stickers shall be issued only for the 3266  
applicant's use of the vehicle to enable the applicant to legally 3267  
operate the motor vehicle while proper title, license plates, and 3268  
a certificate of registration are being obtained, and shall be 3269  
displayed on no other motor vehicle. 3270

Placards or windshield stickers issued under division (A) of 3271  
this section are valid for a period of ~~thirty~~ forty-five days from 3272  
date of issuance and are not transferable or renewable. 3273

The fee for the placards or windshield stickers issued under 3274  
this section is two dollars plus a service fee of three dollars 3275  
and fifty cents. 3276

(B)(1) The registrar of motor vehicles may issue to a 3277  
motorized bicycle dealer or a licensed motor vehicle dealer 3278  
temporary license placards to be issued to purchasers for use on 3279  
vehicles sold by the dealer, in accordance with rules prescribed 3280  
by the registrar. The dealer shall notify the registrar, within 3281  
forty-eight hours, of the issuance of a placard by electronic 3282  
means via computer equipment purchased and maintained by the 3283  
dealer or in any other manner prescribed by the registrar. 3284

(2) The fee for each placard issued by the registrar to a dealer is two dollars. The registrar shall charge an additional three dollars and fifty cents for each placard issued to a dealer who notifies the registrar of the issuance of the placards in a manner other than by approved electronic means.

(3) When a dealer issues a temporary license placard to a purchaser, the dealer shall collect and retain the fees established under divisions (A) and (D) of this section.

(C) The registrar of motor vehicles, at the registrar's discretion, may issue a temporary license placard. Such a placard may be issued in the case of extreme hardship encountered by a citizen from this state or another state who has attempted to comply with all registration laws, but for extreme circumstances is unable to properly register the citizen's vehicle. Placards issued under division (C) of this section are valid for a period of thirty days from the date of issuance and are not transferable or renewable.

(D) In addition to the fees charged under divisions (A) and (B) of this section, commencing on October 1, 2003, the registrar and each deputy registrar shall collect a fee of five dollars and commencing on October 1, 2009, a fee of thirteen dollars, for each temporary license placard issued. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit to the registrar the fees collected under this section. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(E) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the

procedures for reporting the information from applications for 3317  
temporary license placards and windshield stickers and for 3318  
providing the information from these applications to law 3319  
enforcement agencies. 3320

(F) Temporary license placards issued under this section 3321  
shall bear a distinctive combination of seven letters, numerals, 3322  
or letters and numerals, and shall incorporate a security feature 3323  
that, to the greatest degree possible, prevents tampering with any 3324  
of the information that is entered upon a placard when it is 3325  
issued. 3326

(G) Whoever violates division (A) of this section is guilty 3327  
of a misdemeanor of the fourth degree. Whoever violates division 3328  
(B) of this section is guilty of a misdemeanor of the first 3329  
degree. 3330

(H) As used in this section, "motorized bicycle dealer" means 3331  
any person engaged in the business of selling at retail, 3332  
displaying, offering for sale, or dealing in motorized bicycles 3333  
who is not subject to section 4503.09 of the Revised Code. 3334

**Sec. 4503.21.** (A) No person who is the owner or operator of a 3335  
motor vehicle shall fail to display in plain view on the front and 3336  
rear of the motor vehicle the distinctive number and registration 3337  
mark, including any county identification sticker and any 3338  
validation sticker issued under sections 4503.19 and 4503.191 of 3339  
the Revised Code, furnished by the director of public safety, 3340  
except that a manufacturer of motor vehicles or dealer therein, 3341  
the holder of an in transit permit, and the owner or operator of a 3342  
motorcycle, cab-enclosed motorcycle, motorized bicycle, 3343  
manufactured home, mobile home, trailer, or semitrailer shall 3344  
display on the rear only. A motor vehicle that is issued two 3345  
license plates shall display the validation sticker only on the 3346  
rear license plate, except that a commercial tractor that does not 3347

receive an apportioned license plate under the international 3348  
registration plan shall display the validation sticker on the 3349  
front of the commercial tractor. An apportioned vehicle receiving 3350  
an apportioned license plate under the international registration 3351  
plan shall display the license plate only on the front of a 3352  
commercial tractor and on the rear of all other vehicles. All 3353  
license plates shall be securely fastened so as not to swing, and 3354  
shall not be covered by any material that obstructs their 3355  
visibility. 3356

No person to whom a temporary license placard or windshield 3357  
sticker has been issued for the use of a motor vehicle under 3358  
section 4503.182 of the Revised Code, and no operator of that 3359  
motor vehicle, shall fail to display the temporary license placard 3360  
in plain view from the rear of the vehicle either in the rear 3361  
window or on an external rear surface of the motor vehicle, or 3362  
fail to display the windshield sticker in plain view on the rear 3363  
window of the motor vehicle. No temporary license placard or 3364  
windshield sticker shall be covered by any material that obstructs 3365  
its visibility. 3366

(B) Whoever violates this section is guilty of a minor 3367  
misdemeanor. 3368

**Sec. 4503.22.** The identification license plate shall consist 3369  
of a placard upon the face of which shall appear the distinctive 3370  
number assigned to the motor vehicle as provided in section 3371  
4503.19 of the Revised Code, in Arabic numerals or letters, or 3372  
both. The dimensions of the numerals or letters and of each stroke 3373  
shall be determined by the director of public safety. The license 3374  
placard also shall contain the name of this state and the slogan 3375  
"BIRTHPLACE OF AVIATION." The placard may be made of steel, 3376  
aluminum, plastic, or any other suitable material, and the 3377  
background shall be treated with a reflective material that shall 3378

provide effective and dependable reflective brightness during the 3379  
service period required of the placard. Specifications for the 3380  
reflective and other materials and the design of the placard, the 3381  
county identification stickers as provided by section 4503.19 of 3382  
the Revised Code, and validation stickers as provided by section 3383  
4503.191 of the Revised Code, shall be adopted by the director as 3384  
rules under sections 119.01 to 119.13 of the Revised Code. The 3385  
identification license plate of motorized bicycles ~~and of motor~~ 3386  
~~vehicles of the type commonly called "~~ motorcycles~~"~~, and 3387  
cab-enclosed motorcycles shall consist of a single placard, the 3388  
size of which shall be prescribed by the director. The 3389  
identification plate of a vehicle registered in accordance with 3390  
the international registration plan shall contain the word 3391  
"apportioned." The director may prescribe the type of placard, or 3392  
means of fastening the placard, or both; the placard or means of 3393  
fastening may be so designed and constructed as to render 3394  
difficult the removal of the placard after it has been fastened to 3395  
a motor vehicle. 3396

**Sec. 4503.233.** (A)(1) If a court is required to order the 3397  
immobilization of a vehicle for a specified period of time 3398  
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 3399  
4511.193, or 4511.203 of the Revised Code, the court, subject to 3400  
section 4503.235 of the Revised Code, shall issue the 3401  
immobilization order in accordance with this division and for the 3402  
period of time specified in the particular section, and the 3403  
immobilization under the order shall be in accordance with this 3404  
section. The court, at the time of sentencing the offender for the 3405  
offense relative to which the immobilization order is issued or as 3406  
soon thereafter as is practicable, shall give a copy of the order 3407  
to the offender or the offender's counsel. The court promptly 3408  
shall send a copy of the order to the registrar on a form 3409  
prescribed by the registrar and to the person or agency it 3410

designates to execute the order. 3411

The order shall indicate the date on which it is issued, 3412  
shall identify the vehicle that is subject to the order, and shall 3413  
specify all of the following: 3414

(a) The period of the immobilization; 3415

(b) The place at which the court determines that the 3416  
immobilization shall be carried out, provided that the court shall 3417  
not determine and shall not specify that the immobilization is to 3418  
be carried out at any place other than a commercially operated 3419  
private storage lot, a place owned by a law enforcement or other 3420  
government agency, or a place to which one of the following 3421  
applies: 3422

(i) The place is leased by or otherwise under the control of 3423  
a law enforcement or other government agency. 3424

(ii) The place is owned by the offender, the offender's 3425  
spouse, or a parent or child of the offender. 3426

(iii) The place is owned by a private person or entity, and, 3427  
prior to the issuance of the order, the private entity or person 3428  
that owns the place, or the authorized agent of that private 3429  
entity or person, has given express written consent for the 3430  
immobilization to be carried out at that place. 3431

(iv) The place is a public street or highway on which the 3432  
vehicle is parked in accordance with the law. 3433

(c) The person or agency designated by the court to execute 3434  
the order, which shall be either the law enforcement agency that 3435  
employs the law enforcement officer who seized the vehicle, a 3436  
bailiff of the court, another person the court determines to be 3437  
appropriate to execute the order, or the law enforcement agency 3438  
with jurisdiction over the place of residence of the vehicle 3439  
owner; 3440

(d) That neither the registrar nor a deputy registrar will be 3441  
permitted to accept an application for the license plate 3442  
registration of any motor vehicle in the name of the vehicle owner 3443  
until the immobilization fee is paid. 3444

(2) The person or agency the court designates to immobilize 3445  
the vehicle shall seize or retain that vehicle's license plates 3446  
and forward them to the bureau of motor vehicles. 3447

(3) In all cases, the offender shall be assessed an 3448  
immobilization fee of one hundred dollars, and the immobilization 3449  
fee shall be paid to the registrar before the vehicle may be 3450  
released to the offender. Neither the registrar nor a deputy 3451  
registrar shall accept an application for the registration of any 3452  
motor vehicle in the name of the offender until the immobilization 3453  
fee is paid. 3454

(4) If the vehicle subject to the order is immobilized 3455  
pursuant to the order and is found being operated upon any street 3456  
or highway in this state during the immobilization period, it 3457  
shall be seized, removed from the street or highway, and 3458  
criminally forfeited and disposed of pursuant to section 4503.234 3459  
of the Revised Code. 3460

(5) The registrar shall deposit the immobilization fee into 3461  
the ~~law enforcement reimbursement~~ state bureau of motor vehicles 3462  
fund created by section ~~4501.19~~ 4501.25 of the Revised Code. ~~Money~~ 3463  
~~in the fund shall to~~ be expended only as provided in division 3464  
(A)(5) of this section. If the court designated in the order a 3465  
court bailiff or another appropriate person other than a law 3466  
enforcement officer to immobilize the vehicle, the amount of the 3467  
fee deposited into the ~~law enforcement reimbursement~~ state bureau 3468  
of motor vehicles fund shall be paid out to the county treasury if 3469  
the court that issued the order is a county court, to the treasury 3470  
of the municipal corporation served by the court if the court that 3471  
issued the order is a mayor's court, or to the city treasury of 3472



the legislative authority of the court, both as defined in section 3473  
1901.03 of the Revised Code, if the court that issued the order is 3474  
a municipal court. If the court designated a law enforcement 3475  
agency to immobilize the vehicle and if the law enforcement agency 3476  
immobilizes the vehicle, the amount of the fee deposited into the 3477  
~~law enforcement reimbursement~~ state bureau of motor vehicles fund 3478  
shall be paid out to the law enforcement agency to reimburse the 3479  
agency for the costs it incurs in obtaining immobilization 3480  
equipment and, if required, in sending an officer or other person 3481  
to search for and locate the vehicle specified in the 3482  
immobilization order and to immobilize the vehicle. 3483

In addition to the immobilization fee required to be paid 3485  
under division (A)(3) of this section, the offender may be charged 3486  
expenses or charges incurred in the removal and storage of the 3487  
immobilized vehicle. 3488

(B) If a court issues an immobilization order under division 3489  
(A)(1) of this section, the person or agency designated by the 3490  
court to execute the immobilization order promptly shall 3491  
immobilize or continue the immobilization of the vehicle at the 3492  
place specified by the court in the order. The registrar shall not 3493  
authorize the release of the vehicle or authorize the issuance of 3494  
new identification license plates for the vehicle at the end of 3495  
the immobilization period until the immobilization fee has been 3496  
paid. 3497

(C) Upon receipt of the license plates for a vehicle under 3498  
this section, the registrar shall destroy the license plates. At 3499  
the end of the immobilization period and upon the payment of the 3500  
immobilization fee that must be paid under this section, the 3501  
registrar shall authorize the release of the vehicle and authorize 3502  
the issuance, upon the payment of the same fee as is required for 3503  
the replacement of lost, mutilated, or destroyed license plates 3504

and certificates of registration, of new license plates and, if 3505  
necessary, a new certificate of registration to the offender for 3506  
the vehicle in question. 3507

(D)(1) If a court issues an immobilization order under 3508  
division (A) of this section, the immobilization period commences 3509  
on the day on which the vehicle in question is immobilized. If the 3510  
vehicle in question had been seized under section 4510.41 or 3511  
4511.195 of the Revised Code, the time between the seizure and the 3512  
beginning of the immobilization period shall be credited against 3513  
the immobilization period specified in the immobilization order 3514  
issued under division (A) of this section. No vehicle that is 3515  
immobilized under this section is eligible to have restricted 3516  
license plates under section 4503.231 of the Revised Code issued 3517  
for that vehicle. 3518

(2) If a court issues an immobilization order under division 3519  
(A) of this section, if the vehicle subject to the order is 3520  
immobilized under the order, and if the vehicle is found being 3521  
operated upon any street or highway of this state during the 3522  
immobilization period, it shall be seized, removed from the street 3523  
or highway, and criminally forfeited, and disposed of pursuant to 3524  
section 4503.234 of the Revised Code. No vehicle that is forfeited 3525  
under this provision shall be considered contraband for purposes 3526  
of Chapter 2981. of the Revised Code, but shall be held by the law 3527  
enforcement agency that employs the officer who seized it for 3528  
disposal in accordance with section 4503.234 of the Revised Code. 3529

(3) If a court issues an immobilization order under division 3530  
(A) of this section, and if the vehicle is not claimed within 3531  
seven days after the end of the period of immobilization or if the 3532  
offender has not paid the immobilization fee, the person or agency 3533  
that immobilized the vehicle shall send a written notice to the 3534  
offender at the offender's last known address informing the 3535  
offender of the date on which the period of immobilization ended, 3536

that the offender has twenty days after the date of the notice to 3537  
pay the immobilization fee and obtain the release of the vehicle, 3538  
and that if the offender does not pay the fee and obtain the 3539  
release of the vehicle within that twenty-day period, the vehicle 3540  
will be forfeited under section 4503.234 of the Revised Code to 3541  
the entity that is entitled to the immobilization fee. 3542

(4) An offender whose motor vehicle is subject to an 3543  
immobilization order issued under division (A) of this section 3544  
shall not sell the motor vehicle without approval of the court 3545  
that issued the order. If such an offender wishes to sell the 3546  
motor vehicle during the immobilization period, the offender shall 3547  
apply to the court that issued the immobilization order for 3548  
permission to assign the title to the vehicle. If the court is 3549  
satisfied that the sale will be in good faith and not for the 3550  
purpose of circumventing the provisions of division (A)(1) of this 3551  
section, it may certify its consent to the offender and to the 3552  
registrar. Upon receipt of the court's consent, the registrar 3553  
shall enter the court's notice in the offender's vehicle license 3554  
plate registration record. 3555

If, during a period of immobilization under an immobilization 3556  
order issued under division (A) of this section, the title to the 3557  
immobilized motor vehicle is transferred by the foreclosure of a 3558  
chattel mortgage, a sale upon execution, the cancellation of a 3559  
conditional sales contract, or an order of a court, the involved 3560  
court shall notify the registrar of the action, and the registrar 3561  
shall enter the court's notice in the offender's vehicle license 3562  
plate registration record. 3563

Nothing in this section shall be construed as requiring the 3564  
registrar or the clerk of the court of common pleas to note upon 3565  
the certificate of title records any prohibition regarding the 3566  
sale of a motor vehicle. 3567

(5) If the title to a motor vehicle that is subject to an 3568

immobilization order under division (A) of this section is 3569  
assigned or transferred without court approval between the time of 3570  
arrest of the offender who committed the offense for which such an 3571  
order is to be issued and the time of the actual immobilization of 3572  
the vehicle, the court shall order that, for a period of two years 3573  
from the date of the order, neither the registrar nor any deputy 3574  
registrar shall accept an application for the registration of any 3575  
motor vehicle in the name of the offender whose vehicle was 3576  
assigned or transferred without court approval. The court shall 3577  
notify the registrar of the order on a form prescribed by the 3578  
registrar for that purpose. 3579

(6) If the title to a motor vehicle that is subject to an 3580  
immobilization order under division (A) of this section is 3581  
assigned or transferred without court approval in violation of 3582  
division (D)(4) of this section, then, in addition to or 3583  
independent of any other penalty established by law, the court may 3584  
fine the offender the value of the vehicle as determined by 3585  
publications of the national auto dealers association. The 3586  
proceeds from any fine so imposed shall be distributed in the same 3587  
manner as the proceeds of the sale of a forfeited vehicle are 3588  
distributed pursuant to division (C)(2) of section 4503.234 of the 3589  
Revised Code. 3590

(E)(1) The court with jurisdiction over the case, after 3591  
notice to all interested parties including lienholders, and after 3592  
an opportunity for them to be heard, if the offender fails to 3593  
appear in person, without good cause, or if the court finds that 3594  
the offender does not intend to seek release of the vehicle at the 3595  
end of the period of immobilization or that the offender is not or 3596  
will not be able to pay the expenses and charges incurred in its 3597  
removal and storage, may order that title to the vehicle be 3598  
transferred, in order of priority, first into the name of the 3599  
entity entitled to the immobilization fee under division (A)(5) of 3600

this section, next into the name of a lienholder, or lastly, into  
the name of the owner of the place of storage.

A lienholder that receives title under a court order shall do  
so on the condition that it pay any expenses or charges incurred  
in the vehicle's removal and storage. If the entity that receives  
title to the vehicle is the entity that is entitled to the  
immobilization fee under division (A)(5) of this section, it shall  
receive title on the condition that it pay any lien on the  
vehicle. The court shall not order that title be transferred to  
any person or entity other than the owner of the place of storage  
if the person or entity refuses to receive the title. Any person  
or entity that receives title may either keep title to the vehicle  
or may dispose of the vehicle in any legal manner that it  
considers appropriate, including assignment of the certificate of  
title to the motor vehicle to a salvage dealer or a scrap metal  
processing facility. The person or entity shall not transfer the  
vehicle to the person who is the vehicle's immediate previous  
owner.

If the person or entity assigns the motor vehicle to a  
salvage dealer or scrap metal processing facility, the person or  
entity shall send the assigned certificate of title to the motor  
vehicle to the clerk of the court of common pleas of the county in  
which the salvage dealer or scrap metal processing facility is  
located. The person or entity shall mark the face of the  
certificate of title with the words "FOR DESTRUCTION" and shall  
deliver a photocopy of the certificate of title to the salvage  
dealer or scrap metal processing facility for its records.

(2) Whenever a court issues an order under division (E)(1) of  
this section, the court also shall order removal of the license  
plates from the vehicle and cause them to be sent to the registrar  
if they have not already been sent to the registrar. Thereafter,  
no further proceedings shall take place under this section, but

the offender remains liable for payment of the immobilization fee 3633  
described in division (A)(3) of this section if an immobilization 3634  
order previously had been issued by the court. 3635

(3) Prior to initiating a proceeding under division (E)(1) of 3636  
this section, and upon payment of the fee under division (B) of 3637  
section 4505.14 of the Revised Code, any interested party may 3638  
cause a search to be made of the public records of the bureau of 3639  
motor vehicles or the clerk of the court of common pleas, to 3640  
ascertain the identity of any lienholder of the vehicle. The 3641  
initiating party shall furnish this information to the clerk of 3642  
the court with jurisdiction over the case, and the clerk shall 3643  
provide notice to the vehicle owner, the defendant, any 3644  
lienholder, and any other interested parties listed by the 3645  
initiating party, at the last known address supplied by the 3646  
initiating party, by certified mail or, at the option of the 3647  
initiating party, by personal service or ordinary mail. 3648

As used in this section, "interested party" includes the 3649  
offender, all lienholders, the owner of the place of storage, the 3650  
person or entity that caused the vehicle to be removed, and the 3651  
person or entity, if any, entitled to the immobilization fee under 3652  
division (A)(5) of this section. 3653

**Sec. 4503.26.** (A) As used in this section, "registration 3654  
information" means information in license plate applications on 3655  
file with the bureau of motor vehicles. 3656

(B) The director of public safety may advertise for and 3657  
accept sealed bids for the preparation of lists containing 3658  
registration information in such form as the director authorizes. 3659  
Where the expenditure is more than five hundred dollars, the 3660  
director shall give notice to bidders as provided in section 3661  
5513.01 of the Revised Code as for purchases by the department of 3662  
transportation. The notice shall include the latest date, as 3663

determined by the director, on which bids will be accepted and the 3664  
date, also determined by the director, on which bids will be 3665  
opened by the director at the central office of the department of 3666  
public safety. The contract to prepare the list shall be awarded 3667  
to the lowest responsive and responsible bidder, in accordance 3668  
with section 9.312 of the Revised Code, provided there is 3669  
compliance with the specifications. Such contract shall not extend 3670  
beyond twenty-four consecutive registration periods as provided in 3671  
section 4503.101 of the Revised Code. The successful bidder shall 3672  
furnish without charge a complete list to the bureau of motor 3673  
vehicles, and shall also furnish without charge to the county 3674  
sheriffs or chiefs of police in cities, at such times and in such 3675  
manner as the director determines necessary, lists of registration 3676  
information for the county in which they are situated. The 3677  
registrar shall provide to the successful bidder all necessary 3678  
information for the preparation of such lists. 3679

The registrar, upon application of any person and payment of 3680  
the proper fee, may search the records of the bureau and furnish 3681  
reports of those records under the signature of the registrar. 3682

(C) ~~A The registrar shall charge and collect a fee of five 3683  
dollars shall be charged and collected for each search of the 3684  
records and report of those records furnished under the signature 3685  
and seal of the registrar. A copy of any such report is 3686  
prima-facie evidence of the facts therein stated, in any court. 3687~~

The registrar shall receive these fees and deposit ~~two 3688  
dollars of~~ each such fee into the state treasury to the credit of 3689  
the state bureau of motor vehicles fund established in section 3690  
4501.25 of the Revised Code. ~~Of the remaining three dollars of 3691  
each such fee the registrar collects, the registrar shall deposit 3692  
sixty cents into the state treasury to the credit of the trauma 3693  
and emergency medical services fund established in section 3694  
4513.263 of the Revised Code, sixty cents into the state treasury 3695~~

~~to the credit of the homeland security fund established under 3696  
section 5502.03 of the Revised Code, thirty cents into the state 3697  
treasury to the credit of the investigations fund established in 3698  
section 5502.131 of the Revised Code, one dollar and twenty five 3699  
cents into the state treasury to the credit of the emergency 3700  
management agency service and reimbursement fund established in 3701  
section 5502.39 of the Revised Code, and twenty five cents into 3702  
the state treasury to the credit of the justice program services 3703  
fund established in section 5502.67 of the Revised Code. 3704~~

**Sec. 4503.499.** (A) The owner or lessee of any passenger car, 3705  
noncommercial motor vehicle, recreational vehicle, or other 3706  
vehicle of a class approved by the registrar of motor vehicles may 3707  
apply to the registrar for the registration of the vehicle and 3708  
issuance of pediatric brain tumor awareness license plates. An 3709  
application made under this section may be combined with a request 3710  
for a special reserved license plate under section 4503.40 or 3711  
4503.42 of the Revised Code. Upon receipt of the completed 3712  
application and compliance by the applicant with divisions (B) and 3713  
(C) of this section, the registrar shall issue to the applicant 3714  
the appropriate vehicle registration and a set of pediatric brain 3715  
tumor awareness license plates and a validation sticker, or a 3716  
validation sticker alone when required by section 4503.191 of the 3717  
Revised Code. 3718

In addition to the letters and numbers ordinarily inscribed 3719  
on the license plates, pediatric brain tumor awareness license 3720  
plates shall be inscribed with identifying words or markings that 3721  
are designed by the children's glioma cancer foundation and are 3722  
approved by the registrar. Pediatric brain tumor awareness license 3723  
plates shall display county identification stickers that identify 3724  
the county of registration by name or number. 3725

(B) The pediatric brain tumor awareness license plates and a 3726



validation sticker, or validation sticker alone, shall be issued 3727  
upon receipt of a contribution as provided in division (C) of this 3728  
section and upon payment of the regular license tax as prescribed 3729  
under section 4503.04 of the Revised Code, any applicable motor 3730  
vehicle license tax levied under Chapter 4504. of the Revised 3731  
Code, any applicable additional fee prescribed by section 4503.40 3732  
or 4503.42 of the Revised Code, a fee of ten dollars for the 3733  
purpose of compensating the bureau of motor vehicles for 3734  
additional services required in the issuing of pediatric brain 3735  
tumor awareness license plates, and compliance with all other 3736  
applicable laws relating to the registration of motor vehicles. 3737

(C) For each application for registration and registration 3738  
renewal notice the registrar receives under this section, the 3739  
registrar shall collect a contribution of thirty-five dollars. The 3740  
registrar shall transmit this contribution to the treasurer of 3741  
state for deposit in the license plate contribution fund created 3742  
in section 4501.21 of the Revised Code. 3743

The registrar shall transmit the additional fee of ten 3744  
dollars paid to compensate the bureau for the additional services 3745  
required in the issuing of pediatric brain tumor awareness license 3746  
plates to the treasurer of state for deposit into the state 3747  
treasury to the credit of the state bureau of motor vehicles fund 3748  
created by section 4501.25 of the Revised Code. 3749

(D) If the issuance of the license plates under this section 3750  
has been terminated under section 4503.77 of the Revised Code 3751  
prior to ~~the effective date of this amendment~~ March 23, 2015, the 3752  
bureau shall begin issuing pediatric brain tumor awareness license 3753  
plates on and after ~~the effective date of this amendment~~ March 23, 3754  
2015, even if the sponsor of the license plate does not comply 3755  
with the requirements of section 4503.78 of the Revised Code. 3756  
However, after ~~the effective date of this amendment~~ March 23, 3757  
2015, the license plate may be terminated as provided in section 3758

4503.77 of the Revised Code. 3759

**Sec. 4503.544.** (A) Any person who is a retired or honorably 3760  
discharged veteran of any branch of the armed forces of the United 3761  
States may apply to the registrar of motor vehicles for the 3762  
registration of any motorcycle or cab-enclosed motorcycle that the 3763  
person owns or leases. The application shall be accompanied by 3764  
written evidence that the applicant is a retired or honorably 3765  
discharged veteran of a branch of the armed forces of the United 3766  
States that the registrar shall require by rule. 3767

Upon receipt of an application for registration of a 3768  
motorcycle or cab-enclosed motorcycle under this section, 3769  
presentation of satisfactory evidence documenting that the 3770  
applicant is a retired or honorably discharged veteran of a branch 3771  
of the armed forces of the United States, and payment of the 3772  
~~regular motorcycle~~ applicable license fee prescribed in section 3773  
4503.04 of the Revised Code and any local motor vehicle license 3774  
tax levied under Chapter 4504. of the Revised Code, the registrar 3775  
shall issue to the applicant the appropriate motor vehicle 3776  
registration and a license plate and a validation sticker or a 3777  
validation sticker alone when required by section 4503.191 of the 3778  
Revised Code. 3779

(B) License plates issued under this section shall be 3780  
inscribed with the letters and numbers ordinarily inscribed on 3781  
motorcycle license plates, except that the registrar shall provide 3782  
for one of the following: 3783

(1) The license plates to contain an inscription or symbol 3784  
representing veterans of the armed forces of the United States; 3785

(2) The plates to include the word "veteran" or "vet"; 3786

(3) The plates to be designed to display a sticker bearing 3787  
the word "veteran." 3788

(C) Sections 4503.77 and 4503.78 of the Revised Code do not 3789  
apply to license plates issued under this section. 3790

Sec. 4503.86. (A) The owner or lessee of any passenger car, 3791  
noncommercial motor vehicle, recreational vehicle, or other 3792  
vehicle of a class approved by the registrar of motor vehicles may 3793  
apply to the registrar for the registration of the vehicle and the 3794  
issuance of "Lincoln highway" license plates. An application made 3795  
under this section may be combined with a request for a special 3796  
reserved license plate under section 4503.40 or 4503.42 of the 3797  
Revised Code. Upon receipt of the completed application and 3798  
compliance by the applicant with divisions (B) and (C) of this 3799  
section, the registrar shall issue to the applicant the 3800  
appropriate vehicle registration and a set of "Lincoln highway" 3801  
license plates and a validation sticker, or a validation sticker 3802  
alone when required by section 4503.191 of the Revised Code. 3803

In addition to the letters and numbers ordinarily inscribed 3804  
on the license plates, "Lincoln highway" license plates shall be 3805  
inscribed with identifying words or markings that are designed by 3806  
the Ohio Lincoln highway historic byway, and approved by the 3807  
registrar. "Lincoln highway" license plates shall display county 3808  
identification stickers that identify the county of registration 3809  
by name or number. 3810

(B) "Lincoln highway" license plates and a validation 3811  
sticker, or validation sticker alone, shall be issued upon receipt 3812  
of a contribution as provided in division (C)(1) of this section 3813  
and upon payment of the regular license tax as prescribed under 3814  
section 4503.04 of the Revised Code, any applicable motor vehicle 3815  
license tax levied under Chapter 4504. of the Revised Code, any 3816  
applicable additional fee prescribed by section 4503.40 or 4503.42 3817  
of the Revised Code, a bureau of motor vehicles administrative fee 3818  
of ten dollars, and compliance with all other applicable laws 3819

relating to the registration of motor vehicles. 3820

(C)(1) For each application for registration and registration 3821  
renewal notice the registrar receives under this section, the 3822  
registrar shall collect a contribution of twenty dollars. The 3823  
registrar shall deposit this contribution into the state treasury 3824  
to the credit of the license plate contribution fund created in 3825  
section 4501.21 of the Revised Code. 3826

(2) The registrar shall deposit the bureau administrative fee 3827  
of ten dollars, the purpose of which is to compensate the bureau 3828  
for additional services required in the issuing of "Lincoln 3829  
highway" license plates, into the state treasury to the credit of 3830  
the state bureau of motor vehicles fund created in section 4501.25 3831  
of the Revised Code. 3832

**Sec. 4505.09.** (A)(1) The clerk of a court of common pleas 3833  
shall charge and retain fees as follows: 3834

(a) Five dollars for each certificate of title that is not 3835  
applied for within thirty days after the later of the assignment 3836  
or delivery of the motor vehicle described in it. The entire fee 3837  
shall be retained by the clerk. 3838

(b) Fifteen dollars for each certificate of title or 3839  
duplicate certificate of title including the issuance of a 3840  
memorandum certificate of title, or authorization to print a 3841  
non-negotiable evidence of ownership described in division (G) of 3842  
section 4505.08 of the Revised Code, non-negotiable evidence of 3843  
ownership printed by the clerk under division (H) of that section, 3844  
and notation of any lien on a certificate of title that is applied 3845  
for at the same time as the certificate of title. The clerk shall 3846  
retain eleven dollars and fifty cents of that fee for each 3847  
certificate of title when there is a notation of a lien or 3848  
security interest on the certificate of title, twelve dollars and 3849  
twenty-five cents when there is no lien or security interest noted 3850

on the certificate of title, and eleven dollars and fifty cents 3851  
for each duplicate certificate of title. 3852

(c) Four dollars and fifty cents for each certificate of 3853  
title with no security interest noted that is issued to a licensed 3854  
motor vehicle dealer for resale purposes and, in addition, a 3855  
separate fee of fifty cents. The clerk shall retain two dollars 3856  
and twenty-five cents of that fee. 3857

(d) Five dollars for each memorandum certificate of title or 3858  
non-negotiable evidence of ownership that is applied for 3859  
separately. The clerk shall retain that entire fee. 3860

(2) The fees that are not retained by the clerk shall be paid 3861  
to the registrar of motor vehicles by monthly returns, which shall 3862  
be forwarded to the registrar not later than the fifth day of the 3863  
month next succeeding that in which the certificate is issued or 3864  
that in which the registrar is notified of a lien or cancellation 3865  
of a lien. 3866

(B)(1) The registrar shall pay twenty-five cents of the 3867  
amount received for each certificate of title issued to a motor 3868  
vehicle dealer for resale, one dollar for certificates of title 3869  
issued with a lien or security interest noted on the certificate 3870  
of title, and twenty-five cents for each certificate of title with 3871  
no lien or security interest noted on the certificate of title 3872  
into the state bureau of motor vehicles fund established in 3873  
section 4501.25 of the Revised Code. 3874

(2) Fifty cents of the amount received for each certificate 3875  
of title shall be paid by the registrar as follows: 3876

(a) Four cents shall be paid into the state treasury to the 3877  
credit of the motor vehicle dealers board fund, which is hereby 3878  
created. All investment earnings of the fund shall be credited to 3879  
the fund. The moneys in the motor vehicle dealers board fund shall 3880  
be used by the motor vehicle dealers board created under section 3881

4517.30 of the Revised Code, together with other moneys 3882  
appropriated to it, in the exercise of its powers and the 3883  
performance of its duties under Chapter 4517. of the Revised Code, 3884  
except that the director of budget and management may transfer 3885  
excess money from the motor vehicle dealers board fund to the 3886  
bureau of motor vehicles fund if the registrar determines that the 3887  
amount of money in the motor vehicle dealers board fund, together 3888  
with other moneys appropriated to the board, exceeds the amount 3889  
required for the exercise of its powers and the performance of its 3890  
duties under Chapter 4517. of the Revised Code and requests the 3891  
director to make the transfer. 3892

(b) Twenty-one cents shall be paid into the highway operating 3893  
fund. 3894

(c) Twenty-five cents shall be paid into the state treasury 3895  
to the credit of the motor vehicle sales audit fund, which is 3896  
hereby created. The moneys in the fund shall be used by the tax 3897  
commissioner together with other funds available to the 3898  
commissioner to conduct a continuing investigation of sales and 3899  
use tax returns filed for motor vehicles in order to determine if 3900  
sales and use tax liability has been satisfied. The commissioner 3901  
shall refer cases of apparent violations of section 2921.13 of the 3902  
Revised Code made in connection with the titling or sale of a 3903  
motor vehicle and cases of any other apparent violations of the 3904  
sales or use tax law to the appropriate county prosecutor whenever 3905  
the commissioner considers it advisable. 3906

(3) Two dollars of the amount received by the registrar under 3907  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 3908  
and fifty cents of the amount received by the registrar under 3909  
division (A)(1)(c) of this section for each certificate of title 3910  
shall be paid into the state treasury to the credit of the 3911  
automated title processing fund, which is hereby created and which 3912  
shall consist of moneys collected under division (B)(3) of this 3913

section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code and as provided in division (B)(3)(c) of this section, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title processing system for the issuance of motor vehicle, off-highway motorcycle, and all-purpose vehicle certificates of title in the offices of the clerks of the courts of common pleas.

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(c) Moneys collected under division (B)(3) of this section shall be used in accordance with section 4505.25 of the Revised Code to implement Sub. S.B. 59 of the 124th general assembly.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and

maintenance of an automated title processing system and approve 3945  
the procurement of automated title processing system equipment and 3946  
ribbons, cartridges, or other devices necessary for the operation 3947  
of that equipment. Voting members of the board, excluding the 3948  
registrar or the registrar's representative, shall serve without 3949  
compensation, but shall be reimbursed for travel and other 3950  
necessary expenses incurred in the conduct of their official 3951  
duties. The registrar or the registrar's representative shall 3952  
receive neither compensation nor reimbursement as a board member. 3953

(2) The automated title processing board shall determine each 3954  
of the following: 3955

(a) The automated title processing equipment and certificates 3956  
of title requirements for each county; 3957

(b) The payment of expenses that may be incurred by the 3958  
counties in implementing an automated title processing system; 3959

(c) The repayment to the counties for existing title 3960  
processing equipment; 3961

(d) With the approval of the director of public safety, the 3962  
award of grants from the automated title processing fund to the 3963  
clerk of courts of any county who employs a person who assists 3964  
with the design of, updates to, tests of, installation of, or any 3965  
other activity related to, an automated title processing system. 3966  
Any grant awarded under division (C)(2)(d) of this section shall 3967  
be deposited into the appropriate county certificate of title 3968  
administration fund created under section 325.33 of the Revised 3969  
Code and shall not be used to supplant any other funds. 3970

(3) The registrar shall purchase, lease, or otherwise acquire 3971  
any automated title processing equipment and certificates of title 3972  
that the board determines are necessary from moneys in the 3973  
automated title processing fund established by division (B)(3) of 3974  
this section. 3975



(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.

**Sec. 4505.14.** (A) The registrar of motor vehicles, or the clerk of the court of common pleas, upon the application of any person and payment of the proper fee, may prepare and furnish lists containing title information in such form and subject to such territorial division or other classification as they may direct. The registrar or the clerk may search the records of the bureau of motor vehicles and furnish reports of those records under the signature of the registrar or the clerk.

(B)(1) Fees for lists containing title information shall be charged and collected as follows:

(a) For lists containing three thousand titles or more, twenty-five dollars per thousand or part thereof;

(b) For each report of a search of the records, ~~two dollars per copy except that on and after October 1, 2009, the fee shall be~~ is five dollars per copy. The registrar and the clerk may certify copies of records generated by an automated title processing system.

(2) A copy of any such report shall be taken as prima-facie evidence of the facts therein stated, in any court of the state. The registrar and the clerk shall furnish information on any title without charge to the state highway patrol, sheriffs, chiefs of police, or the attorney general. The clerk also may provide a copy of a certificate of title to a public agency without charge.

(C)(1) Those fees collected by the registrar as provided in division (B)(1)(a) of this section shall be paid to the treasurer

of state to the credit of the state bureau of motor vehicles fund 4006  
established in section 4501.25 of the Revised Code. Those fees 4007  
collected by the clerk as provided in division (B)(1)(a) of this 4008  
section shall be paid to the certificate of title administration 4009  
fund created by section 325.33 of the Revised Code. 4010

~~(2) Prior to October 1, 2009, the registrar shall pay those 4011  
fees the registrar collects under division (B)(1)(b) of this 4012  
section into the state treasury to the credit of the state bureau 4013  
of motor vehicles fund established in section 4501.25 of the 4014  
Revised Code. Prior to October 1, 2009, the clerk shall pay those 4015  
fees the clerk collects under division (B)(1)(b) of this section 4016  
to the certificate of title administration fund created by section 4017  
325.33 of the Revised Code. 4018~~

~~(3) On and after October 1, 2009, the The registrar shall pay 4019  
two dollars of each five-dollar fee the registrar collects under 4020  
division (B)(1)(b) of this section into the state treasury to the 4021  
credit of the state bureau of motor vehicles fund established in 4022  
section 4501.25 of the Revised Code. ~~Of the remaining three 4023  
dollars of each such fee the registrar collects, the registrar 4024  
shall deposit sixty cents into the state treasury to the credit of 4025  
the trauma and emergency medical services fund established in 4026  
section 4513.263 of the Revised Code, sixty cents into the state 4027  
treasury to the credit of the homeland security fund established 4028  
under section 5502.03 of the Revised Code, thirty cents into the 4029  
state treasury to the credit of the investigations fund 4030  
established in section 5502.131 of the Revised Code, one dollar 4031  
and twenty five cents into the state treasury to the credit of the 4032  
emergency management agency service and reimbursement fund 4033  
established in section 5502.39 of the Revised Code, and 4034  
twenty five cents into the state treasury to the credit of the 4035  
justice program services fund established in section 5502.67 of 4036  
the Revised Code. 4037~~~~

~~(4) On and after October 1, 2009, the~~ (3) The clerk of the 4038  
court of common pleas shall retain two dollars of each fee the 4039  
clerk collects under division (B)(1)(b) of this section and 4040  
deposit that two dollars into the certificate of title 4041  
administration fund created by section 325.33 of the Revised Code. 4042  
The clerk shall forward the remaining three dollars to the 4043  
registrar not later than the fifth day of the month next 4044  
succeeding that in which the transaction occurred. ~~Of that~~ The 4045  
registrar shall deposit the remaining three dollars, ~~the registrar~~ 4046  
~~shall deposit sixty cents~~ into the state treasury to the credit of 4047  
the ~~trauma and emergency medical services~~ state bureau of motor 4048  
vehicles fund established in section ~~4513.263~~ 4501.25 of the 4049  
Revised Code, ~~sixty cents into the state treasury to the credit of~~ 4050  
~~the homeland security fund established under section 5502.03 of~~ 4051  
~~the Revised Code, thirty cents into the state treasury to the~~ 4052  
~~credit of the investigations fund established in section 5502.131~~ 4053  
~~of the Revised Code, one dollar and twenty five cents into the~~ 4054  
~~state treasury to the credit of the emergency management agency~~ 4055  
~~service and reimbursement fund established in section 5502.39 of~~ 4056  
~~the Revised Code, and twenty five cents into the state treasury to~~ 4057  
~~the credit of the justice program services fund established in~~ 4058  
~~section 5502.67 of the Revised Code.~~ 4059

**Sec. 4506.01.** As used in this chapter: 4060

(A) "Alcohol concentration" means the concentration of 4061  
alcohol in a person's blood, breath, or urine. When expressed as a 4062  
percentage, it means grams of alcohol per the following: 4063

(1) One hundred milliliters of whole blood, blood serum, or 4064  
blood plasma; 4065

(2) Two hundred ten liters of breath; 4066

(3) One hundred milliliters of urine. 4067

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.

(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.

(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more, ~~or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;~~

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is

designed to be operated and to travel on a public street or 4098  
highway and is considered by the federal motor carrier safety 4099  
administration to be a commercial motor vehicle, including, but 4100  
not limited to, a motorized crane, a vehicle whose function is to 4101  
pump cement, a rig for drilling wells, and a portable crane. 4102

(E) "Controlled substance" means all of the following: 4103

(1) Any substance classified as a controlled substance under 4104  
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 4105  
802(6), as amended; 4106

(2) Any substance included in schedules I through V of 21 4107  
C.F.R. part 1308, as amended; 4108

(3) Any drug of abuse. 4109

(F) "Conviction" means an unvacated adjudication of guilt or 4110  
a determination that a person has violated or failed to comply 4111  
with the law in a court of original jurisdiction or an authorized 4112  
administrative tribunal, an unvacated forfeiture of bail or 4113  
collateral deposited to secure the person's appearance in court, a 4114  
plea of guilty or nolo contendere accepted by the court, the 4115  
payment of a fine or court cost, or violation of a condition of 4116  
release without bail, regardless of whether or not the penalty is 4117  
rebated, suspended, or probated. 4118

(G) "Disqualification" means any of the following: 4119

(1) The suspension, revocation, or cancellation of a person's 4120  
privileges to operate a commercial motor vehicle; 4121

(2) Any withdrawal of a person's privileges to operate a 4122  
commercial motor vehicle as the result of a violation of state or 4123  
local law relating to motor vehicle traffic control other than 4124  
parking, vehicle weight, or vehicle defect violations; 4125

(3) A determination by the federal motor carrier safety 4126  
administration that a person is not qualified to operate a 4127

commercial motor vehicle under 49 C.F.R. 391.	4128
(H) <u>"Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.</u>	4129 4130
(I) "Downgrade" means any of the following, as applicable:	4131
(1) A change in the commercial driver's license, <u>or commercial driver's license temporary instruction permit</u> , holder's self-certified status as described in division (A) <del>(2)</del> <u>(1)</u> of section 4506.10 of the Revised Code;	4132 4133 4134 4135
(2) A change to a lesser class of vehicle;	4136
(3) Removal of commercial driver's license privileges from the individual's driver's license.	4137 4138
<del>(I)</del> <u>(J)</u> "Drive" means to drive, operate, or be in physical control of a motor vehicle.	4139 4140
<del>(J)</del> <u>(K)</u> "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	4141 4142 4143
<del>(K)</del> <u>(L)</u> "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	4144 4145
<del>(L)</del> <u>(M)</u> "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	4146 4147 4148 4149 4150
<del>(M)</del> <u>(N)</u> "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	4151 4152 4153
<del>(N)</del> <u>(O)</u> "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	4154 4155 4156

~~(O)~~(P) "Employer" means any person, including the federal 4157  
government, any state, and a political subdivision of any state, 4158  
that owns or leases a commercial motor vehicle or assigns a person 4159  
to drive such a motor vehicle. 4160

~~(P)~~(O) "Endorsement" means an authorization on a person's 4161  
commercial driver's license that is required to permit the person 4162  
to operate a specified type of commercial motor vehicle. 4163

~~(Q)~~(R) "Farm truck" means a truck controlled and operated by 4164  
a farmer for use in the transportation to or from a farm, for a 4165  
distance of not more than one hundred fifty miles, of products of 4166  
the farm, including livestock and its products, poultry and its 4167  
products, floricultural and horticultural products, and in the 4168  
transportation to the farm, from a distance of not more than one 4169  
hundred fifty miles, of supplies for the farm, including tile, 4170  
fence, and every other thing or commodity used in agricultural, 4171  
floricultural, horticultural, livestock, and poultry production, 4172  
and livestock, poultry, and other animals and things used for 4173  
breeding, feeding, or other purposes connected with the operation 4174  
of the farm, when the truck is operated in accordance with this 4175  
division and is not used in the operations of a motor carrier, as 4176  
defined in section 4923.01 of the Revised Code. 4177

~~(R)~~(S) "Fatality" means the death of a person as the result 4178  
of a motor vehicle accident occurring not more than three hundred 4179  
sixty-five days prior to the date of death. 4180

~~(S)~~(T) "Felony" means any offense under federal or state law 4181  
that is punishable by death or specifically classified as a felony 4182  
under the law of this state, regardless of the penalty that may be 4183  
imposed. 4184

~~(T)~~(U) "Foreign jurisdiction" means any jurisdiction other 4185  
than a state. 4186

~~(U)~~(V) "Gross vehicle weight rating" means the value 4187

specified by the manufacturer as the maximum loaded weight of a 4188  
single or a combination vehicle. The gross vehicle weight rating 4189  
of a combination vehicle is the gross vehicle weight rating of the 4190  
power unit plus the gross vehicle weight rating of each towed 4191  
unit. 4192

~~(V)~~(W) "Hazardous materials" means any material that has been 4193  
designated as hazardous under 49 U.S.C. 5103 and is required to be 4194  
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 4195  
a material listed as a select agent or toxin in 42 C.F.R. part 73, 4196  
as amended. 4197

~~(W)~~(X) "Imminent hazard" means the existence of a condition 4198  
that presents a substantial likelihood that death, serious 4199  
illness, severe personal injury, or a substantial endangerment to 4200  
health, property, or the environment may occur before the 4201  
reasonably foreseeable completion date of a formal proceeding 4202  
begun to lessen the risk of that death, illness, injury, or 4203  
endangerment. 4204

~~(X)~~(Y) "Medical variance" means one of the following received 4205  
by a driver from the federal motor carrier safety administration 4206  
that allows the driver to be issued a medical certificate: 4207

(1) An exemption letter permitting operation of a commercial 4208  
motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 4209

(2) A skill performance evaluation certificate permitting 4210  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 4211  
391.49. 4212

~~(Y)~~(Z) "Mobile telephone" means a mobile communication device 4213  
that falls under or uses any commercial mobile radio service as 4214  
defined in 47 C.F.R. 20, except that mobile telephone does not 4215  
include two-way or citizens band radio services. 4216

(AA) "Motor vehicle" means a vehicle, machine, tractor, 4217  
trailer, or semitrailer propelled or drawn by mechanical power 4218



used on highways, except that such term does not include a 4219  
vehicle, machine, tractor, trailer, or semitrailer operated 4220  
exclusively on a rail. 4221

~~(Z)~~(BB) "Out-of-service order" means a declaration by an 4222  
authorized enforcement officer of a federal, state, local, 4223  
Canadian, or Mexican jurisdiction declaring that a driver, 4224  
commercial motor vehicle, or commercial motor carrier operation is 4225  
out of service as defined in 49 C.F.R. 390.5. 4226

~~(AA)~~(CC) "Peace officer" has the same meaning as in section 4227  
2935.01 of the Revised Code. 4228

~~(BB)~~(DD) "Portable tank" means a liquid or gaseous packaging 4229  
designed primarily to be loaded onto or temporarily attached to a 4230  
vehicle and equipped with skids, mountings, or accessories to 4231  
facilitate handling of the tank by mechanical means. 4232

~~(CC)~~(EE) "Public safety vehicle" has the same meaning as in 4233  
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 4234

~~(DD)~~(FF) "Recreational vehicle" includes every vehicle that 4235  
is defined as a recreational vehicle in section 4501.01 of the 4236  
Revised Code and is used exclusively for purposes other than 4237  
engaging in business for profit. 4238

~~(EE)~~(GG) "Residence" means any person's residence determined 4239  
in accordance with standards prescribed in rules adopted by the 4240  
registrar. 4241

~~(FF)~~(HH) "School bus" has the same meaning as in section 4242  
4511.01 of the Revised Code. 4243

~~(GG)~~(II) "Serious traffic violation" means any of the 4244  
following: 4245

(1) A conviction arising from a single charge of operating a 4246  
commercial motor vehicle in violation of any provision of section 4247  
4506.03 of the Revised Code; 4248

(2) A <u>(a) Except as provided in division (II)(2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution <del>prohibiting texting while driving</del>, or any other substantially similar law of another state or political subdivision of another state; <u>prohibiting either of the following:</u></u>	4249
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	4254
<u>(i) Texting while driving;</u>	4255
<u>(ii) Using a handheld mobile telephone.</u>	4256
<u>(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.</u>	4257
	4258
	4259
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	4260
	4261
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	4262
	4263
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	4264
	4265
	4266
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	4267
	4268
	4269
	4270
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	4271
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(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

(g) Violation of any other law of this state ~~or an~~, any law of another state, or any ordinance or resolution relating of a political subdivision of this state or another state that meets both of the following requirements:

(i) It relates to traffic control, other than a parking violation, ~~that;~~

(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director ~~designates~~ as such by rule.

~~(HH)~~(JJ) "State" means a state of the United States and includes the District of Columbia.

~~(II)~~(KK) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid ~~and has a maximum capacity greater~~ or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons ~~or is designed to transport gaseous materials and has a water and an aggregate rated capacity greater than~~ of one thousand pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis

gallons or more. "Tank vehicle" does not include any of the 4310  
following: 4311

~~(1) Any portable tank having a rated capacity of less than~~ 4312  
~~one thousand gallons;~~ 4313

~~(2) Tanks used exclusively as a fuel tank for the motor~~ 4314  
~~vehicle to which it is attached;~~ 4315

~~(3) An~~ a commercial motor vehicle transporting an empty 4316  
storage container tank that is not designed for transportation ~~and~~ 4317  
~~that is readily distinguishable from a transportation tank;~~ 4318

~~(4) Ready mix concrete mixers,~~ has a rated capacity of one 4319  
thousand gallons or more, and is temporarily attached to a flatbed 4320  
trailer. 4321

~~(JJ)(LL)~~ "Tester" means a person or entity acting pursuant to 4322  
a valid agreement entered into pursuant to division (B) of section 4323  
4506.09 of the Revised Code. 4324

~~(KK)(MM)~~ "Texting" means manually entering alphanumeric text 4325  
into, or reading text from, an electronic device. Texting includes 4326  
short message service, e-mail, instant messaging, a command or 4327  
request to access a world wide web page, pressing more than a 4328  
single button to initiate or terminate a voice communication using 4329  
a mobile telephone, or engaging in any other form of electronic 4330  
text retrieval or entry, for present or future communication. 4331  
Texting does not include the following: 4332

(1) ~~Reading, selecting, or entering a telephone number, an~~ 4333  
~~extension number, or voicemail retrieval codes and commands into~~ 4334  
~~an electronic device for the purpose of initiating or receiving a~~ 4335  
~~telephone call or using~~ Using voice commands to initiate ~~or,~~ 4336  
receive, or terminate a voice communication using a mobile 4337  
telephone call; 4338

(2) Inputting, selecting, or reading information on a global 4339

positioning system or navigation system; 4340

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or 4341  
4342

(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player. 4343  
4344  
4345  
4346

~~(LL)~~(NN) "Texting while driving" means texting while 4347  
operating a commercial motor vehicle, with the motor running, 4348  
including while temporarily stationary because of traffic, a 4349  
traffic control device, or other momentary delays, ~~but~~. Texting 4350  
while driving does not include operating a commercial motor 4351  
vehicle with or without the motor running when the driver has 4352  
moved the vehicle to the side of, or off, a highway and is stopped 4353  
in a location where the vehicle can safely remain stationary. 4354

~~(MM)~~(OO) "United States" means the fifty states and the 4355  
District of Columbia. 4356

~~(NN)~~(PP) "Upgrade" means a change in the class of vehicles, 4357  
endorsements, or self-certified status as described in division 4358  
(A)~~(2)~~(1) of section 4506.10 of the Revised Code, that expands the 4359  
ability of a current commercial driver's license holder to operate 4360  
commercial motor vehicles under this chapter; 4361

~~(OO)~~(OO) "Use of a handheld mobile telephone" means: 4362

(1) Using at least one hand to hold a mobile telephone to 4363  
conduct a voice communication; 4364

(2) Dialing or answering a mobile telephone by pressing more 4365  
than a single button; or 4366

(3) Reaching for a mobile telephone in a manner that requires 4367  
a driver to maneuver so that the driver is no longer in a seated 4368  
driving position, or restrained by a seat belt that is installed 4369

in accordance with 49 C.F.R. 393.93 and adjusted in accordance 4370  
with the vehicle manufacturer's instructions. 4371

(RR) "Vehicle" has the same meaning as in section 4511.01 of 4372  
the Revised Code. 4373

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 4374  
of this section, the following shall apply: 4375

(1) No person shall drive a commercial motor vehicle on a 4376  
highway in this state unless the person holds, and has in the 4377  
person's possession, a any of the following: 4378

(a) A valid commercial driver's license with proper 4379  
endorsements for the motor vehicle being driven, issued by the 4380  
registrar of motor vehicles, ~~a~~ or by another jurisdiction 4381  
recognized by this state; 4382

(b) A valid examiner's commercial driving permit issued under 4383  
section 4506.13 of the Revised Code, ~~a~~ i 4384

(c) A valid restricted commercial driver's license and waiver 4385  
for farm-related service industries issued under section 4506.24 4386  
of the Revised Code, ~~or a~~ i 4387

(d) A valid commercial driver's license temporary instruction 4388  
permit issued by the registrar ~~and is,~~ provided that the person is 4389  
accompanied by an authorized state driver's license examiner or 4390  
tester or a person who has been issued and has in the person's 4391  
immediate possession a current, valid commercial driver's license 4392  
~~with proper endorsements for the motor vehicle being driven~~ and 4393  
who meets the requirements of division (B) of section 4506.06 of 4394  
the Revised Code. 4395

(2) ~~No person shall be issued a~~ person's commercial driver's 4396  
license temporary instruction permit shall be upgraded, and no 4397  
commercial driver's license shall be upgraded, renewed, or issued 4398  
to a person until the person surrenders to the registrar of motor 4399

vehicles all valid licenses and permits issued to the person by 4400  
this state or by another jurisdiction recognized by this state. 4401  
~~The~~ If the license or permit was issued by any other state or 4402  
another jurisdiction recognized by this state, the registrar shall 4403  
report the surrender of a license or permit to the issuing 4404  
authority, together with information that a license or permit is 4405  
now issued in this state. The registrar shall destroy any such 4406  
license or permit that is not returned to the issuing authority. 4407

(3) No person who has been a resident of this state for 4408  
thirty days or longer shall drive a commercial motor vehicle under 4409  
the authority of a commercial driver's license issued by another 4410  
jurisdiction. 4411

(B) Nothing in division (A) of this section applies to any 4412  
qualified person when engaged in the operation of any of the 4413  
following: 4414

(1) A farm truck; 4415

(2) Fire equipment for a fire department, volunteer or 4416  
nonvolunteer fire company, fire district, or joint fire district; 4417

(3) A public safety vehicle used to provide transportation or 4418  
emergency medical service for ill or injured persons; 4419

(4) A recreational vehicle; 4420

(5) A commercial motor vehicle within the boundaries of an 4421  
eligible unit of local government, if the person is employed by 4422  
the eligible unit of local government and is operating the 4423  
commercial motor vehicle for the purpose of removing snow or ice 4424  
from a roadway by plowing, sanding, or salting, but only if either 4425  
the employee who holds a commercial driver's license issued under 4426  
this chapter and ordinarily operates a commercial motor vehicle 4427  
for these purposes is unable to operate the vehicle, or the 4428  
employing eligible unit of local government determines that a snow 4429  
or ice emergency exists that requires additional assistance; 4430

(6) A vehicle operated for military purposes by any member or 4431  
uniformed employee of the armed forces of the United States or 4432  
their reserve components, including the Ohio national guard. This 4433  
exception does not apply to United States reserve technicians. 4434

(7) A commercial motor vehicle that is operated for 4435  
nonbusiness purposes. "Operated for nonbusiness purposes" means 4436  
that the commercial motor vehicle is not used in commerce as 4437  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 4438  
regulated by the public utilities commission pursuant to Chapter 4439  
4905., 4921., or 4923. of the Revised Code. 4440

(8) A motor vehicle that is designed primarily for the 4441  
transportation of goods and not persons, while that motor vehicle 4442  
is being used for the occasional transportation of personal 4443  
property by individuals not for compensation and not in the 4444  
furtherance of a commercial enterprise; 4445

(9) A police SWAT team vehicle; 4446

(10) A police vehicle used to transport prisoners. 4447

(C) Nothing contained in division (B)(5) of this section 4448  
shall be construed as preempting or superseding any law, rule, or 4449  
regulation of this state concerning the safe operation of 4450  
commercial motor vehicles. 4451

(D) Whoever violates this section is guilty of a misdemeanor 4452  
of the first degree. 4453

**Sec. 4506.05.** (A) Notwithstanding any other provision of law, 4454  
a person may drive a commercial motor vehicle on a highway in this 4455  
state if all of the following conditions are met: 4456

(1) The person has a valid commercial driver's license or 4457  
commercial driver's license temporary instruction permit issued by 4458  
any state or jurisdiction in accordance with the minimum standards 4459  
adopted by the federal motor carrier safety administration under 4460



the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4461  
3207-171, 49 U.S.C.A. App. for issuance of commercial driver's 4462  
licenses; 4463

(2) The person's commercial driver's license or temporary 4464  
instruction permit is not suspended, revoked, or canceled, and the 4465  
person has the appropriate endorsements for the vehicle that is 4466  
being driven; 4467

(3) The person is not disqualified from driving a commercial 4468  
motor vehicle; 4469

(4) The person is not subject to an out-of-service order; 4470

(5) The person is medically certified as physically qualified 4471  
to operate a commercial motor vehicle in accordance with this 4472  
chapter ~~and is able to verify the medical certification when on~~ 4473  
~~duty as follows:~~ 4474

(a) ~~Prior to January 30, 2012, the person shall have in the~~ 4475  
~~person's possession the original or copy of the person's current~~ 4476  
~~medical examiner's certificate when on duty.~~ 4477

~~(b) On or after January 30, 2012:~~ 4478

~~(i)~~ A person who submitted a medical examiner's certificate 4479  
to the registrar in accordance with division (A)~~(2)~~(1) of section 4480  
4506.10 of the Revised Code and whose medical certification 4481  
information is maintained in the commercial driver's license 4482  
information system is not required to have the medical examiner's 4483  
certificate in the person's possession when on duty. 4484

~~(ii)~~(b) A person whose medical certification information is 4485  
not maintained in the commercial driver's license information 4486  
system ~~is required to~~ shall have in the person's possession when 4487  
on duty ~~the original or copy of a current medical examiner's~~ 4488  
~~certificate that was issued prior to January 30, 2012, except that~~ 4489  
~~after January 30, 2014, such person is required to have in the~~ 4490

~~person's possession when on duty,~~ the original or a copy of the 4491  
current medical examiner's certificate that was submitted to the 4492  
registrar, ~~but.~~ However, the person may operate a commercial motor 4493  
vehicle with such proof of medical certification for not more than 4494  
fifteen days after the date the current medical examiner's 4495  
certificate was issued to the person. 4496

~~(iii)(c)~~ (c) A person who has a medical variance shall have in 4497  
the person's possession the original or copy of the medical 4498  
variance documentation at all times while on duty. 4499

(B) No person shall drive a commercial motor vehicle on a 4500  
highway in this state if the person does not meet the conditions 4501  
specified in division (A) of this section. 4502

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 391.62, 4503  
391.67, and 391.68, no person holding a commercial driver's 4504  
license temporary instruction permit or a commercial driver's 4505  
license issued under this chapter may drive a commercial motor 4506  
vehicle in interstate commerce until the person is at least 4507  
twenty-one years of age. 4508

(D)(1) Whoever violates this section is guilty of a 4509  
misdemeanor of the first degree. 4510

(2) The offenses established under this section are strict 4511  
liability offenses and section 2901.20 of the Revised Code does 4512  
not apply. The designation of these offenses as strict liability 4513  
offenses shall not be construed to imply that any other offense, 4514  
for which there is no specified degree of culpability, is not a 4515  
strict liability offense. 4516

**Sec. 4506.06.** (A) The registrar of motor vehicles, upon 4517  
receiving an application for a commercial driver's license 4518  
temporary instruction permit, may issue the permit to any person 4519  
who is at least eighteen years of age and holds a valid driver's 4520

license, other than a restricted license, issued under Chapter 4521  
4507. of the Revised Code. ~~A The registrar shall not issue a~~ 4522  
commercial driver's license temporary instruction permit ~~shall not~~ 4523  
~~be issued~~ for a period exceeding six months ~~and. The registrar~~ 4524  
shall grant only one renewal of such a permit ~~shall be granted~~ in 4525  
a two-year period. A commercial driver's license temporary 4526  
instruction permit is a prerequisite to the initial issuance of a 4527  
commercial driver's license and the upgrade of a commercial 4528  
driver's license if the upgrade requires a skills test. 4529

(B) The holder of a commercial driver's license temporary 4530  
instruction permit, unless otherwise disqualified, may drive a 4531  
commercial motor vehicle only when having the holder has the 4532  
permit in the holder's actual possession and is accompanied by a 4533  
person who holds: 4534

(1) Holds a valid commercial driver's license ~~valid~~ and all 4535  
necessary endorsements for the type of vehicle being driven ~~and~~ 4536  
~~who occupies~~; 4537

(2) Occupies a seat beside the permit holder for the purpose 4538  
of giving instruction in driving the motor vehicle; and 4539

(3) Has the permit holder under observation and direct 4540  
supervision. 4541

~~(B)~~(C) Whoever violates this section is guilty of a 4542  
misdemeanor of the first degree. 4543

**Sec. 4506.07.** (A) ~~Every application~~ An applicant for a 4544  
commercial driver's license, restricted commercial driver's 4545  
license, or a commercial driver's license temporary instruction 4546  
permit, or a duplicate of such a license or permit, shall ~~be made~~ 4547  
submit an application upon a form approved and furnished by the 4548  
registrar of motor vehicles. Except as provided in section 4506.24 4549  
of the Revised Code in regard to a restricted commercial driver's 4550

license, the applicant shall sign the application ~~shall be signed~~ 4551  
~~by the applicant and~~ which shall contain the following 4552  
information: 4553

(1) The applicant's name, date of birth, social security 4554  
account number, sex, general description including height, weight, 4555  
and color of hair and eyes, current residence, duration of 4556  
residence in this state, state of domicile, country of 4557  
citizenship, and occupation; 4558

(2) Whether the applicant previously has been licensed to 4559  
operate a commercial motor vehicle or any other type of motor 4560  
vehicle in another state or a foreign jurisdiction and, if so, 4561  
when, by what state, and whether the license or driving privileges 4562  
currently are suspended or revoked in any jurisdiction, or the 4563  
applicant otherwise has been disqualified from operating a 4564  
commercial motor vehicle, or is subject to an out-of-service order 4565  
issued under this chapter or any similar law of another state or a 4566  
foreign jurisdiction and, if so, the date of, locations involved, 4567  
and reason for the suspension, revocation, disqualification, or 4568  
out-of-service order; 4569

(3) Whether the applicant is afflicted with or suffering from 4570  
any physical or mental disability or disease that prevents the 4571  
applicant from exercising reasonable and ordinary control over a 4572  
motor vehicle while operating it upon a highway or is or has been 4573  
subject to any condition resulting in episodic impairment of 4574  
consciousness or loss of muscular control and, if so, the nature 4575  
and extent of the disability, disease, or condition, and the names 4576  
and addresses of the physicians attending the applicant; 4577

(4) Whether the applicant has obtained a medical examiner's 4578  
certificate as required by this chapter and, beginning January 30, 4579  
2012, the applicant, prior to or at the time of applying, has 4580  
self-certified to the registrar the applicable status of the 4581  
applicant under division (A)~~(2)~~(1) of section 4506.10 of the 4582

Revised Code;	4583
(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred;	4584 4585 4586 4587 4588
(6) If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift, which shall be given no consideration in the issuance of a license;	4589 4590 4591 4592 4593
(7) <del>On and after May 1, 1993, whether</del> <u>Whether</u> the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument;	4594 4595 4596 4597 4598 4599 4600 4601 4602
(8) <del>On and after October 7, 2009, whether</del> <u>Whether</u> the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.	4603 4604 4605 4606 4607 4608 4609
(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:	4610 4611
(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of	4612 4613

motor vehicle that the applicant expects to operate as a driver; 4614

(2) That the applicant is not subject to any disqualification 4615  
or out-of-service order, or license suspension, revocation, or 4616  
cancellation, under the laws of this state, of another state, or 4617  
of a foreign jurisdiction and does not have more than one driver's 4618  
license issued by this or another state or a foreign jurisdiction; 4619

(3) Any additional information, certification, or evidence 4620  
that the registrar requires by rule in order to ensure that the 4621  
issuance of a commercial driver's license or commercial driver's 4622  
license temporary instruction permit to the applicant is in 4623  
compliance with the law of this state and with federal law. 4624

(C) Every applicant shall execute a form, approved and 4625  
furnished by the registrar, under which the applicant consents to 4626  
the release by the registrar of information from the applicant's 4627  
driving record. 4628

(D) The registrar or a deputy registrar, in accordance with 4629  
section 3503.11 of the Revised Code, shall register as an elector 4630  
any applicant for a commercial driver's license or for a renewal 4631  
or duplicate of such a license under this chapter, if the 4632  
applicant is eligible and wishes to be registered as an elector. 4633  
The decision of an applicant whether to register as an elector 4634  
shall be given no consideration in the decision of whether to 4635  
issue the applicant a license or a renewal or duplicate. 4636

(E) The registrar or a deputy registrar, in accordance with 4637  
section 3503.11 of the Revised Code, shall offer the opportunity 4638  
of completing a notice of change of residence or change of name to 4639  
any applicant for a commercial driver's license or for a renewal 4640  
or duplicate of such a license who is a resident of this state, if 4641  
the applicant is a registered elector who has changed the 4642  
applicant's residence or name and has not filed such a notice. 4643

(F) In considering any application submitted pursuant to this 4644

section, the bureau of motor vehicles may conduct any inquiries 4645  
necessary to ensure that issuance or renewal of a commercial 4646  
driver's license would not violate any provision of the Revised 4647  
Code or federal law. 4648

(G) In addition to any other information it contains, ~~on and~~ 4649  
~~after October 7, 2009,~~ the form approved and furnished by the 4650  
registrar of motor vehicles for an application for a commercial 4651  
driver's license, restricted commercial driver's license, or a 4652  
commercial driver's license temporary instruction permit or an 4653  
application for a duplicate of such a license or permit shall 4654  
inform applicants that the applicant must present a copy of the 4655  
applicant's DD-214 or an equivalent document in order to qualify 4656  
to have the license, or permit, or duplicate indicate that the 4657  
applicant is a veteran, active duty, or reservist of the armed 4658  
forces of the United States based on a request made pursuant to 4659  
division (A)(8) of this section. 4660

**Sec. 4506.071.** On receipt of a notice pursuant to section 4661  
3123.54 of the Revised Code, the registrar of motor vehicles shall 4662  
comply with sections 3123.53 to 3123.60 of the Revised Code and 4663  
any applicable rules adopted under section 3123.63 of the Revised 4664  
Code with respect to a commercial driver's license or commercial 4665  
driver's license temporary instruction permit issued pursuant to 4666  
this chapter. 4667

**Sec. 4506.08.** (A)(1) Each application for a commercial 4668  
driver's license temporary instruction permit shall be accompanied 4669  
by a fee of ten dollars. Each application for a commercial 4670  
driver's license, restricted commercial driver's license, renewal 4671  
of such a license, or waiver for farm-related service industries 4672  
shall be accompanied by a fee of twenty-five dollars, except that 4673  
an application for a commercial driver's license or restricted 4674  
commercial driver's license received pursuant to division (A)(3) 4675

of section 4506.14 of the Revised Code shall be accompanied by a 4676  
fee of eighteen dollars and seventy-five cents if the license will 4677  
expire on the licensee's birthday three years after the date of 4678  
issuance, a fee of twelve dollars and fifty cents if the license 4679  
will expire on the licensee's birthday two years after the date of 4680  
issuance, and a fee of six dollars and twenty-five cents if the 4681  
license will expire on the licensee's birthday one year after the 4682  
date of issuance. Each application for a duplicate commercial 4683  
driver's license shall be accompanied by a fee of ten dollars. 4684

(2) In addition, the registrar of motor vehicles or deputy 4685  
registrar may collect and retain an additional fee of no more than 4686  
three dollars and fifty cents for each application for a 4687  
commercial driver's license temporary instruction permit, 4688  
commercial driver's license, renewal of a commercial driver's 4689  
license, or duplicate commercial driver's license received by the 4690  
registrar or deputy. 4691

(B) In addition to the fees imposed under division (A) of 4692  
this section, the registrar of motor vehicles or deputy registrar 4693  
shall collect a fee of twelve dollars for each application for a 4694  
commercial driver's license temporary instruction permit, 4695  
commercial driver's license, or duplicate commercial driver's 4696  
license and for each application for renewal of a commercial 4697  
driver's license. The additional fee is for the purpose of 4698  
defraying the department of public safety's costs associated with 4699  
the administration and enforcement of the motor vehicle and 4700  
traffic laws of Ohio. 4701

(C) Each deputy registrar shall transmit the fees collected 4702  
under divisions (A)(1) and (B) of this section in the time and 4703  
manner prescribed by the registrar. The registrar shall deposit 4704  
all moneys collected under division (A)(1) of this section into 4705  
the state bureau of motor vehicles fund established in section 4706  
4501.25 of the Revised Code. The registrar shall deposit all 4707



moneys collected under division (B) of this section into the state 4708  
highway safety fund established in section 4501.06 of the Revised 4709  
Code. 4710

(D) ~~Information~~ Upon request and payment of a fee of five 4711  
dollars, the registrar shall furnish information regarding the 4712  
driving record of any person holding a commercial driver's license 4713  
issued by this state ~~shall be furnished by the registrar, upon~~ 4714  
~~request and payment of a fee of five dollars,~~ to the employer or 4715  
prospective employer of such a person and to any insurer. 4716

~~Of each five dollar fee the~~ The registrar collects under this 4717  
~~division, the registrar shall pay two dollars~~ each five-dollar fee 4718  
the registrar collects under this division into the state treasury 4719  
to the credit of the state bureau of motor vehicles fund 4720  
established in section 4501.25 of the Revised Code, ~~sixty cents~~ 4721  
~~into the state treasury to the credit of the trauma and emergency~~ 4722  
~~medical services fund established in section 4513.263 of the~~ 4723  
~~Revised Code, sixty cents into the state treasury to the credit of~~ 4724  
~~the homeland security fund established in section 5502.03 of the~~ 4725  
~~Revised Code, thirty cents into the state treasury to the credit~~ 4726  
~~of the investigations fund established in section 5502.131 of the~~ 4727  
~~Revised Code, one dollar and twenty five cents into the state~~ 4728  
~~treasury to the credit of the emergency management agency service~~ 4729  
~~and reimbursement fund established in section 5502.39 of the~~ 4730  
~~Revised Code, and twenty five cents into the state treasury to the~~ 4731  
~~credit of the justice program services fund established in section~~ 4732  
~~5502.67 of the Revised Code.~~ 4733

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject to 4734  
approval by the director of public safety, shall adopt rules 4735  
conforming with applicable standards adopted by the federal motor 4736  
carrier safety administration as regulations under Pub. L. No. 4737  
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4738

31317. The rules shall establish requirements for the 4739  
qualification and testing of persons applying for a commercial 4740  
driver's license, which ~~shall be~~ are in addition to other 4741  
requirements established by this chapter. Except as provided in 4742  
division (B) of this section, the highway patrol or any other 4743  
employee of the department of public safety the registrar 4744  
authorizes shall supervise and conduct the testing of persons 4745  
applying for a commercial driver's license. 4746

(B) The director may adopt rules, in accordance with Chapter 4747  
119. of the Revised Code and applicable requirements of the 4748  
federal motor carrier safety administration, authorizing the 4749  
skills test specified in this section to be administered by any 4750  
person, by an agency of this or another state, or by an agency, 4751  
department, or instrumentality of local government. Each party 4752  
authorized under this division to administer the skills test may 4753  
charge a maximum divisible fee of eighty-five dollars for each 4754  
skills test given as part of a commercial driver's license 4755  
examination. The fee shall consist of not more than twenty dollars 4756  
for the pre-trip inspection portion of the test, not more than 4757  
twenty dollars for the off-road maneuvering portion of the test, 4758  
and not more than forty-five dollars for the on-road portion of 4759  
the test. Each such party may require an appointment fee in the 4760  
same manner provided in division ~~(F)~~(E)(2) of this section, except 4761  
that the maximum amount such a party may require as an appointment 4762  
fee is eighty-five dollars. The skills test administered by 4763  
another party under this division shall be the same as otherwise 4764  
would be administered by this state. The other party shall enter 4765  
into an agreement with the director that, without limitation, does 4766  
all of the following: 4767

(1) Allows the director or the director's representative and 4768  
the federal motor carrier safety administration or its 4769  
representative to conduct random examinations, inspections, and 4770

audits of the other party, whether covert or overt, without prior 4771  
notice; 4772

(2) Requires the director or the director's representative to 4773  
conduct on-site inspections of the other party at least annually; 4774

(3) Requires that all examiners of the other party meet the 4775  
same qualification and training standards as examiners of the 4776  
department of public safety, including criminal background checks, 4777  
to the extent necessary to conduct skills tests in the manner 4778  
required by 49 C.F.R. 383.110 through 383.135+. In accordance with 4779  
federal guidelines, any examiner employed on the effective date of 4780  
this amendment shall have a criminal background check conducted at 4781  
least once, and any examiner hired after the effective date of 4782  
this amendment shall have a criminal background check conducted 4783  
after the examiner is initially hired. 4784

(4) Requires either that state employees take, at least 4785  
annually and as though the employees were test applicants, the 4786  
tests actually administered by the other party, that the director 4787  
test a sample of drivers who were examined by the other party to 4788  
compare the test results, or that state employees accompany a test 4789  
applicant during an actual test; 4790

(5) Unless the other party is a governmental entity, requires 4791  
the other party to initiate and maintain a bond in an amount 4792  
determined by the director to sufficiently pay for the retesting 4793  
of drivers in the event that the other party or its skills test 4794  
examiners are involved in fraudulent activities related to skills 4795  
testing; 4796

(6) Requires the other party to use only skills test 4797  
examiners who have successfully completed a commercial driver's 4798  
license examiner training course as prescribed by the director, 4799  
and have been certified by the state as a commercial driver's 4800  
license skills test examiner qualified to administer skills tests; 4801

- (7) Requires the other party to use designated road test routes that have been approved by the director; 4802  
4803
- (8) Requires the other party to submit a schedule of skills test appointments to the director not later than two business days prior to each skills test; 4804  
4805  
4806
- (9) Requires the other party to maintain copies of the following records at its principal place of business: 4807  
4808
- (a) The other party's commercial driver's license skills testing program certificate; 4809  
4810
- (b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate; 4811  
4812  
4813
- (c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years; 4814  
4815
- (d) A complete list of the test routes that have been approved by the director; 4816  
4817
- (e) A complete and accurate copy of each examiner's training record. 4818  
4819
- (10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained; 4820  
4821  
4822
- (11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year; 4823  
4824  
4825
- (12) Reserves to this state the right to take prompt and appropriate remedial action against ~~testers~~ of the other party and its skills test examiners if the other party ~~fails~~ or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract. 4826  
4827  
4828  
4829  
4830  
4831

(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

~~(D) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:~~

~~(1) Certifies that, during the two year period immediately preceding application for a commercial driver's license, all of the following apply:~~

~~(a) The applicant has not had more than one license.~~

~~(b) The applicant has not had any license suspended, revoked, or canceled.~~

~~(c) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.~~

~~(d) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.~~

~~(e) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind the wheel in a representative vehicle for the applicant's commercial driver's license~~

~~classification.~~ 4863

~~(2) Certifies and also provides evidence that the applicant 4864  
is regularly employed in a job requiring operation of a commercial 4865  
motor vehicle and that one of the following applies:~~ 4866

~~(a) The applicant has previously taken and passed a skills 4867  
test given by a state with a classified licensing and testing 4868  
system in which the test was behind the wheel in a representative 4869  
vehicle for the applicant's commercial driver's license 4870  
classification.~~ 4871

~~(b) The applicant has regularly operated, for at least two 4872  
years immediately preceding application for a commercial driver's 4873  
license, a vehicle representative of the commercial motor vehicle 4874  
the applicant operates or expects to operate.~~ 4875

~~(E)(1) The director shall adopt rules, in accordance with 4876  
Chapter 119. of the Revised Code, authorizing waiver of the skills 4877  
test specified in this section for any applicant for a commercial 4878  
driver's license who meets all of the following requirements:~~ 4879

~~(1) Has been a member or uniformed employee of the armed 4880  
forces of the United States or their reserve components, including 4881  
the Ohio national guard or the national guard of any other state;~~ 4882

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates 4883  
a commercial motor vehicle for military purposes and is one of the 4884  
following: 4885

(i) Active duty military personnel; 4886

(ii) A member of the military reserves; 4887

(iii) A member of the national guard on active duty, 4888  
including full-time national guard duty, part-time national guard 4889  
training, and national guard military technicians; 4890

(iv) Active duty U.S. coast guard personnel. 4891

~~(2) Certifies (b) The applicant certifies that, during the 4892~~

two-year period immediately preceding application for a commercial 4893  
driver's license, all of the following apply: 4894

~~(a)~~(i) The applicant has not had more than one license, 4895  
excluding any military license. 4896

~~(b)~~(ii) The applicant has not had any license suspended, 4897  
revoked, or canceled. 4898

~~(c)~~(iii) The applicant has not had any convictions for any 4899  
type of motor vehicle for the offenses for which disqualification 4900  
is prescribed in section 4506.16 of the Revised Code. 4901

~~(d)~~(iv) The applicant has not had more than one conviction 4902  
for any type of motor vehicle for a serious traffic violation. 4903

~~(e)~~(v) The applicant has not had any violation of a state or 4904  
local law relating to motor vehicle traffic control other than a 4905  
parking violation arising in connection with any traffic accident 4906  
and has no record of an accident in which the applicant was at 4907  
fault. 4908

~~(3)~~(c) In accordance with rules adopted by the director, the 4909  
applicant certifies and also provides evidence of all of the 4910  
following: 4911

~~(a)~~(i) That the applicant is or was regularly employed in a 4912  
military position requiring operation of a commercial motor 4913  
vehicle; 4914

~~(b)~~(ii) That the applicant was exempt from the requirements 4915  
of this chapter under division (B)(6) of section 4506.03 of the 4916  
Revised Code; 4917

~~(c)~~(iii) That, for at least two years immediately preceding 4918  
the date of application or at least two years immediately 4919  
preceding the date the applicant separated from military service 4920  
or employment, the applicant regularly operated a vehicle 4921  
representative of the commercial motor vehicle type that the 4922

applicant operates or expects to operate. 4923

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians. 4924  
4925

~~(F)~~(E)(1) The department of public safety may charge and 4926  
collect a divisible fee of fifty dollars for each skills test 4927  
given as part of a commercial driver's license examination. The 4928  
fee shall consist of ten dollars for the pre-trip inspection 4929  
portion of the test, ten dollars for the off-road maneuvering 4930  
portion of the test, and thirty dollars for the on-road portion of 4931  
the test. 4932

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. 4933  
The director may require an applicant for a 4934  
commercial driver's license who schedules an appointment with the 4935  
highway patrol or other authorized employee of the department of 4936  
public safety to take all portions of the skills test, and to pay 4937  
an appointment fee of fifty dollars at the time of scheduling the 4938  
appointment. If the applicant appears at the time and location 4939  
specified for the appointment and takes all portions of the skills 4940  
test during that appointment, the appointment fee ~~shall serve~~ 4941  
serves as the skills test fee. If the applicant schedules an 4942  
appointment to take all portions of the skills test and fails to 4943  
appear at the time and location specified for the appointment, ~~ne~~ 4944  
the director shall not refund any portion of the appointment fee 4945  
~~shall be refunded~~. If the applicant schedules an appointment to 4946  
take all portions of the skills test and appears at the time and 4947  
location specified for the appointment, but declines or is unable 4948  
to take all portions of the skills test, ~~ne~~ the director shall not 4949  
refund any portion of the appointment fee ~~shall be refunded~~. If 4950  
the applicant cancels a scheduled appointment forty-eight hours or 4951  
more prior to the time of the appointment time, the applicant 4952  
4953  
4954



shall not forfeit the appointment fee. 4955

An applicant for a commercial driver's license who schedules 4956  
an appointment to take one or more, but not all, portions of the 4957  
skills test ~~shall be~~ is required to pay an appointment fee equal to 4958  
the costs of each test scheduled, as prescribed in division 4959  
(~~F~~)(E)(1) of this section, when scheduling such an appointment. If 4960  
the applicant appears at the time and location specified for the 4961  
appointment and takes all the portions of the skills test during 4962  
that appointment that the applicant was scheduled to take, the 4963  
appointment fee ~~shall serve~~ serves as the skills test fee. If the 4964  
applicant schedules an appointment to take one or more, but not 4965  
all, portions of the skills test and fails to appear at the time 4966  
and location specified for the appointment, ~~ne the director shall~~  
not refund any portion of the appointment fee ~~shall be refunded~~. 4968  
If the applicant schedules an appointment to take one or more, but 4969  
not all, portions of the skills test and appears at the time and 4970  
location specified for the appointment, but declines or is unable 4971  
to take all portions of the skills test that the applicant was 4972  
scheduled to take, ~~ne the director shall not refund any~~ portion of 4973  
the appointment fee ~~shall be refunded~~. If the applicant cancels a 4974  
scheduled appointment forty-eight hours or more prior to the time 4975  
of the appointment time, the applicant shall not forfeit the 4976  
appointment fee. 4977

(3) The department of public safety shall deposit all fees it 4978  
collects under division (~~F~~)(E) of this section in the state bureau 4979  
of motor vehicles fund established in section 4501.25 of the 4980  
Revised Code. 4981

(F) A person who has successfully completed commercial 4982  
driver's license training in this state but seeks a commercial 4983  
driver's license in another state where the person is domiciled 4984  
may schedule an appointment to take the skills test in this state 4985  
and shall pay the appropriate appointment fee. Upon the person's 4986

completion of the skills test, this state shall electronically 4987  
transmit the applicant's results to the state where the person is 4988  
domiciled. If a person who is domiciled in this state takes a 4989  
skills test in another state, this state shall accept the results 4990  
of the skills test from the other state. If the person passed the 4991  
other state's skills test and meets all of the other licensing 4992  
requirements set forth in this chapter and rules adopted under 4993  
this chapter, the registrar of motor vehicles or a deputy 4994  
registrar shall issue a commercial driver's license to that 4995  
person. 4996

(G) Unless otherwise specified, the director or the 4997  
director's representative shall conduct the examinations, 4998  
inspections, audits, and test monitoring set forth in divisions 4999  
(B)(2),(3), and (4) of this section at least annually. If the 5000  
other party or any of its skills test examiners fail to comply 5001  
with state or federal standards for the skills testing program, 5002  
the director or the director's representative shall take prompt 5003  
and appropriate remedial action against the party and its skills 5004  
test examiners. Remedial action may include termination of the 5005  
agreement or revocation of a skills test examiner's certification. 5006

(H) As used in this section, "skills test" means a test of an 5007  
applicant's ability to drive the type of commercial motor vehicle 5008  
for which the applicant seeks a commercial driver's license by 5009  
having the applicant drive such a motor vehicle while under the 5010  
supervision of an authorized state driver's license examiner or 5011  
tester. 5012

**Sec. 4506.10.** (A) No person who holds a valid commercial 5013  
driver's license shall drive a commercial motor vehicle unless the 5014  
person is physically qualified to do so. 5015

~~(1) Prior to January 30, 2012, each person who drives or~~ 5016  
~~expects to drive a commercial motor vehicle in interstate or~~ 5017

~~foreign commerce or is otherwise subject to 49 C.F.R. 391, et seq., as amended, shall certify to the registrar of motor vehicles at the time of application for a commercial driver's license that the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391, et seq., as amended, also shall certify at the time of application that the person is not subject to these standards.~~

~~(2) Beginning on January 30, 2012, any~~ Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, renewing the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or ~~transferring the transfer of~~ a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a)(i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not

required to obtain a medical examiner's certificate+1 5050

(b)(i) If the applicant operates only in intrastate commerce 5051  
and is subject to state driver qualification requirements, the 5052  
applicant shall self-certify that the applicant is non-excepted 5053  
intrastate; 5054

(ii) If the applicant operates only in intrastate commerce 5055  
and is excepted from all or parts of the state driver 5056  
qualification requirements, the applicant shall self-certify that 5057  
the applicant is excepted intrastate. 5058

~~+3~~(2) Notwithstanding the expiration date on a person's 5059  
commercial driver's license or commercial driver's license 5060  
temporary instruction permit, every commercial driver's license or 5061  
commercial driver's license temporary instruction permit holder 5062  
shall provide the registrar with the certification required by 5063  
this section, on or after January 30, 2012, but prior to January 5064  
30, 2014. 5065

(B) A person is qualified to drive a school bus if the person 5066  
holds a valid commercial driver's license along with the proper 5067  
endorsements, and if the person has been certified as medically 5068  
qualified in accordance with rules adopted by the department of 5069  
education. 5070

(C)(1) Except as provided in division (C)(2) of this section, 5071  
any only a medical examiner who is listed on the national registry 5072  
of certified medical examiners established by the federal motor 5073  
carrier safety administration shall perform a medical examination 5074  
required by this section ~~shall be performed only by one of the~~ 5075  
~~following:~~ 5076

~~(a) A person licensed under Chapter 4731. of the Revised Code~~ 5077  
~~to practice medicine or surgery or osteopathic medicine and~~ 5078  
~~surgery in this state, or licensed under any similar law of~~ 5079  
~~another state;~~ 5080

~~(b) A physician assistant who is authorized by the~~ 5081  
~~supervising physician to perform such a medical examination;~~ 5082

~~(c) A certified nurse practitioner, a clinical nurse~~ 5083  
~~specialist, or a certified nurse midwife;~~ 5084

~~(d) A doctor of chiropractic.~~ 5085

(2) ~~Any part of an examination required by this section that~~ 5086  
~~pertains to visual acuity, field of vision, and the ability to~~ 5087  
~~recognize colors may be performed by a~~ A person licensed under 5088  
Chapter 4725. of the Revised Code to practice optometry in this 5089  
state, or licensed under any similar law of another state, may 5090  
perform any part of an examination required by this section that 5091  
pertains to visual acuity, field of vision, and the ability to 5092  
recognize colors. 5093

(3) ~~Any~~ The individual who performed an examination conducted 5094  
pursuant to this section shall complete any written documentation 5095  
of a physical examination ~~conducted pursuant to this section shall~~ 5096  
~~be completed by the individual who performed the examination~~ on a 5097  
form that substantially complies with the requirements of 49 5098  
C.F.R. 391.43(h). 5099

(D) Whenever good cause appears, the registrar, upon issuing 5100  
a commercial driver's license or commercial driver's license 5101  
temporary instruction permit under this chapter, may impose 5102  
restrictions suitable to the licensee's driving ability with 5103  
respect to the type of motor vehicle or special mechanical control 5104  
devices required on a motor vehicle that the licensee may operate, 5105  
or such other restrictions applicable to the licensee as the 5106  
registrar determines to be necessary. 5107

The registrar may either issue a special restricted license 5108  
or may set forth upon the usual license form the restrictions 5109  
imposed. 5110

The registrar, upon receiving satisfactory evidence of any 5111

violation of the restrictions of the license, may impose a class D 5112  
license suspension of the license for the period of time specified 5113  
in division (B)(4) of section 4510.02 of the Revised Code. 5114

The registrar, upon receiving satisfactory evidence that an 5115  
applicant or holder of a commercial driver's license or commercial 5116  
driver's license temporary instruction permit has violated 5117  
division (A)(4) of section 4506.04 of the Revised Code and 5118  
knowingly given false information in any application or 5119  
certification required by section 4506.07 of the Revised Code, 5120  
shall cancel the person's commercial driver's license ~~of the~~ 5121  
~~person~~ or commercial driver's license temporary instruction permit 5122  
or any pending application from the person for a commercial 5123  
driver's license, commercial driver's license temporary 5124  
instruction permit, or class D driver's license for a period of at 5125  
least sixty days, during which time no application for a 5126  
commercial driver's license, commercial driver's license temporary 5127  
instruction permit, or class D driver's license shall be received 5128  
from the person. 5129

(E) Whoever violates this section is guilty of a misdemeanor 5130  
of the first degree. 5131

**Sec. 4506.12.** (A) Commercial driver's licenses shall be 5132  
issued in the following classes and shall include any endorsements 5133  
and restrictions that are applicable. Subject to any such 5134  
endorsements and restrictions, the holder of a valid commercial 5135  
driver's license may drive all commercial motor vehicles in the 5136  
class for which that license is issued and all lesser classes of 5137  
vehicles, except that the holder shall not operate a motorcycle 5138  
unless the holder is licensed to do so under Chapter 4507. of the 5139  
Revised Code. 5140

(B) The classes of commercial driver's licenses and the 5141  
commercial motor vehicles that they authorize the operation of are 5142

as follows: 5143

(1) Class A--any combination of vehicles with a combined 5144  
gross vehicle weight or combined gross vehicle weight rating of 5145  
twenty-six thousand one pounds or more, if the gross vehicle 5146  
weight or gross vehicle weight rating of the vehicle or vehicles 5147  
being towed is in excess of ten thousand pounds. 5148

(2) Class B--any single vehicle with a gross vehicle weight 5149  
or gross vehicle weight rating of twenty-six thousand one pounds 5150  
or more or any such vehicle towing a vehicle having a gross 5151  
vehicle weight or gross vehicle weight rating that is not in 5152  
excess of ten thousand pounds. 5153

(3) Class C--any single vehicle, or combination of vehicles, 5154  
that is not a class A or class B vehicle, but that is designed to 5155  
transport sixteen or more passengers, including the driver, or is 5156  
transporting hazardous materials in an amount requiring 5157  
placarding, or any school bus with a gross vehicle weight or gross 5158  
vehicle weight rating of less than twenty-six thousand one pounds 5159  
that is designed to transport fewer than sixteen passengers 5160  
including the driver. 5161

(C) The following endorsements ~~and restrictions~~ apply to 5162  
commercial drivers' licenses: 5163

(1) H--authorizes the driver to drive a vehicle transporting 5164  
hazardous materials in an amount requiring placarding; 5165

(2) ~~K--restricts the driver to only intrastate operation;~~ 5166

~~(3) L--restricts the driver to vehicles not equipped with air~~ 5167  
~~brakes;~~ 5168

~~(4)~~ T--authorizes the driver to drive a vehicle configured 5169  
with double or triple trailers that create more than one 5170  
articulation point for the combination; 5171

~~(5)~~(3) P--authorizes the driver to drive vehicles designed to 5172

transport sixteen or more passengers, including the driver;	5173
<del>(6) P1 authorizes the driver to drive class A vehicles</del>	5174
<del>designed for fewer than sixteen passengers, including the driver,</del>	5175
<del>and all lesser classes of vehicles without restriction as to the</del>	5176
<del>designed passenger capacity of the vehicle;</del>	5177
<del>(7) P2 authorizes the driver to drive class A or B vehicles</del>	5178
<del>designed for fewer than sixteen passengers, including the driver,</del>	5179
<del>and all lesser classes of vehicles without restriction as to the</del>	5180
<del>designed passenger capacity of the vehicle;</del>	5181
<del>(8) P4 Restricts the driver to driving class C school buses</del>	5182
<del>designed to transport fewer than sixteen passengers including the</del>	5183
<del>driver.</del>	5184
<del>(9)(4) N--authorizes the driver to drive tank vehicles;</del>	5185
<del>(10)(5) S--authorizes the driver to drive school buses</del>	5186
<del>transporting children;</del>	5187
<del>(11)(6) X--authorizes the driver to drive tank vehicles</del>	5188
<del>transporting hazardous materials in a quantity requiring</del>	5189
<del>placarding;</del>	5190
<del>(12) W restricts the driver to the operation of commercial</del>	5191
<del>motor vehicles in accordance with a waiver for farm related</del>	5192
<del>service industries issued under section 4506.24 of the Revised</del>	5193
<del>Code;</del>	5194
<del>(13) V indicates the existence of a medical variance on the</del>	5195
<del>driver's commercial driver's license information system driver</del>	5196
<del>record.</del>	5197
<del>(D) <u>The following restrictions apply to commercial driver's</u></del>	5198
<del><u>licenses:</u></del>	5199
<del><u>(1) E--restricts the driver to vehicles equipped with an</u></del>	5200
<del><u>automatic transmission;</u></del>	5201
<del><u>(2) K--restricts the driver to only intrastate operation;</u></del>	5202



<u>(3) L--restricts the driver to vehicles not equipped with air</u>	5203
<u>brakes;</u>	5204
<u>(4) M--restricts the driver from operating class A passenger</u>	5205
<u>vehicles;</u>	5206
<u>(5) N--restricts the driver from operating class A and B</u>	5207
<u>passenger vehicles;</u>	5208
<u>(6) O--restricts the driver from operating tractor-trailer</u>	5209
<u>commercial motor vehicles;</u>	5210
<u>(7) V--indicates the existence of a medical variance on the</u>	5211
<u>driver's commercial driver's license information system driver</u>	5212
<u>record;</u>	5213
<u>(8) W--restricts the driver to the operation of commercial</u>	5214
<u>motor vehicles in accordance with a waiver for farm-related</u>	5215
<u>service industries issued under section 4506.24 of the Revised</u>	5216
<u>Code;</u>	5217
<u>(9) Z--restricts the driver to vehicles not equipped with</u>	5218
<u>full air brakes.</u>	5219
<u>(E) In addition to any endorsement that otherwise may apply,</u>	5220
a person who is engaged in the towing of a disabled or wrecked	5221
motor vehicle shall hold a commercial driver's license bearing any	5222
endorsement required to drive the towed vehicle except the driver	5223
is not required to have either of the following:	5224
<u>(1) A passenger endorsement to tow an unoccupied passenger</u>	5225
<u>vehicle;</u>	5226
<u>(2) Any endorsement required for the wrecked or disabled</u>	5227
<u>vehicle when the driver initially removes a vehicle from the site</u>	5228
<u>of the emergency where the vehicle became wrecked or disabled to</u>	5229
<u>the nearest appropriate repair, disposal, or storage facility, as</u>	5230
<u>applicable.</u>	5231
<u><del>(E)</del>(F) The following endorsements apply to commercial</u>	5232

<u>driver's license temporary instruction permits:</u>	5233
<u>(1) N--authorizes the holder to drive tank vehicles;</u>	5234
<u>(2) P--authorizes the permit holder to drive vehicles</u> <u>designed to transport sixteen or more passengers, including the</u> <u>driver;</u>	5235 5236 5237
<u>(3) S--authorizes the holder to drive school buses</u> <u>transporting children.</u>	5238 5239
<u>(G) The following restrictions apply to commercial driver's</u> <u>license temporary instruction permits:</u>	5240 5241
<u>(1) K--restricts the driver to only intrastate operation;</u>	5242
<u>(2) L--restricts the driver to vehicles not equipped with air</u> <u>brakes;</u>	5243 5244
<u>(3) M--restricts the driver from operating class A passenger</u> <u>vehicles;</u>	5245 5246
<u>(4) N--restricts the driver from operating class A and B</u> <u>passenger vehicles;</u>	5247 5248
<u>(5) P--restricts the driver from transporting passengers in a</u> <u>commercial motor vehicle bus;</u>	5249 5250
<u>(6) V--indicates the existence of a medical variance on the</u> <u>driver's commercial driver's license information system driver</u> <u>record;</u>	5251 5252 5253
<u>(7) X--restricts the driver from transporting cargo in a tank</u> <u>vehicle.</u>	5254 5255
<u>(H) A commercial driver's license temporary instruction</u> <u>permit holder shall not have an endorsement other than an</u> <u>endorsement set forth in division (F) of this section. A</u> <u>commercial driver's license temporary instruction permit holder</u> <u>with a tank vehicle (N) endorsement may only operate an empty tank</u> <u>vehicle, and is prohibited from operating any tank vehicle that</u>	5256 5257 5258 5259 5260 5261

previously contained hazardous materials that have not been purged 5262  
from the tank vehicle. A commercial driver's license temporary 5263  
instruction permit holder with a passenger (P) or school bus (S) 5264  
endorsement is prohibited from operating a school bus or 5265  
commercial motor vehicle carrying passengers. 5266

(I) No person shall drive any commercial motor vehicle for 5267  
which an endorsement is required under this section unless the 5268  
proper endorsement appears on the person's commercial driver's 5269  
license or commercial driver's license temporary instruction 5270  
permit. No person shall drive a commercial motor vehicle in 5271  
violation of a restriction established under this section that 5272  
appears on the person's commercial driver's license or commercial 5273  
driver's license temporary instruction permit. 5274

~~(F)~~(J)(1) Whoever violates this section is guilty of a 5275  
misdemeanor of the first degree. 5276

(2) The offenses established under division (I) of this 5277  
section are strict liability offenses and section 2901.20 of the 5278  
Revised Code does not apply. The designation of these offenses as 5279  
strict liability offenses shall not be construed to imply that any 5280  
other offense for which there is no specified degree of 5281  
culpability, whether in this section or another section of the 5282  
Revised Code, is not a strict liability offense. 5283

**Sec. 4506.13.** (A) The registrar of motor vehicles may 5284  
authorize the highway patrol or any other employee of the 5285  
department of public safety to issue an examiner's commercial 5286  
examinations passed form to an applicant who has passed the 5287  
required examinations. The examiner's commercial examinations 5288  
passed form shall be used, ~~once it has been validated,~~ to indicate 5289  
the examinations taken and passed by the commercial driver's 5290  
license applicant. 5291

(B)(1) Before issuing, renewing, transferring, or upgrading a 5292

commercial driver's license, the registrar of motor vehicles shall 5293  
obtain information about the applicant's driving record through 5294  
the commercial driver's license information system, the 5295  
applicant's state of licensure, and when available, the national 5296  
driver register. In addition, ~~beginning January 30, 2012, before~~ 5297  
~~issuing, renewing, transferring, or upgrading a commercial~~ 5298  
~~driver's license~~ the registrar shall check the applicant's driver 5299  
record to ensure that an applicant who self-certified under 5300  
division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code 5301  
that the applicant's operation of a commercial motor vehicle is 5302  
non-excepted interstate, is medically certified. 5303

(2) The registrar shall not issue, renew, upgrade, or 5304  
transfer the applicant's commercial driver's license if any of the 5305  
following apply: 5306

(a) The registrar obtains adverse information regarding the 5307  
applicant's driving record. 5308

(b) There is no information regarding the driver's 5309  
self-certification type as required by division (A)~~(2)~~(1) of 5310  
section 4506.10 of the Revised Code. 5311

(c) The applicant's medical status is not certified, when 5312  
required to be certified under division (A)~~(2)~~(1)(a)(i) of section 5313  
4506.10 of the Revised Code. 5314

(3) If the record check reveals information that the 5315  
applicant claims is outdated, contested, or invalid, the registrar 5316  
shall deny the application until the applicant can resolve the 5317  
conflict. 5318

~~(C)(1) Within~~ The registrar shall do all of the following: 5319

(1) Within ten days after issuing a commercial driver's 5320  
license, ~~the registrar shall~~ notify the commercial driver's 5321  
license information system, when available, of that fact and ~~shall~~ 5322  
provide all information required to ensure identification of the 5323

licensee. If the registrar is notified that driver has been issued 5324  
a medical variance, the registrar shall indicate the existence of 5325  
the medical variance on the commercial driver's license holder's 5326  
commercial driver's license information system driver record. 5327

~~(2) Beginning on January 30, 2012, the registrar shall do all~~ 5328  
~~of the following:~~ 5329

~~(a)~~ For those ~~driver's~~ drivers self-certifying under division 5330  
(A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as 5331  
non-excepted interstate, post the applicant's medical status as 5332  
certified or non-certified on the applicant's commercial driver's 5333  
license information system driver record upon receiving a valid 5334  
original or copy of the medical examiner's certificate; 5335

~~(b)~~(3) Post the driver's self-certification type as set forth 5336  
in division (A)~~(2)~~(1) of section 4506.10 of the Revised Code; 5337

~~(c)~~(4) Post information from the medical examiner's 5338  
certificate, if applicable, on the commercial driver's license 5339  
holder's commercial driver's license information system driver 5340  
record within ten business days of issuing the commercial driver's 5341  
license; 5342

~~(d)~~(5) Retain the original or a copy of the commercial 5343  
driver's license holder's medical certificate for a minimum of 5344  
three years after the date the certificate was issued; 5345

~~(3) The registrar shall post~~ (6) Post and maintain as part of 5346  
the commercial driver's license information system driver record 5347  
all convictions, disqualifications, and other licensing actions 5348  
for violations of any state or municipal ordinances related to 5349  
motor vehicle traffic control, other than parking violations for 5350  
all persons who hold a commercial driver's license or operate a 5351  
motor vehicle for which a commercial driver's license is required- 5352

~~(4) Beginning January 30, 2014, the registrar shall post;~~ 5353

(7) Post an applicant's status of medically non-certified on 5354  
the applicant's commercial driver's license information system 5355  
driver record and ~~shall~~ downgrade the ~~commercial driver's license~~ 5356  
~~holder's~~ applicant's commercial driver's license in accordance 5357  
with division (D) of this section if either of the following 5358  
applies: 5359

(a) The commercial driver's license holder fails to provide 5360  
the driver's self-certification type as required by division 5361  
(A)~~(2)~~(1) of section 4506.10 of the Revised Code. 5362

(b) The commercial driver's license holder self-certifying 5363  
under division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised 5364  
Code as non-excepted interstate fails to provide the registrar 5365  
with a current medical examiner's certificate. 5366

~~(5) The registrar shall mark~~ (8) Mark the commercial driver's 5367  
license information system driver record as non-certified for any 5368  
commercial driver's license holder who has not self-certified 5369  
under division (A)~~(2)~~(1) of section 4506.10 of the Revised Code by 5370  
January 30, 2014 and ~~shall~~ initiate the commercial driver's 5371  
license commercial driver's license downgrade procedures described 5372  
in division (D) of this section. 5373

~~(6) Beginning on January 30, 2012, within;~~ 5374

(9) Within ten days after a commercial driver's license 5375  
holder's medical certification status expires or a medical 5376  
variance expires or is rescinded, ~~the registrar shall~~ update the 5377  
person's medical certification status to non-certified. ~~Within;~~ 5378

(10) Within ten calendar days after receiving information 5379  
from the federal motor carrier safety administration regarding 5380  
issuance or renewal of a medical variance for a driver, ~~the~~ 5381  
~~registrar shall~~ update the driver's commercial driver's license 5382  
information system driver record to include the medical variance 5383  
information provided by the federal motor carrier safety 5384

administration. 5385

(D) If a driver's medical certification or medical variance 5386  
expires or the federal motor carrier safety administration 5387  
notifies the registrar that a medical variance was removed or 5388  
rescinded, the registrar shall do the following: 5389

(1) Send notice to the commercial driver's license holder of 5390  
the holder's medically not certified status. The notice shall 5391  
inform the driver that the driver's commercial driver's license 5392  
privileges will be removed unless the driver resolves the medical 5393  
certification or medical variance defect by submitting a current 5394  
medical certificate or medical variance, as applicable, or 5395  
changing the driver's self-certification under division (A)~~(2)~~(1) 5396  
of section 4506.10 of the Revised Code to driving only in excepted 5397  
interstate or excepted intrastate commerce within sixty days. 5398

(2) Sixty days after the change to a medically not certified 5399  
status, if the commercial driver's license holder has not resolved 5400  
the medical certification or medical variance defect as described 5401  
in division (D)(1) of this section, the registrar shall change the 5402  
person's commercial driver's license status to reflect no 5403  
commercial driver's license privileges and shall send the person a 5404  
second notice informing the person that the commercial driver's 5405  
license privilege has been removed from the driver's license ~~and~~ 5406  
~~that, unless the driver resolves the medical certification or~~ 5407  
~~medical variance defect by submitting a current medical~~ 5408  
~~certificate or medical variance, as applicable, or changing the~~ 5409  
~~driver's self certification under division (A)(2) of section~~ 5410  
~~4506.10 of the Revised Code to driving only in excepted interstate~~ 5411  
~~or excepted intrastate commerce within one hundred eighty days,~~ 5412  
~~the person's commercial driver's license will be downgraded to a~~ 5413  
~~noncommercial driver's license class of license.~~ 5414

(E) To the extent permitted by federal and state law, the 5415  
registrar shall provide records from the commercial driver's 5416

license information system regarding a commercial driver's license 5417  
holder or commercial motor vehicle operator to the following 5418  
individuals and entities or their authorized agents within ten 5419  
days of the receipt of conviction or disqualification information 5420  
concerning the holder or operator from another state or within ten 5421  
days of the date of conviction or disqualification of the holder 5422  
or operator if it occurred in this state, as applicable: 5423

(1) Other states; 5424

(2) The secretary of the United States department of 5425  
transportation; 5426

(3) The commercial driver's license holder or commercial 5427  
motor vehicle operator referenced in the records; 5428

(4) A motor carrier that is a current or prospective employer 5429  
of the commercial driver's license holder or commercial motor 5430  
vehicle operator referenced in the records. 5431

**Sec. 4506.15.** (A) No person who holds a commercial driver's 5432  
license or commercial driver's license temporary instruction 5433  
permit or who operates a motor vehicle for which a commercial 5434  
driver's license or permit is required shall do any of the 5435  
following: 5436

(1) Drive a commercial motor vehicle while having a 5437  
measurable or detectable amount of alcohol or of a controlled 5438  
substance in the person's blood, breath, or urine; 5439

(2) Drive a commercial motor vehicle while having an alcohol 5440  
concentration of four-hundredths of one per cent or more by whole 5441  
blood or breath; 5442

(3) Drive a commercial motor vehicle while having an alcohol 5443  
concentration of forty-eight-thousandths of one per cent or more 5444  
by blood serum or blood plasma; 5445

(4) Drive a commercial motor vehicle while having an alcohol 5446



concentration of fifty-six-thousandths of one per cent or more by	5447
urine;	5448
(5) Drive a motor vehicle while under the influence of a	5449
controlled substance;	5450
(6) Drive a motor vehicle in violation of section 4511.19 of	5451
the Revised Code or a municipal OVI ordinance as defined in	5452
section 4511.181 of the Revised Code;	5453
(7) Use a motor vehicle in the commission of a felony;	5454
(8) Refuse to submit to a test under section 4506.17 or	5455
4511.191 of the Revised Code;	5456
(9) Operate a commercial motor vehicle while the person's	5457
<u>commercial driver's license or permit or other</u> commercial driving	5458
privileges are revoked, suspended, canceled, or disqualified;	5459
(10) Cause a fatality through the negligent operation of a	5460
commercial motor vehicle, including, but not limited to, the	5461
offenses of aggravated vehicular homicide, vehicular homicide, and	5462
vehicular manslaughter;	5463
(11) Fail to stop after an accident in violation of sections	5464
4549.02 to 4549.03 of the Revised Code;	5465
(12) Drive a commercial motor vehicle in violation of any	5466
provision of sections 4511.61 to 4511.63 of the Revised Code or	5467
any federal or local law or ordinance pertaining to	5468
railroad-highway grade crossings;	5469
(13) Use a motor vehicle in the commission of a felony	5470
involving the manufacture, distribution, or dispensing of a	5471
controlled substance as defined in section 3719.01 of the Revised	5472
Code or the possession with intent to manufacture, distribute, or	5473
dispense a controlled substance.	5474
(B) Whoever violates this section is guilty of a misdemeanor	5475
of the first degree.	5476

Sec. 4506.16. (A) Any person who is found to have been 5477  
convicted of a violation of an out-of-service order shall be 5478  
disqualified by the registrar of motor vehicles as follows: 5479

(1) If the person has not been convicted previously of a 5480  
violation of an out-of-service order, the period of 5481  
disqualification is one hundred eighty days. 5482

(2) If, during any ten-year period, the driver is convicted 5483  
of a second violation of an out-of-service order in an incident 5484  
separate from the incident that resulted in the first violation, 5485  
the period of disqualification is two years. 5486

(3) If, during any ten-year period, the driver is convicted 5487  
of a third or subsequent violation of an out-of-service order in 5488  
an incident separate from the incidents that resulted in the 5489  
previous violations during that ten-year period, the period of 5490  
disqualification is three years. 5491

(B)(1) A driver is disqualified for one hundred eighty days 5492  
if the driver is convicted of a first violation of an 5493  
out-of-service order while transporting hazardous materials 5494  
required to be placarded under the "Hazardous Materials 5495  
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 5496  
amended, or while operating a motor vehicle designed to transport 5497  
sixteen or more passengers, including the driver. 5498

(2) A driver is disqualified for a period of three years if, 5499  
during any ten-year period, the driver is convicted of a second or 5500  
subsequent violation, in an incident separate from the incident 5501  
that resulted in a previous violation during that ten-year period, 5502  
of an out-of-service order while transporting hazardous materials 5503  
required to be placarded under that act, or while operating a 5504  
motor vehicle designed to transport sixteen or more passengers, 5505  
including the driver. 5506

(C) Whoever violates division (A)(1) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.

(D) The registrar of motor vehicles shall disqualify any holder of a commercial driver's license or commercial driver's license temporary instruction permit, or any operator of a commercial motor vehicle for which a commercial driver's license or permit is required, from operating a commercial motor vehicle as follows:

(1) Upon a first conviction for a violation of any provision of divisions (A)(2) to (12) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, or upon a first suspension imposed under section 4511.191 of the Revised Code or a similar law of another state or foreign jurisdiction, one year;

(2) Upon a second conviction for a violation of any provision of divisions (A)(2) to (12) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, or upon a second suspension imposed under section 4511.191 of the Revised Code or a similar law of another state or foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person shall be disqualified for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule;

(3) Upon a first conviction for any of the following violations while transporting hazardous materials, three years:

(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code;

(b) A similar law of another state or a foreign jurisdiction. 5538

(4) Upon conviction of a violation of division (A)(13) of 5539  
section 4506.15 of the Revised Code or a similar law of another 5540  
state or a foreign jurisdiction, the person shall be disqualified 5541  
for life; 5542

(5)(a) Upon conviction of two serious traffic violations 5543  
involving the operation of a commercial motor vehicle by the 5544  
person and arising from separate incidents occurring in a 5545  
three-year period, the person shall be disqualified for sixty 5546  
days, which disqualification shall be imposed consecutively to any 5547  
other separate disqualification imposed under division (D)(5) or 5548  
(6) of this section; 5549

(b) Upon conviction of three or more serious traffic 5550  
violations involving the operation of a commercial motor vehicle 5551  
by the person and arising from separate incidents occurring in a 5552  
three-year period, the person shall be disqualified for one 5553  
hundred twenty days, which disqualification shall be imposed 5554  
consecutively to any other separate disqualification imposed under 5555  
division (D)(5) or (6) of this section; 5556

(6)(a) Upon conviction of two serious traffic violations 5557  
involving the operation of a vehicle other than a commercial motor 5558  
vehicle by the person and arising from separate incidents 5559  
occurring in a three-year period, the person shall be disqualified 5560  
for sixty days if the conviction results in the suspension, 5561  
cancellation, or revocation of the holder's commercial driver's 5562  
license or commercial driver's license temporary instruction 5563  
permit, or noncommercial motor vehicle driving privileges, which 5564  
disqualification shall be imposed consecutively to any other 5565  
separate disqualification imposed under division (D)(5) or (6) of 5566  
this section; 5567

(b) Upon conviction of three or more serious traffic 5568

violations involving the operation of a vehicle other than a 5569  
commercial motor vehicle by the person and arising from separate 5570  
incidents occurring in a three-year period, the person shall be 5571  
disqualified for one hundred twenty days if the conviction results 5572  
in the suspension, cancellation, or revocation of the holder's 5573  
commercial driver's license or permit, or noncommercial motor 5574  
vehicle driving privileges, which disqualification shall be 5575  
imposed consecutively to any other separate disqualification 5576  
imposed under division (D)(5) or (6) of this section. 5577

(7) Upon a first conviction involving the operation of a 5578  
commercial motor vehicle in violation of any provisions of 5579  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 5580  
of another state or foreign jurisdiction, not less than sixty 5581  
days; 5582

(8) Upon a second conviction involving the operation of a 5583  
commercial motor vehicle in violation of any provisions of 5584  
sections 4511.61 to 4511.63 of the Revised Code or a similar law 5585  
of another state or foreign jurisdiction within three years of the 5586  
first such conviction, not less than one hundred twenty days; 5587

(9) Upon a third or subsequent conviction involving the 5588  
operation of a commercial motor vehicle in violation of any 5589  
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 5590  
similar law of another state or foreign jurisdiction within three 5591  
years of the first such conviction, not less than one year; 5592

(10) Upon receiving notification from the federal motor 5593  
carrier safety administration, the registrar immediately, prior to 5594  
any hearing, shall disqualify any commercial motor vehicle driver 5595  
whose driving is determined to constitute an imminent hazard as 5596  
defined under federal motor carrier safety regulation 49 C.F.R. 5597  
383.52. 5598

(E) For the purposes of this section, conviction of a 5599

violation for which disqualification is required includes 5600  
conviction under any municipal ordinance that is substantially 5601  
similar to any section of the Revised Code that is set forth in 5602  
division (D) of this section and may be evidenced by any of the 5603  
following: 5604

(1) A judgment entry of a court of competent jurisdiction in 5605  
this or any other state; 5606

(2) An administrative order of a state agency of this or any 5607  
other state having statutory jurisdiction over commercial drivers; 5608

(3) A computer record obtained from or through the commercial 5609  
driver's license information system; 5610

(4) A computer record obtained from or through a state agency 5611  
of this or any other state having statutory jurisdiction over 5612  
commercial drivers or the records of commercial drivers. 5613

(F) For purposes of this section, conviction of disqualifying 5614  
offenses committed in a noncommercial motor vehicle are included 5615  
if either of the following applies: 5616

(1) The offense occurred after the person obtained the 5617  
person's commercial driver's license or commercial driver's 5618  
license temporary instruction permit. 5619

(2) The offense occurs on or after September 30, 2005. 5620

(G) If a person commits a serious traffic violation by 5621  
operating a commercial motor vehicle without having a commercial 5622  
driver's license or commercial driver's license temporary 5623  
instruction permit in the person's possession as described in 5624  
division ~~(CC)~~(II)(3)(e) of section 4506.01 of the Revised Code and 5625  
the person then submits proof to either the enforcement agency 5626  
that issued the citation for the violation or to the court with 5627  
jurisdiction over the case before the date of the person's initial 5628  
appearance that shows that the person held a valid commercial 5629

driver's license or permit at the time of the violation, the 5630  
violation shall not be deemed to be a serious traffic violation. 5631

(H) Any record described in division (C) of this section 5632  
shall be deemed to be self-authenticating when it is received by 5633  
the bureau of motor vehicles. 5634

(I) When disqualifying a driver, the registrar shall cause 5635  
the records of the bureau to be updated to reflect that action 5636  
within ten days after it occurs. 5637

(J) The registrar immediately shall notify a driver who is 5638  
finally convicted of any offense described in section 4506.15 of 5639  
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 5640  
section and thereby is subject to disqualification, of the offense 5641  
or offenses involved, of the length of time for which 5642  
disqualification is to be imposed, and that the driver may request 5643  
a hearing within thirty days of the mailing of the notice to show 5644  
cause why the driver should not be disqualified from operating a 5645  
commercial motor vehicle. If a request for such a hearing is not 5646  
made within thirty days of the mailing of the notice, the order of 5647  
disqualification is final. The registrar may designate hearing 5648  
examiners who, after affording all parties reasonable notice, 5649  
shall conduct a hearing to determine whether the disqualification 5650  
order is supported by reliable evidence. The registrar shall adopt 5651  
rules to implement this division. 5652

(K) Any person who is disqualified from operating a 5653  
commercial motor vehicle under this section may apply to the 5654  
registrar for a driver's license to operate a motor vehicle other 5655  
than a commercial motor vehicle, provided the person's commercial 5656  
driver's license is not otherwise suspended. A person whose 5657  
commercial driver's license is suspended shall not apply to the 5658  
registrar for or receive a driver's license under Chapter 4507. of 5659  
the Revised Code during the period of suspension. 5660

(L) The disqualifications imposed under this section are in addition to any other penalty imposed by the Revised Code.

(M) Any conviction for an offense that would lead to disqualification as specified in this section, whether committed in a commercial motor vehicle or a vehicle other than a commercial motor vehicle, shall be counted for the purposes of determining the number of violations and the appropriate disqualification period under this section.

**Sec. 4506.17.** (A) Any person who holds a commercial driver's license or commercial driver's license temporary instruction permit, or who operates a commercial motor vehicle requiring a commercial driver's license or permit within this state, shall be deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance.

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the commercial motor vehicle, also having reasonable ground to believe the person was driving the commercial vehicle while having a measurable or detectable amount of alcohol or of a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine. Any such test shall be given within two hours of the time of the alleged violation.

(C) A person requested by a peace officer to submit to a test under division (A) of this section shall be advised by the peace officer ~~requesting the test~~ that a refusal to submit to the test



will result in the person immediately being placed out-of-service 5692  
for a period of twenty-four hours and being disqualified from 5693  
operating a commercial motor vehicle for a period of not less than 5694  
one year, and that the person is required to surrender the 5695  
person's commercial driver's license or permit to the peace 5696  
officer. 5697

(D) If a person refuses to submit to a test after being 5698  
warned as provided in division (C) of this section or submits to a 5699  
test that discloses the presence of an amount of alcohol or a 5700  
controlled substance prohibited by divisions (A)(1) to (5) of 5701  
section 4506.15 of the Revised Code or a metabolite of a 5702  
controlled substance, the person immediately shall surrender the 5703  
person's commercial driver's license or permit to the peace 5704  
officer. The peace officer shall forward the license or permit, 5705  
together with a sworn report, to the registrar of motor vehicles 5706  
certifying that the test was requested pursuant to division (A) of 5707  
this section and that the person either refused to submit to 5708  
testing or submitted to a test that disclosed the presence of one 5709  
of the prohibited concentrations of a substance listed in 5710  
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 5711  
a metabolite of a controlled substance. The form and contents of 5712  
the report required by this section shall be established by the 5713  
registrar by rule, but shall contain the advice to be read to the 5714  
driver and a statement to be signed by the driver acknowledging 5715  
that the driver has been read the advice and that the form was 5716  
shown to the driver. 5717

(E) Upon receipt of a sworn report from a peace officer as 5718  
provided in division (D) of this section, or upon receipt of 5719  
notification that a person has been disqualified under a similar 5720  
law of another state or foreign jurisdiction, the registrar shall 5721  
disqualify the person named in the report from driving a 5722  
commercial motor vehicle for the period described below: 5723

(1) Upon a first incident, one year; 5724

(2) Upon an incident of refusal or of a prohibited 5725  
concentration of alcohol, a controlled substance, or a metabolite 5726  
of a controlled substance after one or more previous incidents of 5727  
either refusal or of a prohibited concentration of alcohol, a 5728  
controlled substance, or a metabolite of a controlled substance, 5729  
the person shall be disqualified for life or such lesser period as 5730  
prescribed by rule by the registrar. 5731

(F) A test of a person's whole blood or a person's blood 5732  
serum or plasma given under this section shall comply with the 5733  
applicable provisions of division (D) of section 4511.19 of the 5734  
Revised Code and any physician, registered nurse, emergency 5735  
medical technician-intermediate, emergency medical 5736  
technician-paramedic, or qualified technician, chemist, or 5737  
phlebotomist who withdraws whole blood or blood serum or plasma 5738  
from a person under this section, and any hospital, first-aid 5739  
station, clinic, or other facility at which whole blood or blood 5740  
serum or plasma is withdrawn from a person pursuant to this 5741  
section, is immune from criminal liability, and from civil 5742  
liability that is based upon a claim of assault and battery or 5743  
based upon any other claim of malpractice, for any act performed 5744  
in withdrawing whole blood or blood serum or plasma from the 5745  
person. The immunity provided in this division also extends to an 5746  
emergency medical service organization that employs an emergency 5747  
medical technician-intermediate or emergency medical 5748  
technician-paramedic who withdraws blood under this section. 5749

(G) When a person submits to a test under this section, the 5750  
results of the test, at the person's request, shall be made 5751  
available to the person, the person's attorney, or the person's 5752  
agent, immediately upon completion of the chemical test analysis. 5753  
The person also may have an additional test administered by a 5754  
physician, a registered nurse, or a qualified technician, chemist, 5755

or phlebotomist of the person's own choosing as provided in 5756  
division (D) of section 4511.19 of the Revised Code for tests 5757  
administered under that section, and the failure to obtain such a 5758  
test has the same effect as in that division. 5759

(H) No person shall refuse to immediately surrender the 5760  
person's commercial driver's license or permit to a peace officer 5761  
when required to do so by this section. 5762

(I) A peace officer issuing an out-of-service order or 5763  
receiving a commercial driver's license or permit surrendered 5764  
under this section may remove or arrange for the removal of any 5765  
commercial motor vehicle affected by the issuance of that order or 5766  
the surrender of that license. 5767

(J)(1) Except for civil actions arising out of the operation 5768  
of a motor vehicle and civil actions in which the state is a 5769  
plaintiff, no peace officer of any law enforcement agency within 5770  
this state is liable in compensatory damages in any civil action 5771  
that arises under the Revised Code or common law of this state for 5772  
an injury, death, or loss to person or property caused in the 5773  
performance of official duties under this section and rules 5774  
adopted under this section, unless the officer's actions were 5775  
manifestly outside the scope of the officer's employment or 5776  
official responsibilities, or unless the officer acted with 5777  
malicious purpose, in bad faith, or in a wanton or reckless 5778  
manner. 5779

(2) Except for civil actions that arise out of the operation 5780  
of a motor vehicle and civil actions in which the state is a 5781  
plaintiff, no peace officer of any law enforcement agency within 5782  
this state is liable in punitive or exemplary damages in any civil 5783  
action that arises under the Revised Code or common law of this 5784  
state for any injury, death, or loss to person or property caused 5785  
in the performance of official duties under this section of the 5786  
Revised Code and rules adopted under this section, unless the 5787

officer's actions were manifestly outside the scope of the 5788  
officer's employment or official responsibilities, or unless the 5789  
officer acted with malicious purpose, in bad faith, or in a wanton 5790  
or reckless manner. 5791

(K) When disqualifying a driver, the registrar shall cause 5792  
the records of the bureau of motor vehicles to be updated to 5793  
reflect the disqualification within ten days after it occurs. 5794

(L) The registrar immediately shall notify a driver who is 5795  
subject to disqualification of the disqualification, of the length 5796  
of the disqualification, and that the driver may request a hearing 5797  
within thirty days of the mailing of the notice to show cause why 5798  
the driver should not be disqualified from operating a commercial 5799  
motor vehicle. If a request for such a hearing is not made within 5800  
thirty days of the mailing of the notice, the order of 5801  
disqualification is final. The registrar may designate hearing 5802  
examiners who, after affording all parties reasonable notice, 5803  
shall conduct a hearing to determine whether the disqualification 5804  
order is supported by reliable evidence. The registrar shall adopt 5805  
rules to implement this division. 5806

(M) Any person who is disqualified from operating a 5807  
commercial motor vehicle under this section may apply to the 5808  
registrar for a driver's license to operate a motor vehicle other 5809  
than a commercial motor vehicle, provided the person's commercial 5810  
driver's license or permit is not otherwise suspended. A person 5811  
whose commercial driver's license or permit is suspended shall not 5812  
apply to the registrar for or receive a driver's license under 5813  
Chapter 4507. of the Revised Code during the period of suspension. 5814

(N) Whoever violates division (H) of this section is guilty 5815  
of a misdemeanor of the first degree. 5816

(O) As used in this section, "emergency medical 5817  
technician-intermediate" and "emergency medical 5818

technician-paramedic" have the same meanings as in section 4765.01 5819  
of the Revised Code. 5820

**Sec. 4506.20.** (A) Each employer shall require every applicant 5821  
for employment as a driver of a commercial motor vehicle to 5822  
provide the applicant's employment history for the ten years 5823  
preceding the date the employment application is submitted to the 5824  
prospective employer. The following information shall be 5825  
submitted: 5826

(1) A list of the names and addresses of the applicant's 5827  
previous employers for which the applicant was the operator of a 5828  
commercial motor vehicle; 5829

(2) The dates the applicant was employed by these employers; 5830

(3) The reason for leaving each of these employers. 5831

(B) No employer shall knowingly permit or authorize any 5832  
driver employed by the employer to drive a commercial motor 5833  
vehicle during any period in which any of the following apply: 5834

(1) The driver's commercial driver's license is suspended, 5835  
revoked, or canceled by any state or a foreign jurisdiction; 5836

(2) The driver has lost the privilege to drive, or currently 5837  
is disqualified from driving, a commercial motor vehicle in any 5838  
state or foreign jurisdiction; 5839

(3) The driver, the commercial motor vehicle the driver is 5840  
driving, or the motor carrier operation is subject to an 5841  
out-of-service order in any state or foreign jurisdiction; 5842

(4) The driver has more than one driver's license. 5843

(C) No employer shall knowingly permit or authorize a driver 5844  
to operate a commercial motor vehicle in violation of section 5845  
4506.15 of the Revised Code. 5846

(D) No employer shall knowingly permit or authorize a driver 5847

to operate a commercial motor vehicle if the driver does not hold 5848  
a valid, current commercial driver's license or commercial 5849  
driver's license temporary instruction permit bearing the proper 5850  
class or endorsements for the vehicle. No employer shall knowingly 5851  
permit or authorize a driver to operate a commercial motor vehicle 5852  
in violation of the restrictions on the driver's commercial 5853  
driver's license or commercial driver's license temporary 5854  
instruction permit. 5855

(E)(1) Whoever violates division (A) ~~or~~, (B), or (D) of this 5856  
section is guilty of a misdemeanor of the first degree. 5857

(2) Whoever violates division (C) of this section may be 5858  
assessed a fine not to exceed ten thousand dollars. 5859

**Sec. 4506.21.** Within ten days after receiving a report of the 5860  
final judgment of a conviction of ~~any nonresident~~ the holder of an 5861  
out-of-state commercial driver's license or commercial driver's 5862  
license temporary instruction permit in any type of vehicle, or 5863  
the conviction of the holder of an out-of-state noncommercial 5864  
driver's license in a commercial motor vehicle for a violation of 5865  
a state law or local ordinance or resolution relating to traffic 5866  
control, other than parking violations, ~~committed in a commercial~~ 5867  
~~motor vehicle,~~ the registrar of motor vehicles shall notify the 5868  
driver licensing authority in the holder's state or jurisdiction 5869  
in which the person resides and the driver licensing authority 5870  
that issued the nonresident's commercial driver's license, if 5871  
different from the state of residence of licensure. For purposes 5872  
of this section, a judgment of conviction is not final until it is 5873  
entered into the court journal by the clerk of courts pursuant to 5874  
Rule 32 of the Rules of Criminal Procedure. 5875

**Sec. 4507.03.** (A)(1) No person shall be required to obtain a 5876  
driver's or commercial driver's license for the purpose of 5877

temporarily driving, operating, drawing, moving, or propelling a 5878  
road roller or road machinery upon a street or highway. 5879

(2) No person shall be required to obtain a driver's or 5880  
commercial driver's license for the purpose of temporarily 5881  
driving, operating, drawing, moving, or propelling any 5882  
agricultural tractor or implement of husbandry upon a street or 5883  
highway at a speed of twenty-five miles per hour or less. 5884

(3) No person shall drive, operate, draw, move, or propel any 5885  
agricultural tractor or implement of husbandry upon a street or 5886  
highway at a speed greater than twenty-five miles per hour unless 5887  
the person has a current, valid driver's or commercial driver's 5888  
license. 5889

(4) No person having a valid driver's or commercial driver's 5890  
license shall be required to have a motorcycle operator's 5891  
endorsement to operate a motorcycle having three wheels with a 5892  
motor of not more than fifty cubic centimeters piston 5893  
displacement. 5894

(5) No person having a valid driver's or commercial driver's 5895  
license shall be required to have a motorcycle operator's 5896  
endorsement to operate a cab-enclosed motorcycle. 5897

(B) Every person on active duty in the armed forces of the 5898  
United States, when furnished with a driver's permit and when 5899  
operating an official motor vehicle in connection with such duty, 5900  
is exempt from the license requirements of Chapters 4506. and 5901  
4507. of the Revised Code. 5902

Every person on active duty in the armed forces of the United 5903  
States or in service with the peace corps, volunteers in service 5904  
to America, or the foreign service of the United States is exempt 5905  
from the license requirements of those chapters for the period of 5906  
the person's active duty or service and for six months thereafter, 5907  
provided the person was a licensee under those chapters at the 5908

time the person commenced the person's active duty or service. The 5909  
spouse or a dependent of any such person on active duty or in 5910  
service also is exempt from the license requirements of those 5911  
chapters for the period of the person's active duty or service and 5912  
for six months thereafter, provided the spouse or dependent was a 5913  
licensee under those chapters at the time the person commenced the 5914  
active duty or service, and provided further that the person's 5915  
active duty or service causes the spouse or dependent to relocate 5916  
outside of this state during the period of the active duty or 5917  
service. 5918

This section does not prevent such a person or the person's 5919  
spouse or dependent from making an application, as provided in 5920  
division (C) of section 4507.10 of the Revised Code, for the 5921  
renewal of a driver's license or motorcycle operator's endorsement 5922  
or as provided in section 4506.14 of the Revised Code for the 5923  
renewal of a commercial driver's license during the period of the 5924  
person's active duty or service. 5925

(C) Whoever violates division (A)(3) of this section is 5926  
guilty of a misdemeanor of the first degree. 5927

**Sec. 4507.071.** (A) ~~No~~ The registrar of motor vehicles or any 5928  
deputy registrar shall not issue a driver's license ~~shall be~~ 5929  
~~issued~~ to any person under eighteen years of age, except that the 5930  
registrar or a deputy registrar may issue a probationary license 5931  
~~may be issued~~ to a person who is at least sixteen years of age and 5932  
has held a temporary instruction permit for a period of at least 5933  
six months. 5934

(B)(1)(a) No holder of a probationary driver's license who 5935  
has ~~not attained~~ held the ~~age of seventeen years~~ license for less 5936  
than twelve months shall operate a motor vehicle upon a highway or 5937  
any public or private property used by the public for purposes of 5938  
vehicular travel or parking between the hours of midnight and six 5939



a.m. unless the holder is accompanied by the holder's parent or guardian. 5940  
5941

(b) No holder of a probationary driver's license who has 5942  
~~attained the age of seventeen years but has not attained the age~~ 5943  
~~of eighteen years~~ held the license for twelve months or longer 5944  
shall operate a motor vehicle upon a highway or any public or 5945  
private property used by the public for purposes of vehicular 5946  
travel or parking between the hours of one a.m. and five a.m. 5947  
unless the holder is accompanied by the holder's parent or 5948  
guardian. 5949

(2)(a) Subject to division (D)(1)(~~a~~) of this section, 5950  
division (B)(1)(a) of this section does not apply to the holder of 5951  
a probationary driver's license who is traveling to or from work 5952  
between the hours of midnight and six a.m. and has in the holder's 5953  
immediate possession written documentation from the holder's 5954  
employer. 5955

(b) Division (B)(1)(b) of this section does not apply to the 5956  
holder of a probationary driver's license who is traveling to or 5957  
from work between the hours of one a.m. and five a.m. and has in 5958  
the holder's immediate possession written documentation from the 5959  
holder's employer. 5960

(3) An employer is not liable in damages in a civil action 5961  
for any injury, death, or loss to person or property that 5962  
allegedly arises from, or is related to, the fact that the 5963  
employer provided an employee who is the holder of a probationary 5964  
driver's license with the written documentation described in 5965  
division (B)(2) of this section. 5966

The registrar of motor vehicles shall make available at no 5967  
cost a form to serve as the written documentation described in 5968  
division (B)(2) of this section, and employers and holders of 5969  
probationary driver's licenses may utilize that form or may choose 5970

to utilize any other written documentation to meet the 5971  
requirements of that division. 5972

(4) No holder of a probationary driver's license who ~~is less~~ 5973  
~~than seventeen years of age~~ has held the license for less than 5974  
twelve months shall operate a motor vehicle upon a highway or any 5975  
public or private property used by the public for purposes of 5976  
vehicular travel or parking with more than one person who is not a 5977  
family member occupying the vehicle unless the probationary 5978  
license holder is accompanied by the probationary license holder's 5979  
parent, guardian, or custodian. 5980

(C) It is an affirmative defense to a violation of division 5981  
(B)(1)(a) or (b) of this section if, at the time of the violation, 5982  
the holder of the probationary driver's license was traveling to 5983  
or from an official function sponsored by the school the holder 5984  
attends, or an emergency existed that required the holder to 5985  
operate a motor vehicle in violation of division (B)(1)(a) or (b) 5986  
of this section, or the holder was an emancipated minor. 5987

(D)(1)(a) ~~Except as otherwise provided in division (D)(2) of~~ 5988  
~~this section, if~~ If a person is issued a probationary driver's 5989  
license prior to attaining the age of seventeen years and the 5990  
person pleads guilty to, is convicted of, or is adjudicated in 5991  
juvenile court of having committed a moving violation during the 5992  
six-month period commencing on the date on which the person is 5993  
issued the probationary driver's license, the court with 5994  
jurisdiction over the violation may order that the holder must be 5995  
accompanied by the holder's parent or guardian whenever the holder 5996  
is operating a motor vehicle upon a highway or any public or 5997  
private property used by the public for purposes of vehicular 5998  
travel or parking ~~during whichever of the following time periods~~ 5999  
~~applies:~~ 6000

~~(i) If, on the date the holder of the probationary driver's~~ 6001  
~~license pleads guilty to, is convicted of, or is adjudicated in~~ 6002

~~juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six month period commencing on that date;~~

~~(ii) If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.~~

~~(b) If the holder of a probationary driver's license commits a moving violation during the six month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation the person has attained the age of seventeen years, or if the person commits the moving violation during the six month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in divisions (D)(1)(a)(i) and (ii) of this section unless the court or juvenile court imposes such a restriction upon the holder for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.~~

~~(2) Any person who is subject to the operating restrictions established under division (D)(1) of this section as a result of a first moving violation may petition the court for ~~occupational or educational~~ driving privileges without being accompanied by the holder's parent or guardian during the period of time ~~specified in~~ determined by the court under that division. ~~The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in division (D)(1) will seriously affect the person's ability to continue in~~~~

~~employment or educational training or will cause undue hardship on~~ 6035  
~~the license holder or a family member of the license holder. In~~ 6036  
granting the driving privileges, the court shall specify the 6037  
purposes, ~~times, and places~~ of the privileges and shall issue the 6038  
person appropriate forms setting forth the privileges granted. 6039  
~~Occupational or educational driving privileges under this division~~ 6040  
~~shall not be granted to the same person more than once. If a~~ 6041  
person is convicted of, pleads guilty to, or is adjudicated in 6042  
juvenile court of having committed a second or subsequent moving 6043  
violation, the court with jurisdiction over the violation may 6044  
terminate any driving privileges previously granted under this 6045  
division ~~are terminated upon the subsequent conviction, plea, or~~ 6046  
~~adjudication.~~ 6047

(3) No person shall violate ~~division (D)(1)(a)~~ any operating 6048  
restriction imposed under division (D)(1) or (2) of this section. 6049

(E) No holder of a probationary license shall operate a motor 6050  
vehicle upon a highway or any public or private property used by 6051  
the public for purposes of vehicular travel or parking unless the 6052  
total number of occupants of the vehicle does not exceed the total 6053  
number of occupant restraining devices originally installed in the 6054  
motor vehicle by its manufacturer, and each occupant of the 6055  
vehicle is wearing all of the available elements of a properly 6056  
adjusted occupant restraining device. 6057

(F) A restricted license may be issued to a person who is 6058  
fourteen or fifteen years of age upon proof of hardship 6059  
satisfactory to the registrar of motor vehicles. 6060

(G) Notwithstanding any other provision of law to the 6061  
contrary, no law enforcement officer shall cause the operator of a 6062  
motor vehicle being operated on any street or highway to stop the 6063  
motor vehicle for the sole purpose of determining whether each 6064  
occupant of the motor vehicle is wearing all of the available 6065  
elements of a properly adjusted occupant restraining device as 6066

required by division (E) of this section, or for the sole purpose 6067  
of issuing a ticket, citation, or summons if the requirement in 6068  
that division has been or is being violated, or for causing the 6069  
arrest of or commencing a prosecution of a person for a violation 6070  
of that requirement. 6071

(H) Notwithstanding any other provision of law to the 6072  
contrary, no law enforcement officer shall cause the operator of a 6073  
motor vehicle being operated on any street or highway to stop the 6074  
motor vehicle for the sole purpose of determining whether a 6075  
violation of division (B)(1)(a) or (b) of this section has been or 6076  
is being committed or for the sole purpose of issuing a ticket, 6077  
citation, or summons for such a violation or for causing the 6078  
arrest of or commencing a prosecution of a person for such 6079  
violation. 6080

(I) As used in this section: 6081

(1) "Occupant restraining device" has the same meaning as in 6082  
section 4513.263 of the Revised Code. 6083

(2) "Family member" of a probationary license holder includes 6084  
any of the following: 6085

(a) A spouse; 6086

(b) A child or stepchild; 6087

(c) A parent, stepparent, grandparent, or parent-in-law; 6088

(d) An aunt or uncle; 6089

(e) A sibling, whether of the whole or half blood or by 6090  
adoption, a brother-in-law, or a sister-in-law; 6091

(f) A son or daughter of the probationary license holder's 6092  
stepparent if the stepparent has not adopted the probationary 6093  
license holder; 6094

(g) An eligible adult, as defined in section 4507.05 of the 6095  
Revised Code. 6096

(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(J) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.

**Sec. 4507.11.** (A)(1) The registrar of motor vehicles shall conduct all necessary examinations of applicants for temporary instruction permits, drivers' licenses, or motorcycle operators' endorsements. The examination shall include a test of the applicant's knowledge of motor vehicle laws, including the laws ~~en~~ governing stopping for school buses, a test of the applicant's physical fitness to drive, and a test of the applicant's ability to understand highway traffic control devices. The registrar may conduct the examination ~~may be conducted~~ in such a manner that applicants who are illiterate or limited in their knowledge of the English language ~~may be~~ are tested by methods that would indicate to the examining officer that the applicant has a reasonable knowledge of motor vehicle laws and understands highway traffic control devices. ~~An~~

(2) An applicant for a driver's license shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle by driving ~~the same a~~ motor vehicle under the supervision of an examining officer. ~~Except~~ The demonstration shall consist of a maneuverability test and a road test. The director of public safety shall determine the formats of the tests.

(3) Except as provided in division (B) of this section, an applicant for a motorcycle operator's endorsement or a restricted license that permits only the operation of a motorcycle shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motorcycle by driving ~~the same~~ a motorcycle under the supervision of an examining officer.  
~~Except~~

(4) Except as provided in section 4507.12 of the Revised Code, the registrar shall designate the highway patrol, any law enforcement body, or any other employee of the department of public safety to supervise and conduct examinations for temporary instruction permits, drivers' licenses, and motorcycle operators' endorsements and shall provide the necessary rules and forms to properly conduct the examinations. The A deputy registrar shall forward to the registrar the records of the examinations, together with the application for a temporary instruction permit, driver's license, or motorcycle operator's endorsement, shall be forwarded to the registrar by the deputy registrar, and, if. If in the opinion of the registrar the applicant is qualified to operate a motor vehicle, the registrar shall issue the permit, license, or endorsement.

(5) The registrar may authorize the highway patrol, other designated law enforcement body, or other designated employee of the department of public safety to issue an examiner's driving permit to an applicant who has passed the required examination, authorizing that applicant to operate a motor vehicle while the registrar is completing an investigation relative to that applicant's qualifications to receive a temporary instruction permit, driver's license, or motorcycle operator's endorsement. The applicant shall keep the examiner's driving permit shall be in the applicant's immediate possession of the applicant while operating a motor vehicle and shall be. The examiner's driving

permit is effective until final action and notification has been 6160  
given by the registrar, but in no event longer than sixty days 6161  
from its date of issuance. 6162

(B)(1) An applicant for a motorcycle operator's endorsement 6163  
or a restricted license that permits only the operation of a 6164  
motorcycle who presents to the registrar of motor vehicles or a 6165  
deputy registrar a form approved by the director of public safety 6166  
attesting to the applicant's successful completion within the 6167  
preceding sixty days of a course of basic instruction provided by 6168  
the motorcycle safety and education program approved by the 6169  
director pursuant to section 4508.08 of the Revised Code shall not 6170  
be required to give an actual demonstration of the ability to 6171  
operate a motorcycle by driving a motorcycle under the supervision 6172  
of an examining officer, as described in division (A) of this 6173  
section. Upon presentation of the form described in division 6174  
(B)(1) of this section and compliance with all other requirements 6175  
relating to the issuance of a motorcycle operator's endorsement or 6176  
a restricted license that permits only the operation of a 6177  
motorcycle, the registrar or deputy registrar shall issue to the 6178  
applicant the endorsement or restricted license, as the case may 6179  
be. 6180

(2) A person who has not attained eighteen years of age and 6181  
presents an application for a motorcycle operator's endorsement or 6182  
a restricted license under division (B)(1) of this section also 6183  
shall comply with the requirements of section 4507.21 of the 6184  
Revised Code. 6185

**Sec. 4507.21.** (A) Each applicant for a driver's license shall 6186  
file an application in the office of the registrar of motor 6187  
vehicles or of a deputy registrar. 6188

(B)(1) Each person under eighteen years of age applying for a 6189  
driver's license issued in this state shall present satisfactory 6190



evidence of having successfully completed any one of the 6191  
following: 6192

(a) A driver education course approved by the state 6193  
department of education prior to December 31, 2003. 6194

(b) A driver training course approved by the director of 6195  
public safety. 6196

(c) A driver training course comparable to a driver education 6197  
or driver training course described in division (B)(1)(a) or (b) 6198  
of this section and administered by a branch of the armed forces 6199  
of the United States and completed by the applicant while residing 6200  
outside this state for the purpose of being with or near any 6201  
person serving in the armed forces of the United States. 6202

(2) Each person under eighteen years of age applying for a 6203  
driver's license also shall present, on a form prescribed by the 6204  
registrar, an affidavit signed by an eligible adult attesting that 6205  
the person has acquired at least fifty hours of actual driving 6206  
experience, with at least ten of those hours being at night. 6207

(C) Each applicant for an initial driver's license who is 6208  
eighteen years of age or older and who failed the road or 6209  
maneuverability test required under division (A)(2) of section 6210  
4507.11 of the Revised Code shall present satisfactory evidence of 6211  
having successfully completed an abbreviated driver training 6212  
course for adults, approved by the director of public safety, 6213  
prior to attempting the test a second or subsequent time. 6214

(D) If the registrar or deputy registrar determines that the 6215  
applicant is entitled to the driver's license, it shall be issued. 6216  
If the application shows that the applicant's license has been 6217  
previously canceled or suspended, the deputy registrar shall 6218  
forward the application to the registrar, who shall determine 6219  
whether the license shall be granted. 6220

~~(D) All applications~~ (E) An applicant shall be filed file an 6221

application in duplicate, and the deputy registrar issuing the 6222  
license shall immediately forward to the office of the registrar 6223  
the original copy of the application, together with the duplicate 6224  
copy of ~~the~~ any certificate, of completion if issued for purposes 6225  
of division (B) of this section. The registrar shall prescribe 6226  
rules as to the manner in which the deputy registrar files and 6227  
maintains the applications and other records. The registrar shall 6228  
file every application for a driver's or commercial driver's 6229  
license and index them by name and number, and shall maintain a 6230  
suitable record of all licenses issued, all convictions and bond 6231  
forfeitures, all applications for licenses denied, and all 6232  
licenses that have been suspended or canceled. 6233

~~(E)~~(F) For purposes of section 2313.06 of the Revised Code, 6234  
the registrar shall maintain accurate and current lists of the 6235  
residents of each county who are eighteen years of age or older, 6236  
have been issued, on and after January 1, 1984, driver's or 6237  
commercial driver's licenses that are valid and current, and would 6238  
be electors if they were registered to vote, regardless of whether 6239  
they actually are registered to vote. The lists shall contain the 6240  
names, addresses, dates of birth, duration of residence in this 6241  
state, citizenship status, and social security numbers, if the 6242  
numbers are available, of the licensees, and may contain any other 6243  
information that the registrar considers suitable. 6244

~~(F)~~(G) Each person under eighteen years of age applying for a 6245  
motorcycle operator's endorsement or a restricted license enabling 6246  
the applicant to operate a motorcycle shall present satisfactory 6247  
evidence of having completed the courses of instruction in the 6248  
motorcycle safety and education program described in section 6249  
4508.08 of the Revised Code or a comparable course of instruction 6250  
administered by a branch of the armed forces of the United States 6251  
and completed by the applicant while residing outside this state 6252  
for the purpose of being with or near any person serving in the 6253

armed forces of the United States. If the registrar or deputy 6254  
registrar then determines that the applicant is entitled to the 6255  
endorsement or restricted license, it shall be issued. 6256

~~(G)~~(H) No person shall knowingly make a false statement in an 6257  
affidavit presented in accordance with division (B)(2) of this 6258  
section. 6259

~~(H)~~(I) As used in this section, "eligible adult" means any of 6260  
the following persons: 6261

(1) A parent, guardian, or custodian of the applicant; 6262

(2) A person over the age of twenty-one who acts in loco 6263  
parentis of the applicant and who maintains proof of financial 6264  
responsibility with respect to the operation of a motor vehicle 6265  
owned by the applicant or with respect to the applicant's 6266  
operation of any motor vehicle. 6267

~~(I)~~(J) Whoever violates division ~~(G)~~(H) of this section is 6268  
guilty of a minor misdemeanor and shall be fined one hundred 6269  
dollars. 6270

**Sec. 4507.213.** (A) Any person who becomes a resident of this 6271  
state, within thirty days of becoming a resident, shall surrender 6272  
any driver's license issued by another state to the registrar of 6273  
motor vehicles or a deputy registrar. If such a person intends to 6274  
operate a motor vehicle upon the public roads or highways, the 6275  
person shall apply for a driver's license in this state. If the 6276  
person fails to apply for a driver's license within thirty days of 6277  
becoming a resident, the person shall not operate any motor 6278  
vehicle in this state under a license issued by another state and 6279  
the person's nonresident operating privileges established under 6280  
section 4507.04 of the Revised Code are suspended. 6281

(B) For purposes of division (A) of this section, "resident" 6282  
means any person to whom any of the following applies: 6283

<u>(1) The person has registered to vote in this state.</u>	6284
<u>(2) The person attends a college or university in this state and receives an in-state tuition rate.</u>	6285 6286
<u>(3) The person states the person's address, for purposes of federal or state income taxes, as being in this state.</u>	6287 6288
<u>(4) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.</u>	6289 6290 6291
<u>(5) The person is determined by the registrar of motor vehicles to be a resident in accordance with standards adopted by the registrar under section 4507.01 of the Revised Code.</u>	6292 6293 6294
<b>Sec. 4508.01.</b> As used in this chapter:	6295
(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.	6296 6297 6298
(B) "Disabled person" means a person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Disabled person" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle.	6299 6300 6301 6302 6303 6304 6305 6306 6307 6308 6309 6310
(C) "Driver training school" or "school" means any of the following:	6311 6312
(1) A private business enterprise conducted by an individual,	6313

association, partnership, or corporation for the education and 6314  
training of persons to operate or drive motor vehicles, that ~~uses~~ 6315  
does any of the following: 6316

(a) Uses public streets or highways to provide training, and 6317  
~~that~~ charges a consideration or tuition for such services; 6318

(b) Provides an online driver education course approved by 6319  
the director of public safety pursuant to division (A)(2) of 6320  
section 4508.02 of the Revised Code and charges a consideration or 6321  
tuition for the course; 6322

(c) Provides an abbreviated driver training course for adults 6323  
that is approved by the director pursuant to division (F) of 6324  
section 4508.02 of the Revised Code and charges a consideration or 6325  
tuition for the course. 6326

(2) A lead school district as provided in section 4508.09 of 6327  
the Revised Code; 6328

(3) A board of education of a city, exempted village, local, 6329  
or joint vocational school district or the governing board of an 6330  
educational service center that offers a driver education course 6331  
for high school students enrolled in the district or in a district 6332  
served by the educational service center. 6333

(D) "Instructor" means any person, whether acting for self as 6334  
operator of a driver training school or for such a school for 6335  
compensation, who teaches, conducts classes of, gives 6336  
demonstrations to, or supervises practice of, persons learning to 6337  
operate or drive motor vehicles. 6338

(E) "Lead school district" means a school district, including 6339  
a joint vocational school district, designated by the department 6340  
of education as either a vocational education planning district 6341  
itself or as responsible for providing primary vocational 6342  
education leadership within a vocational education planning 6343  
district that is composed of a group of districts. A "vocational 6344

education planning district" is a school district or group of 6345  
school districts designated by the department as responsible for 6346  
planning and providing vocational education services to students 6347  
within the district or group of districts. 6348

**Sec. 4508.02.** (A)(1) The director of public safety, subject 6349  
to Chapter 119. of the Revised Code, shall adopt and prescribe 6350  
such rules concerning the administration and enforcement of this 6351  
chapter as are necessary to protect the public. The rules shall 6352  
require an assessment of the holder of a probationary instructor 6353  
license. The director shall inspect the school facilities and 6354  
equipment of applicants and licensees and examine applicants for 6355  
instructor's licenses. 6356

(2) The director shall adopt rules governing online driver 6357  
education courses that may be completed via the internet to 6358  
satisfy the classroom instruction under division (C) of this 6359  
section. The rules shall do all of the following: 6360

(a) Establish standards that an online driver training 6361  
enterprise must satisfy to be licensed to offer an online driver 6362  
education course via the internet, including, at a minimum, proven 6363  
expertise in providing driver education and an acceptable 6364  
infrastructure capable of providing secure online driver education 6365  
in accord with advances in internet technology. The rules shall 6366  
allow an online driver training enterprise to be affiliated with a 6367  
licensed driver training school offering in-person classroom 6368  
instruction, but shall not require such an affiliation. 6369

(b) Establish content requirements that an online driver 6370  
education course must satisfy to be approved as equivalent to 6371  
twenty-four hours of in-person classroom instruction; 6372

(c) Establish attendance standards, including a maximum 6373  
number of course hours that may be completed in a twenty-four-hour 6374  
period; 6375

(d) Allow an enrolled applicant to begin the required eight 6376  
hours of actual behind-the-wheel instruction upon completing at 6377  
least two hours of course instruction and being issued a 6378  
certificate of enrollment by a licensed online driver training 6379  
enterprise; 6380

(e) Establish any other requirements necessary to regulate 6381  
online driver education. 6382

(B) The director shall administer and enforce this chapter. 6383

(C) The rules shall require twenty-four hours of in-person 6384  
classroom instruction or completion of an approved, equivalent 6385  
online driver education course offered via the internet by a 6386  
licensed online driver training enterprise, and eight hours of 6387  
actual behind-the-wheel instruction conducted on public streets 6388  
and highways of this state for all beginning drivers of 6389  
noncommercial motor vehicles who are under age eighteen. The rules 6390  
also shall require the classroom instruction or online driver 6391  
education course for such drivers to include instruction in the 6392  
dangers of driving a motor vehicle while using an electronic 6393  
wireless communications device to write, send, or read a 6394  
text-based communication. 6395

(D) The rules shall state the minimum hours for classroom and 6396  
behind-the-wheel instruction required for beginning drivers of 6397  
commercial trucks, commercial cars, buses, and commercial 6398  
tractors, trailers, and semitrailers. 6399

(E)(1) The department of public safety may charge a fee to 6400  
each online driver training enterprise in an amount sufficient to 6401  
pay the actual expenses the department incurs in the regulation of 6402  
online driver education courses. 6403

(2) The department shall supply to each licensed online 6404  
driver training enterprise certificates to be used for certifying 6405  
an applicant's enrollment in an approved online driver education 6406

course and a separate certificate to be issued upon successful 6407  
completion of an approved online driver education course. The 6408  
certificates shall be numbered serially. The department may charge 6409  
a fee to each online driver training enterprise per certificate 6410  
supplied to pay the actual expenses the department incurs in 6411  
supplying the certificates. 6412

(F) The director shall adopt rules in accordance with Chapter 6413  
119. of the Revised Code governing an abbreviated driver training 6414  
course for adults that must be completed by any applicant for an 6415  
initial driver's license who is eighteen years of age or older and 6416  
who failed the road or maneuverability test required under 6417  
division (A)(2) of section 4507.11 of the Revised Code prior to 6418  
attempting the test a second or subsequent time. 6419

**Sec. 4508.03.** (A) No person shall establish a driver training 6420  
school shall be established nor any such or continue the operation 6421  
of an existing school continued unless the school person applies 6422  
for and obtains from the director of public safety a license in 6423  
the manner and form prescribed by the director. 6424

The director shall adopt rules shall state that establish the 6425  
requirements for a school license, including requirements 6426  
concerning location, equipment, courses of instruction, 6427  
instructors, previous records of the school and instructors, 6428  
financial statements, schedule of fees and charges, character and 6429  
reputation of the operators, insurance in the sum and with those 6430  
provisions as the director considers necessary to protect 6431  
adequately the interests of the public, and any other matters as 6432  
the director may prescribe for the protection of the public. The 6433  
rules also shall require financial responsibility information as 6434  
part of the driver education curriculum. 6435

(B) Any school that offers a driver training program for 6436  
disabled persons shall provide specially trained instructors for 6437



the driver training of such persons. No school shall operate a 6438  
driver training program for disabled persons after June 30, 1978, 6439  
unless it has been licensed for such operation by the director. No 6440  
person shall act as a specially trained instructor in a driver 6441  
training program for disabled persons operated by a school after 6442  
June 30, 1978, unless that person has been licensed by the 6443  
director. 6444

(C) The director shall certify instructors to teach driver 6445  
training to disabled persons in accordance with training program 6446  
requirements established by the department of public safety. 6447

(D) No person shall operate a driver training school unless 6448  
the person has a valid license issued by the director under this 6449  
section. 6450

(E) Whoever violates division (D) of this section is guilty 6451  
of operating a driver training school without a valid license, a 6452  
~~minor~~ misdemeanor of the second degree. On a second or subsequent 6453  
offense within two years after the first offense, the person is 6454  
guilty of a misdemeanor of the ~~fourth~~ first degree. 6455

**Sec. 4508.04.** (A) No person shall act as a driver training 6456  
instructor ~~and on and after June 30, 1978, and~~ no person shall act 6457  
as a driver training instructor for disabled persons, unless such 6458  
person applies for and obtains from the director of public safety 6459  
a license in the manner and form prescribed by the director. The 6460  
director shall provide by rule for instructors' license 6461  
requirements including moral character, physical condition, 6462  
knowledge of the courses of instruction, motor vehicle laws and 6463  
safety principles, previous personal and employment records, and 6464  
such other matters as the director may prescribe for the 6465  
protection of the public. Driver training instructors for disabled 6466  
persons shall meet such additional requirements and receive such 6467  
additional classroom and practical instruction as the director 6468

shall prescribe by rule. 6469

(B)(1) ~~No~~ The director shall not issue a license shall be 6470  
issued under this section to a person if, within ten years of the 6471  
date of application for the license, the person has pleaded guilty 6472  
to or been convicted of a felony under the laws of this state or 6473  
the comparable laws of another jurisdiction. 6474

(2) ~~No~~ The director shall not issue a license shall be issued 6475  
under this section to a person if, within five years of the date 6476  
of application for the license, the person has pleaded guilty to 6477  
or been convicted of a misdemeanor of the first or second degree 6478  
that is reasonably related to the person's fitness to be issued 6479  
such a license. 6480

(C) No person shall knowingly make a false statement on a 6481  
license application submitted under this section. 6482

(D) Upon successful completion of all requirements for an 6483  
initial instructor license, the director shall issue an applicant 6484  
a probationary license, which expires one hundred eighty days from 6485  
the date of issuance. In order to receive a driver training 6486  
instructor license, a person issued a probationary license shall 6487  
pass an assessment prescribed in rules adopted by the director 6488  
pursuant to section 4508.02 of the Revised Code. The person shall 6489  
pass the assessment prior to expiration of the probationary 6490  
license. If the person fails to pass the assessment, or fails to 6491  
meet any standards required for a driver training instructor 6492  
license, the director may extend the expiration date of the 6493  
person's probationary license. Upon successful completion of the 6494  
assessment and approval of the director, the director shall issue 6495  
to the person a driver training instructor license. 6496

(E)(1) Whoever violates division (A) of this section is 6497  
guilty of acting as a driver training instructor without a valid 6498  
license, a misdemeanor of the ~~fourth~~ first degree. 6499

(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code.

**Sec. 4508.05.** All nonprobationary licenses ~~shall~~ expire on the last day of the calendar year and a person may ~~be renewed~~ renew such a license upon application to the director of public safety, either annually or biennially, as prescribed in rules adopted by the director. ~~Each application~~ An applicant for an original school license shall ~~be accompanied by~~ include with the application a fee of two hundred fifty dollars, and ~~each application~~ an applicant for a renewal school license shall ~~be accompanied by~~ include with the application a fee of fifty dollars for each calendar year. ~~Each application~~ An applicant for an original instructor's license shall ~~be accompanied by~~ include with the application a fee of twenty-five dollars, and ~~each application~~ an applicant for a renewal instructor's license shall ~~be accompanied by~~ include with the application a fee of ten dollars for each calendar year. ~~Such~~

Such fees ~~shall be~~ are payable to the treasurer of state and ~~shall be~~ credited to the state highway safety fund established in section 4501.06 of the Revised Code. ~~No~~ The director of public safety shall not refund any license fees ~~shall be refunded~~ in the event ~~any~~ a license is rejected, suspended, or revoked.

**Sec. 4508.06.** (A) The director of public safety may refuse to issue, or may suspend or revoke, a license or may impose a fine of not more than ten thousand dollars per occurrence in any case in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the rules adopted by the director, or has failed to pay a fine imposed under this division. No person whose license has been suspended or revoked under this section shall fail to return the license to the

director. 6531

(B) In addition to the reasons for a suspension under 6532  
division (A) of this section, the director may suspend a driver 6533  
training instructor license without a prior hearing if the 6534  
director believes there exists clear and convincing evidence of 6535  
any of the following: 6536

(1) The license holder has engaged in conduct that presents a 6537  
clear and present danger to a student or students. 6538

(2) The license holder has engaged in inappropriate contact 6539  
with a student. "Inappropriate contact" means any of the 6540  
following: 6541

(a) Causing or attempting to cause "physical harm," as 6542  
defined in division (A)(3) of section 2901.01 of the Revised Code; 6543

(b) "Sexual activity," as defined in division (C) of section 6544  
2907.01 of the Revised Code; 6545

(c) Engaging in any communication, either directly or through 6546  
"telecommunication," as defined in division (X) of section 2913.01 6547  
of the Revised Code, that is of a sexual nature or intended to 6548  
abuse, threaten, or harass the student. 6549

(3) The license holder has been convicted of a felony, or a 6550  
misdemeanor that directly relates to the fitness of that person to 6551  
provide driving instruction. 6552

(C) In addition to the reasons for a suspension under 6553  
division (A) of this section, the director may suspend a driver 6554  
training school license without a prior hearing if the director 6555  
believes there exists clear and convincing evidence of any of the 6556  
following: 6557

(1) There exists a clear and present danger to the health, 6558  
safety, or welfare of students should the school be permitted to 6559  
continue operation. 6560

(2) At the time the contract for training was signed, there 6561  
was no intention to provide training, or no ability to provide 6562  
training to students. 6563

(3) Any school official knowingly allowed inappropriate 6564  
contact, as defined in division (B)(2) of this section, between 6565  
instructors and students. 6566

(D) Immediately following a decision to impose a suspension 6567  
without a prior hearing under division (B) or (C) of this section, 6568  
the director, in accordance with section 119.07 of the Revised 6569  
Code, shall issue a written order of suspension, cause it to be 6570  
delivered to the license holder, and notify the license holder of 6571  
the opportunity for a hearing. If timely requested by the license 6572  
holder, a hearing shall be conducted in accordance with Chapter 6573  
119. of the Revised Code. 6574

(E) The director shall deposit all fines collected under 6575  
division (A) of this section into the state treasury to the credit 6576  
of the state highway safety fund created by section 4501.06 of the 6577  
Revised Code. 6578

~~(C)~~(F) Whoever fails to return a license that has been 6579  
suspended or revoked under division (A), ~~(B)~~, or ~~(C)~~ of this 6580  
section is guilty of failing to return a suspended or revoked 6581  
license, a minor misdemeanor or, on a second or subsequent offense 6582  
within two years after the first offense, a misdemeanor of the 6583  
fourth degree. 6584

**Sec. 4508.10.** (A) A driver training school shall issue a 6585  
certificate of completion to each person who successfully 6586  
completes a course of instruction necessary to obtain or maintain 6587  
a driver's license. The department of public safety shall provide 6588  
each driver training school with the certificate of completion 6589  
forms. 6590

(B) The fee for each driver's license certificate of 6591  
completion provided by the department to a driver training school 6592  
is four dollars. A driver training school shall remit payment for 6593  
certificates at the time they are requested from the department. 6594  
Failure to timely remit payment to the department is grounds for 6595  
the director of public safety to take action against the school 6596  
pursuant to section 4508.06 of the Revised Code. The director of ~~of~~ 6597  
~~public safety~~ shall deposit the fees collected under this section 6598  
into the state treasury to the credit of the state highway safety 6599  
fund created in section 4501.06 of the Revised Code. 6600

(C) As used in this section, "driver's license" has the same 6601  
meaning as in section 4507.01 of the Revised Code. 6602

**Sec. 4508.11.** The attorney general, the prosecuting attorney 6603  
of the county, or the city director of law, upon complaint of the 6604  
director of public safety, shall prosecute to termination or bring 6605  
an action for injunction against any person violating this chapter 6606  
or the rules adopted under it. The court of common pleas in which 6607  
an action for an injunction is filed has jurisdiction to grant 6608  
injunctive relief upon a showing that the respondent named in the 6609  
complaint is in violation of this chapter or the rules adopted 6610  
under it. 6611

**Sec. 4509.05.** (A) Upon request, the registrar of motor 6612  
vehicles shall search and furnish a certified abstract of the 6613  
following information with respect to any person: 6614

(1) An enumeration of the motor vehicle accidents in which 6615  
such person has been involved except accidents certified as 6616  
described in division (D) of section 3937.41 of the Revised Code; 6617

(2) Such person's record of convictions for violation of the 6618  
motor vehicle laws. 6619

(B) The registrar shall collect for each abstract a fee of 6620

five dollars. 6621

(C) The registrar may permit deputy registrars to perform a 6622  
search and furnish a certified abstract under this section. A 6623  
deputy registrar performing this function shall comply with 6624  
section 4501.27 of the Revised Code concerning the disclosure of 6625  
personal information, shall collect and transmit to the registrar 6626  
the five-dollar fee established under division (B) of this 6627  
section, and may collect and retain a service fee of three dollars 6628  
and fifty cents. 6629

~~Of each five dollar fee the registrar collects under this 6630  
division, the~~ The registrar shall pay two dollars each five-dollar 6631  
fee collected under this section into the state treasury to the 6632  
credit of the state bureau of motor vehicles fund established in 6633  
section 4501.25 of the Revised Code, ~~sixty cents into the state 6634  
treasury to the credit of the trauma and emergency medical 6635  
services fund established in section 4513.263 of the Revised Code, 6636  
sixty cents into the state treasury to the credit of the homeland 6637  
security fund established in section 5502.03 of the Revised Code, 6638  
thirty cents into the state treasury to the credit of the 6639  
investigations fund established in section 5502.131 of the Revised 6640  
Code, one dollar and twenty five cents into the state treasury to 6641  
the credit of the emergency management agency service and 6642  
reimbursement fund established in section 5502.39 of the Revised 6643  
Code, and twenty five cents into the state treasury to the credit 6644  
of the justice program services fund established in section 6645  
5502.67 of the Revised Code. 6646~~

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 6647  
operation of, a motor vehicle in this state, unless proof of 6648  
financial responsibility is maintained continuously throughout the 6649  
registration period with respect to that vehicle, or, in the case 6650  
of a driver who is not the owner, with respect to that driver's 6651

operation of that vehicle. 6652

(2) Whoever violates division (A)(1) of this section shall be 6653  
subject to the following civil penalties: 6654

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 6655  
class (F) suspension of the person's driver's license, commercial 6656  
driver's license, temporary instruction permit, probationary 6657  
license, or nonresident operating privilege for the period of time 6658  
specified in division (B)(6) of section 4510.02 of the Revised 6659  
Code and impoundment of the person's license. 6660

(b) If, within five years of the violation, the person's 6661  
operating privileges are again suspended and the person's license 6662  
again is impounded for a violation of division (A)(1) of this 6663  
section, a class C suspension of the person's driver's license, 6664  
commercial driver's license, temporary instruction permit, 6665  
probationary license, or nonresident operating privilege for the 6666  
period of time specified in division (B)(3) of section 4510.02 of 6667  
the Revised Code. The court may grant limited driving privileges 6668  
to the person only if the person presents proof of financial 6669  
responsibility and has complied with division (A)(5) of this 6670  
section, and no court may grant limited driving privileges for the 6671  
first fifteen days of the suspension. 6672

(c) If, within five years of the violation, the person's 6673  
operating privileges are suspended and the person's license is 6674  
impounded two or more times for a violation of division (A)(1) of 6675  
this section, a class B suspension of the person's driver's 6676  
license, commercial driver's license, temporary instruction 6677  
permit, probationary license, or nonresident operating privilege 6678  
for the period of time specified in division (B)(2) of section 6679  
4510.02 of the Revised Code. The court may grant limited driving 6680  
privileges to the person only if the person presents proof of 6681  
financial responsibility and has complied with division (A)(5) of 6682



this section, except that no court may grant limited driving 6683  
privileges for the first thirty days of the suspension. 6684

(d) In addition to the suspension of an owner's license under 6685  
division (A)(2)(a), (b), or (c) of this section, the suspension of 6686  
the rights of the owner to register the motor vehicle and the 6687  
impoundment of the owner's certificate of registration and license 6688  
plates until the owner complies with division (A)(5) of this 6689  
section. 6690

(3) A person to whom this state has issued a certificate of 6691  
registration for a motor vehicle or a license to operate a motor 6692  
vehicle or who is determined to have operated any motor vehicle or 6693  
permitted the operation in this state of a motor vehicle owned by 6694  
the person shall be required to verify the existence of proof of 6695  
financial responsibility covering the operation of the motor 6696  
vehicle or the person's operation of the motor vehicle under any 6697  
of the following circumstances: 6698

(a) The person or a motor vehicle owned by the person is 6699  
involved in a traffic accident that requires the filing of an 6700  
accident report under section 4509.06 of the Revised Code. 6701

(b) The person receives a traffic ticket indicating that 6702  
proof of the maintenance of financial responsibility was not 6703  
produced upon the request of a peace officer or state highway 6704  
patrol trooper made in accordance with division (D)(2) of this 6705  
section. 6706

(c) Whenever, in accordance with rules adopted by the 6707  
registrar, the person is randomly selected by the registrar and 6708  
requested to provide such verification. 6709

(4) An order of the registrar that suspends and impounds a 6710  
license or registration, or both, shall state the date on or 6711  
before which the person is required to surrender the person's 6712  
license or certificate of registration and license plates. The 6713

person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) Except as provided in division (A)(6) or (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of one hundred dollars for the first violation of division (A)(1) of this section, three hundred dollars for a second violation of that division, and six hundred dollars for a third or subsequent violation of that division;

(b) If the person has not voluntarily surrendered the

license, certificate, or license plates in compliance with the 6745  
order, pays to the registrar or an eligible deputy registrar a 6746  
financial responsibility nonvoluntary compliance fee in an amount, 6747  
not to exceed fifty dollars, determined by the registrar; 6748

(c) Files and continuously maintains proof of financial 6749  
responsibility under sections 4509.44 to 4509.65 of the Revised 6750  
Code; 6751

(d) Pays a deputy registrar a service fee of ten dollars to 6752  
compensate the deputy registrar for services performed under this 6753  
section. The deputy registrar shall retain eight dollars of the 6754  
service fee and shall transmit the reinstatement fee, any 6755  
nonvoluntary compliance fee, and two dollars of the service fee to 6756  
the registrar in the manner the registrar shall determine. 6757

(6) If the registrar issues an order under division (A)(2) of 6758  
this section resulting from the failure of a person to respond to 6759  
a financial responsibility random verification request under 6760  
division (A)(3)(c) of this section and the person successfully 6761  
maintains an affirmative defense to a violation of section 4510.16 6762  
of the Revised Code or is determined by the registrar or a deputy 6763  
registrar to have been in compliance with division (A)(1) of this 6764  
section at the time of the initial financial responsibility random 6765  
verification request, the registrar shall do both of the 6766  
following: 6767

(a) Terminate the order of suspension or impoundment; 6768

(b) Restore the operating privileges and registration rights 6769  
of the person without payment of the fees established in divisions 6770  
(A)(5)(a) and (b) of this section and without a requirement to 6771  
file proof of financial responsibility. 6772

(B)(1) Every party required to file an accident report under 6773  
section 4509.06 of the Revised Code also shall include with the 6774  
report a document described in division (G)(1) of this section. 6775

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the person's license; the serial numbers of the person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) 6808  
of this section without a hearing. Any person adversely affected 6809  
by the order, within ten days after the issuance of the order, may 6810  
request an administrative hearing before the registrar, who shall 6811  
provide the person with an opportunity for a hearing in accordance 6812  
with this paragraph. A request for a hearing does not operate as a 6813  
suspension of the order. The scope of the hearing shall be limited 6814  
to whether the person in fact demonstrated to the registrar proof 6815  
of financial responsibility in accordance with this section. The 6816  
registrar shall determine the date, time, and place of any 6817  
hearing, provided that the hearing shall be held, and an order 6818  
issued or findings made, within thirty days after the registrar 6819  
receives a request for a hearing. If requested by the person in 6820  
writing, the registrar may designate as the place of hearing the 6821  
county seat of the county in which the person resides or a place 6822  
within fifty miles of the person's residence. The person shall pay 6823  
the cost of the hearing before the registrar, if the registrar's 6824  
order of suspension or impoundment is upheld. 6825

(C) Any order of suspension or impoundment issued under this 6826  
section or division (B) of section 4509.37 of the Revised Code may 6827  
be terminated at any time if the registrar determines upon a 6828  
showing of proof of financial responsibility that the operator or 6829  
owner of the motor vehicle was in compliance with division (A)(1) 6830  
of this section at the time of the traffic offense, motor vehicle 6831  
inspection, or accident that resulted in the order against the 6832  
person. A determination may be made without a hearing. This 6833  
division does not apply unless the person shows good cause for the 6834  
person's failure to present satisfactory proof of financial 6835  
responsibility to the registrar prior to the issuance of the 6836  
order. 6837

(D)(1) For the purpose of enforcing this section, every peace 6838  
officer is deemed an agent of the registrar. 6839

(a) Except as provided in division (D)(1)(b) of this section, 6840  
any peace officer who, in the performance of the peace officer's 6841  
duties as authorized by law, becomes aware of a person whose 6842  
license is under an order of suspension, or whose certificate of 6843  
registration and license plates are under an order of impoundment, 6844  
pursuant to this section, may confiscate the license, certificate 6845  
of registration, and license plates, and return them to the 6846  
registrar. 6847

(b) Any peace officer who, in the performance of the peace 6848  
officer's duties as authorized by law, becomes aware of a person 6849  
whose license is under an order of suspension, or whose 6850  
certificate of registration and license plates are under an order 6851  
of impoundment resulting from failure to respond to a financial 6852  
responsibility random verification, shall not, for that reason, 6853  
arrest the owner or operator or seize the vehicle or license 6854  
plates. Instead, the peace officer shall issue a citation for a 6855  
violation of section 4510.16 of the Revised Code specifying the 6856  
circumstances as failure to respond to a financial responsibility 6857  
random verification. 6858

(2) A peace officer shall request the owner or operator of a 6859  
motor vehicle to produce proof of financial responsibility in a 6860  
manner described in division (G) of this section at the time the 6861  
peace officer acts to enforce the traffic laws of this state and 6862  
during motor vehicle inspections conducted pursuant to section 6863  
4513.02 of the Revised Code. 6864

(3) A peace officer shall indicate on every traffic ticket 6865  
whether the person receiving the traffic ticket produced proof of 6866  
the maintenance of financial responsibility in response to the 6867  
officer's request under division (D)(2) of this section. The peace 6868  
officer shall inform every person who receives a traffic ticket 6869  
and who has failed to produce proof of the maintenance of 6870  
financial responsibility that the person must submit proof to the 6871

traffic violations bureau with any payment of a fine and costs for 6872  
the ticketed violation or, if the person is to appear in court for 6873  
the violation, the person must submit proof to the court. 6874

(4)(a) If a person who has failed to produce proof of the 6875  
maintenance of financial responsibility appears in court for a 6876  
ticketed violation, the court may permit the defendant to present 6877  
evidence of proof of financial responsibility to the court at such 6878  
time and in such manner as the court determines to be necessary or 6879  
appropriate. In a manner prescribed by the registrar, the clerk of 6880  
courts shall provide the registrar with the identity of any person 6881  
who fails to submit proof of the maintenance of financial 6882  
responsibility pursuant to division (D)(3) of this section. 6883

(b) If a person who has failed to produce proof of the 6884  
maintenance of financial responsibility also fails to submit that 6885  
proof to the traffic violations bureau with payment of a fine and 6886  
costs for the ticketed violation, the traffic violations bureau, 6887  
in a manner prescribed by the registrar, shall notify the 6888  
registrar of the identity of that person. 6889

(5)(a) Upon receiving notice from a clerk of courts or 6890  
traffic violations bureau pursuant to division (D)(4) of this 6891  
section, the registrar shall order the suspension of the license 6892  
of the person required under division (A)(2)(a), (b), or (c) of 6893  
this section and the impoundment of the person's certificate of 6894  
registration and license plates required under division (A)(2)(d) 6895  
of this section, effective thirty days after the date of the 6896  
mailing of notification. The registrar also shall notify the 6897  
person that the person must present the registrar with proof of 6898  
financial responsibility in accordance with this section, 6899  
surrender to the registrar the person's certificate of 6900  
registration, license plates, and license, or submit a statement 6901  
subject to section 2921.13 of the Revised Code that the person did 6902  
not operate or permit the operation of the motor vehicle at the 6903

time of the offense. Notification shall be in writing and shall be 6904  
sent to the person at the person's last known address as shown on 6905  
the records of the bureau of motor vehicles. The person, within 6906  
fifteen days after the date of the mailing of notification, shall 6907  
present proof of financial responsibility, surrender the 6908  
certificate of registration, license plates, and license to the 6909  
registrar in a manner set forth in division (A)(4) of this 6910  
section, or submit the statement required under this section 6911  
together with other information the person considers appropriate. 6912

If the registrar does not receive proof or the person does 6913  
not surrender the certificate of registration, license plates, and 6914  
license, in accordance with this division, the registrar shall 6915  
permit the order for the suspension of the license of the person 6916  
and the impoundment of the person's certificate of registration 6917  
and license plates to take effect. 6918

(b) In the case of a person who presents, within the 6919  
fifteen-day period, documents to show proof of financial 6920  
responsibility, the registrar shall terminate the order of 6921  
suspension and the impoundment of the registration and license 6922  
plates required under division (A)(2)(d) of this section and shall 6923  
send written notification to the person, at the person's last 6924  
known address as shown on the records of the bureau. 6925

(c) Any person adversely affected by the order of the 6926  
registrar under division (D)(5)(a) or (b) of this section, within 6927  
ten days after the issuance of the order, may request an 6928  
administrative hearing before the registrar, who shall provide the 6929  
person with an opportunity for a hearing in accordance with this 6930  
paragraph. A request for a hearing does not operate as a 6931  
suspension of the order. The scope of the hearing shall be limited 6932  
to whether, at the time of the hearing, the person presents proof 6933  
of financial responsibility covering the vehicle and whether the 6934  
person is eligible for an exemption in accordance with this 6935



section or any rule adopted under it. The registrar shall 6936  
determine the date, time, and place of any hearing; provided, that 6937  
the hearing shall be held, and an order issued or findings made, 6938  
within thirty days after the registrar receives a request for a 6939  
hearing. If requested by the person in writing, the registrar may 6940  
designate as the place of hearing the county seat of the county in 6941  
which the person resides or a place within fifty miles of the 6942  
person's residence. Such person shall pay the cost of the hearing 6943  
before the registrar, if the registrar's order of suspension or 6944  
impoundment under division (D)(5)(a) or (b) of this section is 6945  
upheld. 6946

(6) A peace officer may charge an owner or operator of a 6947  
motor vehicle with a violation of section 4510.16 of the Revised 6948  
Code when the owner or operator fails to show proof of the 6949  
maintenance of financial responsibility pursuant to a peace 6950  
officer's request under division (D)(2) of this section, if a 6951  
check of the owner or operator's driving record indicates that the 6952  
owner or operator, at the time of the operation of the motor 6953  
vehicle, is required to file and maintain proof of financial 6954  
responsibility under section 4509.45 of the Revised Code for a 6955  
previous violation of this chapter. 6956

(7) Any forms used by law enforcement agencies in 6957  
administering this section shall be prescribed, supplied, and paid 6958  
for by the registrar. 6959

(8) No peace officer, law enforcement agency employing a 6960  
peace officer, or political subdivision or governmental agency 6961  
that employs a peace officer shall be liable in a civil action for 6962  
damages or loss to persons arising out of the performance of any 6963  
duty required or authorized by this section. 6964

(9) As used in this division and divisions (E) and (G) of 6965  
this section, "peace officer" has the meaning set forth in section 6966  
2935.01 of the Revised Code. 6967

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the ~~financial responsibility compliance fund~~. The ~~financial responsibility compliance fund shall be~~ state bureau of motor vehicles fund established in section 4501.25 of the Revised Code and used ~~exclusively~~ to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, ~~except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.~~

Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section or receives from a deputy registrar under division (A)(5)(d) of this section, the registrar shall deposit twenty-five dollars of each one-hundred-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

~~All investment earnings of the financial responsibility compliance fund shall be credited to the fund.~~

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not

clearly inconsistent with this section. 7000

(G)(1) The registrar, court, traffic violations bureau, or 7001  
peace officer may require proof of financial responsibility to be 7002  
demonstrated by use of a standard form prescribed by the 7003  
registrar. If the use of a standard form is not required, a person 7004  
may demonstrate proof of financial responsibility under this 7005  
section by presenting to the traffic violations bureau, court, 7006  
registrar, or peace officer any of the following documents or a 7007  
copy of the documents: 7008

(a) A financial responsibility identification card as 7009  
provided in section 4509.103 of the Revised Code; 7010

(b) A certificate of proof of financial responsibility on a 7011  
form provided and approved by the registrar for the filing of an 7012  
accident report required to be filed under section 4509.06 of the 7013  
Revised Code; 7014

(c) A policy of liability insurance, a declaration page of a 7015  
policy of liability insurance, or liability bond, if the policy or 7016  
bond complies with section 4509.20 or sections 4509.49 to 4509.61 7017  
of the Revised Code; 7018

(d) A bond or certification of the issuance of a bond as 7019  
provided in section 4509.59 of the Revised Code; 7020

(e) A certificate of deposit of money or securities as 7021  
provided in section 4509.62 of the Revised Code; 7022

(f) A certificate of self-insurance as provided in section 7023  
4509.72 of the Revised Code. 7024

(2) If a person fails to demonstrate proof of financial 7025  
responsibility in a manner described in division (G)(1) of this 7026  
section, the person may demonstrate proof of financial 7027  
responsibility under this section by any other method that the 7028  
court or the bureau, by reason of circumstances in a particular 7029

case, may consider appropriate. 7030

(3) A motor carrier certificated by the interstate commerce 7031  
commission or by the public utilities commission may demonstrate 7032  
proof of financial responsibility by providing a statement 7033  
designating the motor carrier's operating authority and averring 7034  
that the insurance coverage required by the certificating 7035  
authority is in full force and effect. 7036

(4)(a) A finding by the registrar or court that a person is 7037  
covered by proof of financial responsibility in the form of an 7038  
insurance policy or surety bond is not binding upon the named 7039  
insurer or surety or any of its officers, employees, agents, or 7040  
representatives and has no legal effect except for the purpose of 7041  
administering this section. 7042

(b) The preparation and delivery of a financial 7043  
responsibility identification card or any other document 7044  
authorized to be used as proof of financial responsibility under 7045  
this division does not do any of the following: 7046

(i) Create any liability or estoppel against an insurer or 7047  
surety, or any of its officers, employees, agents, or 7048  
representatives; 7049

(ii) Constitute an admission of the existence of, or of any 7050  
liability or coverage under, any policy or bond; 7051

(iii) Waive any defenses or counterclaims available to an 7052  
insurer, surety, agent, employee, or representative in an action 7053  
commenced by an insured or third-party claimant upon a cause of 7054  
action alleged to have arisen under an insurance policy or surety 7055  
bond or by reason of the preparation and delivery of a document 7056  
for use as proof of financial responsibility. 7057

(c) Whenever it is determined by a final judgment in a 7058  
judicial proceeding that an insurer or surety, which has been 7059  
named on a document accepted by a court or the registrar as proof 7060

of financial responsibility covering the operation of a motor 7061  
vehicle at the time of an accident or offense, is not liable to 7062  
pay a judgment for injuries or damages resulting from such 7063  
operation, the registrar, notwithstanding any previous contrary 7064  
finding, shall forthwith suspend the operating privileges and 7065  
registration rights of the person against whom the judgment was 7066  
rendered as provided in division (A)(2) of this section. 7067

(H) In order for any document described in division (G)(1)(b) 7068  
of this section to be used for the demonstration of proof of 7069  
financial responsibility under this section, the document shall 7070  
state the name of the insured or obligor, the name of the insurer 7071  
or surety company, and the effective and expiration dates of the 7072  
financial responsibility, and designate by explicit description or 7073  
by appropriate reference all motor vehicles covered which may 7074  
include a reference to fleet insurance coverage. 7075

(I) For purposes of this section, "owner" does not include a 7076  
licensed motor vehicle leasing dealer as defined in section 7077  
4517.01 of the Revised Code, but does include a motor vehicle 7078  
renting dealer as defined in section 4549.65 of the Revised Code. 7079  
Nothing in this section or in section 4509.51 of the Revised Code 7080  
shall be construed to prohibit a motor vehicle renting dealer from 7081  
entering into a contractual agreement with a person whereby the 7082  
person renting the motor vehicle agrees to be solely responsible 7083  
for maintaining proof of financial responsibility, in accordance 7084  
with this section, with respect to the operation, maintenance, or 7085  
use of the motor vehicle during the period of the motor vehicle's 7086  
rental. 7087

(J) The purpose of this section is to require the maintenance 7088  
of proof of financial responsibility with respect to the operation 7089  
of motor vehicles on the highways of this state, so as to minimize 7090  
those situations in which persons are not compensated for injuries 7091  
and damages sustained in motor vehicle accidents. The general 7092

assembly finds that this section contains reasonable civil 7093  
penalties and procedures for achieving this purpose. 7094

(K) Nothing in this section shall be construed to be subject 7095  
to section 4509.78 of the Revised Code. 7096

(L)(1) The registrar may terminate any suspension imposed 7097  
under this section and not require the owner to comply with 7098  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 7099  
with or without a hearing determines that the owner of the vehicle 7100  
has established by clear and convincing evidence that all of the 7101  
following apply: 7102

(a) The owner customarily maintains proof of financial 7103  
responsibility. 7104

(b) Proof of financial responsibility was not in effect for 7105  
the vehicle on the date in question for one of the following 7106  
reasons: 7107

(i) The vehicle was inoperable. 7108

(ii) The vehicle is operated only seasonally, and the date in 7109  
question was outside the season of operation. 7110

(iii) A person other than the vehicle owner or driver was at 7111  
fault for the lapse of proof of financial responsibility through 7112  
no fault of the owner or driver. 7113

(iv) The lapse of proof of financial responsibility was 7114  
caused by excusable neglect under circumstances that are not 7115  
likely to recur and do not suggest a purpose to evade the 7116  
requirements of this chapter. 7117

(2) The registrar may grant an owner or driver relief for a 7118  
reason specified in division (L)(1)(b)(i) or (ii) of this section 7119  
whenever the owner or driver is randomly selected to verify the 7120  
existence of proof of financial responsibility for such a vehicle. 7121  
However, the registrar may grant an owner or driver relief for a 7122

reason specified in division (L)(1)(b)(iii) or (iv) of this 7123  
section only if the owner or driver has not previously been 7124  
granted relief under division (L)(1)(b)(iii) or (iv) of this 7125  
section. 7126

(M) The registrar shall adopt rules in accordance with 7127  
Chapter 119. of the Revised Code that are necessary to administer 7128  
and enforce this section. The rules shall include procedures for 7129  
the surrender of license plates upon failure to maintain proof of 7130  
financial responsibility and provisions relating to reinstatement 7131  
of registration rights, acceptable forms of proof of financial 7132  
responsibility, and verification of the existence of financial 7133  
responsibility during the period of registration. 7134

**Sec. 4509.81.** (A) Upon receipt of a notification of violation 7135  
as provided in division (C) of section 4509.80 of the Revised 7136  
Code; upon failure of a timely surrender of the livery license 7137  
plate sticker as required by division (D) of section 4509.80 of 7138  
the Revised Code; or if the registrar of motor vehicles, upon 7139  
receipt of notification from an insurer of the imminent 7140  
cancellation or termination of coverage required by section 7141  
4509.80 of the Revised Code, fails to receive evidence of a 7142  
continuation or substitution of coverage prior to the cancellation 7143  
or termination date, the registrar shall order the immediate 7144  
suspension of the rights of the owner of the chauffeured limousine 7145  
described in the notice to register the limousine and the 7146  
impoundment of the certificate of registration and registration 7147  
plates for the limousine. The registrar shall notify the owner 7148  
that the owner must surrender the certificate of registration and 7149  
registration plates to the registrar. The notification shall be in 7150  
writing and sent to the owner at the owner's last known address as 7151  
shown in the records of the bureau of motor vehicles. Proceedings 7152  
under this section are deemed special, summary statutory 7153  
proceedings. 7154

(B) The order of suspension and impoundment of a registration shall state the date on or before which the owner of the chauffeured limousine involved is required to surrender the certificate of registration and registration plates to the registrar. The owner shall be deemed to have surrendered the certificate of registration and registration plates if the owner causes the items to be delivered to the registrar on or before the date specified in the order or mails the items to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(C) The registrar shall not restore any registration rights suspended under this section, return any certificate of registration or registration plates impounded under this section, or reissue registration plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded registration plates under that section, unless those rights are not subject to suspension under any other law and unless the owner complies with both of the following:

(1) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of thirty dollars. The reinstatement fee may be increased, upon approval of the controlling board, up to an amount not exceeding fifty dollars. In addition, pays a service fee of ten dollars to each deputy registrar to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(2) Files and maintains proof of financial responsibility under section 4509.80 of the Revised Code.

(D) Any owner adversely affected by the order of the registrar under this section may, within ten days after the



issuance of the order, request an administrative hearing before 7187  
the registrar, who shall provide the owner with an opportunity for 7188  
a hearing in accordance with this division. A request for a 7189  
hearing does not operate as a suspension of the order unless the 7190  
owner establishes to the satisfaction of the registrar that the 7191  
operation of the owner's chauffeured limousine will be covered by 7192  
proof of financial responsibility during the pendency of the 7193  
appeal. The scope of the hearing shall be limited to whether the 7194  
owner in fact demonstrated to the registrar proof of financial 7195  
responsibility in accordance with section 4509.80 of the Revised 7196  
Code. The registrar shall determine the date, time, and place of 7197  
any hearing, provided that the hearing shall be held and an order 7198  
issued or findings made within thirty days after the registrar 7199  
receives a request for a hearing. If requested by the owner in 7200  
writing, the registrar may designate as the place of hearing the 7201  
county seat of the county in which the owner resides or a place 7202  
within fifty miles of the owner's residence. The owner shall pay 7203  
the cost of the hearing before the registrar, if the registrar's 7204  
order of suspension or impoundment is upheld. 7205

(E) Any order of suspension or impoundment issued under this 7206  
section may be terminated at any time if the registrar determines 7207  
upon a showing of proof of financial responsibility that the owner 7208  
of the limousine was in compliance with section 4509.80 of the 7209  
Revised Code at the time of the incident that resulted in the 7210  
order against the owner. Such a determination may be made without 7211  
a hearing. 7212

(F) All fees ~~except the two dollar service fee~~ transmitted to 7213  
the registrar by a deputy registrar, that are collected by the 7214  
registrar or transmitted to the registrar under this section shall 7215  
be paid into the state treasury to the credit of the ~~financial~~ 7216  
~~responsibility compliance~~ state bureau of motor vehicles fund 7217  
created by section ~~4509.101~~ 4501.25 of the Revised Code. 7218

(G) Chapter 119. of the Revised Code applies to this section 7219  
only to the extent that any provision in that chapter is not 7220  
clearly inconsistent with this section. 7221

(H)(1) Proof of financial responsibility may be demonstrated 7222  
by any of the methods authorized in section 4509.80 of the Revised 7223  
Code. 7224

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 7225  
Revised Code apply to any finding by the registrar under this 7226  
section that an owner is covered by proof of financial 7227  
responsibility. 7228

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 7229  
the Revised Code: 7230

(A) "Vehicle" means every device, including a motorized 7231  
bicycle, in, upon, or by which any person or property may be 7232  
transported or drawn upon a highway, except that "vehicle" does 7233  
not include any motorized wheelchair, any electric personal 7234  
assistive mobility device, any device that is moved by power 7235  
collected from overhead electric trolley wires or that is used 7236  
exclusively upon stationary rails or tracks, or any device, other 7237  
than a bicycle, that is moved by human power. 7238

(B) "Motor vehicle" means every vehicle propelled or drawn by 7239  
power other than muscular power or power collected from overhead 7240  
electric trolley wires, except motorized bicycles, road rollers, 7241  
traction engines, power shovels, power cranes, and other equipment 7242  
used in construction work and not designed for or employed in 7243  
general highway transportation, hole-digging machinery, 7244  
well-drilling machinery, ditch-digging machinery, farm machinery, 7245  
and trailers designed and used exclusively to transport a boat 7246  
between a place of storage and a marina, or in and around a 7247  
marina, when drawn or towed on a street or highway for a distance 7248  
of no more than ten miles and at a speed of twenty-five miles per 7249

hour or less. 7250

~~(C)(1) Until January 1, 2017, "motorcycle" means every motor 7251  
vehicle, other than a tractor, having a seat or saddle for the use 7252  
of the operator and designed to travel on not more than three 7253  
wheels in contact with the ground, including, but not limited to, 7254  
motor vehicles known as "motor driven cycle," "motor scooter," or 7255  
"motorcycle" without regard to weight or brake horsepower. 7256~~

~~(2) Effective January 1, 2017, "motorcycle" "Motorcycle" 7257  
means every motor vehicle, other than a tractor, having a seat or 7258  
saddle for the use of the operator and designed to travel on not 7259  
more than three wheels in contact with the ground, including, but 7260  
not limited to, motor vehicles known as "motor-driven cycle," 7261  
"motor scooter," "cab-enclosed motorcycle," or "motorcycle" 7262  
without regard to weight or brake horsepower. 7263~~

(D) "Emergency vehicle" means emergency vehicles of 7264  
municipal, township, or county departments or public utility 7265  
corporations when identified as such as required by law, the 7266  
director of public safety, or local authorities, and motor 7267  
vehicles when commandeered by a police officer. 7268

(E) "Public safety vehicle" means any of the following: 7269

(1) Ambulances, including private ambulance companies under 7270  
contract to a municipal corporation, township, or county, and 7271  
private ambulances and nontransport vehicles bearing license 7272  
plates issued under section 4503.49 of the Revised Code; 7273

(2) Motor vehicles used by public law enforcement officers or 7274  
other persons sworn to enforce the criminal and traffic laws of 7275  
the state; 7276

(3) Any motor vehicle when properly identified as required by 7277  
the director of public safety, when used in response to fire 7278  
emergency calls or to provide emergency medical service to ill or 7279  
injured persons, and when operated by a duly qualified person who 7280

is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the director of public safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and

"school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

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

(H)(1) Until January 1, 2017, "motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(2) Effective January 1, 2017, "motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface.

(I) "Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, or both.

(J) "Agricultural tractor" means every self-propelling

vehicle designed or used for drawing other vehicles or wheeled 7344  
machinery but having no provision for carrying loads independently 7345  
of such other vehicles, and used principally for agricultural 7346  
purposes. 7347

(K) "Truck" means every motor vehicle, except trailers and 7348  
semitrailers, designed and used to carry property. 7349

(L) "Bus" means every motor vehicle designed for carrying 7350  
more than nine passengers and used for the transportation of 7351  
persons other than in a ridesharing arrangement, and every motor 7352  
vehicle, automobile for hire, or funeral car, other than a taxicab 7353  
or motor vehicle used in a ridesharing arrangement, designed and 7354  
used for the transportation of persons for compensation. 7355

(M) "Trailer" means every vehicle designed or used for 7356  
carrying persons or property wholly on its own structure and for 7357  
being drawn by a motor vehicle, including any such vehicle when 7358  
formed by or operated as a combination of a "semitrailer" and a 7359  
vehicle of the dolly type, such as that commonly known as a 7360  
"trailer dolly," a vehicle used to transport agricultural produce 7361  
or agricultural production materials between a local place of 7362  
storage or supply and the farm when drawn or towed on a street or 7363  
highway at a speed greater than twenty-five miles per hour, and a 7364  
vehicle designed and used exclusively to transport a boat between 7365  
a place of storage and a marina, or in and around a marina, when 7366  
drawn or towed on a street or highway for a distance of more than 7367  
ten miles or at a speed of more than twenty-five miles per hour. 7368

(N) "Semitrailer" means every vehicle designed or used for 7369  
carrying persons or property with another and separate motor 7370  
vehicle so that in operation a part of its own weight or that of 7371  
its load, or both, rests upon and is carried by another vehicle. 7372

(O) "Pole trailer" means every trailer or semitrailer 7373  
attached to the towing vehicle by means of a reach, pole, or by 7374

being boomed or otherwise secured to the towing vehicle, and 7375  
ordinarily used for transporting long or irregular shaped loads 7376  
such as poles, pipes, or structural members capable, generally, of 7377  
sustaining themselves as beams between the supporting connections. 7378

(P) "Railroad" means a carrier of persons or property 7379  
operating upon rails placed principally on a private right-of-way. 7380

(Q) "Railroad train" means a steam engine or an electric or 7381  
other motor, with or without cars coupled thereto, operated by a 7382  
railroad. 7383

(R) "Streetcar" means a car, other than a railroad train, for 7384  
transporting persons or property, operated upon rails principally 7385  
within a street or highway. 7386

(S) "Trackless trolley" means every car that collects its 7387  
power from overhead electric trolley wires and that is not 7388  
operated upon rails or tracks. 7389

(T) "Explosives" means any chemical compound or mechanical 7390  
mixture that is intended for the purpose of producing an explosion 7391  
that contains any oxidizing and combustible units or other 7392  
ingredients in such proportions, quantities, or packing that an 7393  
ignition by fire, by friction, by concussion, by percussion, or by 7394  
a detonator of any part of the compound or mixture may cause such 7395  
a sudden generation of highly heated gases that the resultant 7396  
gaseous pressures are capable of producing destructive effects on 7397  
contiguous objects, or of destroying life or limb. Manufactured 7398  
articles shall not be held to be explosives when the individual 7399  
units contain explosives in such limited quantities, of such 7400  
nature, or in such packing, that it is impossible to procure a 7401  
simultaneous or a destructive explosion of such units, to the 7402  
injury of life, limb, or property by fire, by friction, by 7403  
concussion, by percussion, or by a detonator, such as fixed 7404  
ammunition for small arms, firecrackers, or safety fuse matches. 7405

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.	7406 7407 7408
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	7409 7410
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	7411 7412
(X) "Pedestrian" means any natural person afoot.	7413
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	7414 7415 7416
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	7417 7418 7419
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	7420 7421 7422
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	7423 7424 7425
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	7426 7427 7428 7429 7430 7431
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	7432 7433 7434 7435



(EE) "Roadway" means that portion of a highway improved, 7436  
designed, or ordinarily used for vehicular travel, except the berm 7437  
or shoulder. If a highway includes two or more separate roadways 7438  
the term "roadway" means any such roadway separately but not all 7439  
such roadways collectively. 7440

(FF) "Sidewalk" means that portion of a street between the 7441  
curb lines, or the lateral lines of a roadway, and the adjacent 7442  
property lines, intended for the use of pedestrians. 7443

(GG) "Laned highway" means a highway the roadway of which is 7444  
divided into two or more clearly marked lanes for vehicular 7445  
traffic. 7446

(HH) "Through highway" means every street or highway as 7447  
provided in section 4511.65 of the Revised Code. 7448

(II) "State highway" means a highway under the jurisdiction 7449  
of the department of transportation, outside the limits of 7450  
municipal corporations, provided that the authority conferred upon 7451  
the director of transportation in section 5511.01 of the Revised 7452  
Code to erect state highway route markers and signs directing 7453  
traffic shall not be modified by sections 4511.01 to 4511.79 and 7454  
4511.99 of the Revised Code. 7455

(JJ) "State route" means every highway that is designated 7456  
with an official state route number and so marked. 7457

(KK) "Intersection" means: 7458

(1) The area embraced within the prolongation or connection 7459  
of the lateral curb lines, or, if none, the lateral boundary lines 7460  
of the roadways of two highways that join one another at, or 7461  
approximately at, right angles, or the area within which vehicles 7462  
traveling upon different highways that join at any other angle 7463  
might come into conflict. The junction of an alley or driveway 7464  
with a roadway or highway does not constitute an intersection 7465  
unless the roadway or highway at the junction is controlled by a 7466

traffic control device. 7467

(2) If a highway includes two roadways that are thirty feet 7468  
or more apart, then every crossing of each roadway of such divided 7469  
highway by an intersecting highway constitutes a separate 7470  
intersection. If both intersecting highways include two roadways 7471  
thirty feet or more apart, then every crossing of any two roadways 7472  
of such highways constitutes a separate intersection. 7473

(3) At a location controlled by a traffic control signal, 7474  
regardless of the distance between the separate intersections as 7475  
described in division (KK)(2) of this section: 7476

(a) If a stop line, yield line, or crosswalk has not been 7477  
designated on the roadway within the median between the separate 7478  
intersections, the two intersections and the roadway and median 7479  
constitute one intersection. 7480

(b) Where a stop line, yield line, or crosswalk line is 7481  
designated on the roadway on the intersection approach, the area 7482  
within the crosswalk and any area beyond the designated stop line 7483  
or yield line constitute part of the intersection. 7484

(c) Where a crosswalk is designated on a roadway on the 7485  
departure from the intersection, the intersection includes the 7486  
area that extends to the far side of the crosswalk. 7487

(LL) "Crosswalk" means: 7488

(1) That part of a roadway at intersections ordinarily 7489  
included within the real or projected prolongation of property 7490  
lines and curb lines or, in the absence of curbs, the edges of the 7491  
traversable roadway; 7492

(2) Any portion of a roadway at an intersection or elsewhere, 7493  
distinctly indicated for pedestrian crossing by lines or other 7494  
markings on the surface; 7495

(3) Notwithstanding divisions (LL)(1) and (2) of this 7496

section, there shall not be a crosswalk where local authorities 7497  
have placed signs indicating no crossing. 7498

(MM) "Safety zone" means the area or space officially set 7499  
apart within a roadway for the exclusive use of pedestrians and 7500  
protected or marked or indicated by adequate signs as to be 7501  
plainly visible at all times. 7502

(NN) "Business district" means the territory fronting upon a 7503  
street or highway, including the street or highway, between 7504  
successive intersections within municipal corporations where fifty 7505  
per cent or more of the frontage between such successive 7506  
intersections is occupied by buildings in use for business, or 7507  
within or outside municipal corporations where fifty per cent or 7508  
more of the frontage for a distance of three hundred feet or more 7509  
is occupied by buildings in use for business, and the character of 7510  
such territory is indicated by official traffic control devices. 7511

(OO) "Residence district" means the territory, not comprising 7512  
a business district, fronting on a street or highway, including 7513  
the street or highway, where, for a distance of three hundred feet 7514  
or more, the frontage is improved with residences or residences 7515  
and buildings in use for business. 7516

(PP) "Urban district" means the territory contiguous to and 7517  
including any street or highway which is built up with structures 7518  
devoted to business, industry, or dwelling houses situated at 7519  
intervals of less than one hundred feet for a distance of a 7520  
quarter of a mile or more, and the character of such territory is 7521  
indicated by official traffic control devices. 7522

(QQ) "Traffic control device" means a flagger, sign, signal, 7523  
marking, or other device used to regulate, warn, or guide traffic, 7524  
placed on, over, or adjacent to a street, highway, private road 7525  
open to public travel, pedestrian facility, or shared-use path by 7526  
authority of a public agency or official having jurisdiction, or, 7527

in the case of a private road open to public travel, by authority 7528  
of the private owner or private official having jurisdiction. 7529

(RR) "Traffic control signal" means any highway traffic 7530  
signal by which traffic is alternately directed to stop and 7531  
permitted to proceed. 7532

(SS) "Railroad sign or signal" means any sign, signal, or 7533  
device erected by authority of a public body or official or by a 7534  
railroad and intended to give notice of the presence of railroad 7535  
tracks or the approach of a railroad train. 7536

(TT) "Traffic" means pedestrians, ridden or herded animals, 7537  
vehicles, streetcars, trackless trolleys, and other devices, 7538  
either singly or together, while using for purposes of travel any 7539  
highway or private road open to public travel. 7540

(UU) "Right-of-way" means either of the following, as the 7541  
context requires: 7542

(1) The right of a vehicle, streetcar, trackless trolley, or 7543  
pedestrian to proceed uninterruptedly in a lawful manner in the 7544  
direction in which it or the individual is moving in preference to 7545  
another vehicle, streetcar, trackless trolley, or pedestrian 7546  
approaching from a different direction into its or the 7547  
individual's path; 7548

(2) A general term denoting land, property, or the interest 7549  
therein, usually in the configuration of a strip, acquired for or 7550  
devoted to transportation purposes. When used in this context, 7551  
right-of-way includes the roadway, shoulders or berm, ditch, and 7552  
slopes extending to the right-of-way limits under the control of 7553  
the state or local authority. 7554

(VV) "Rural mail delivery vehicle" means every vehicle used 7555  
to deliver United States mail on a rural mail delivery route. 7556

(WW) "Funeral escort vehicle" means any motor vehicle, 7557

including a funeral hearse, while used to facilitate the movement 7558  
of a funeral procession. 7559

(XX) "Alley" means a street or highway intended to provide 7560  
access to the rear or side of lots or buildings in urban districts 7561  
and not intended for the purpose of through vehicular traffic, and 7562  
includes any street or highway that has been declared an "alley" 7563  
by the legislative authority of the municipal corporation in which 7564  
such street or highway is located. 7565

(YY) "Freeway" means a divided multi-lane highway for through 7566  
traffic with all crossroads separated in grade and with full 7567  
control of access. 7568

(ZZ) "Expressway" means a divided arterial highway for 7569  
through traffic with full or partial control of access with an 7570  
excess of fifty per cent of all crossroads separated in grade. 7571

(AAA) "Thruway" means a through highway whose entire roadway 7572  
is reserved for through traffic and on which roadway parking is 7573  
prohibited. 7574

(BBB) "Stop intersection" means any intersection at one or 7575  
more entrances of which stop signs are erected. 7576

(CCC) "Arterial street" means any United States or state 7577  
numbered route, controlled access highway, or other major radial 7578  
or circumferential street or highway designated by local 7579  
authorities within their respective jurisdictions as part of a 7580  
major arterial system of streets or highways. 7581

(DDD) "Ridesharing arrangement" means the transportation of 7582  
persons in a motor vehicle where such transportation is incidental 7583  
to another purpose of a volunteer driver and includes ridesharing 7584  
arrangements known as carpools, vanpools, and buspools. 7585

(EEE) "Motorized wheelchair" means any self-propelled vehicle 7586  
designed for, and used by, a handicapped person and that is 7587

incapable of a speed in excess of eight miles per hour. 7588

(FFF) "Child day-care center" and "type A family day-care 7589  
home" have the same meanings as in section 5104.01 of the Revised 7590  
Code. 7591

(GGG) "Multi-wheel agricultural tractor" means a type of 7592  
agricultural tractor that has two or more wheels or tires on each 7593  
side of one axle at the rear of the tractor, is designed or used 7594  
for drawing other vehicles or wheeled machinery, has no provision 7595  
for carrying loads independently of the drawn vehicles or 7596  
machinery, and is used principally for agricultural purposes. 7597

(HHH) "Operate" means to cause or have caused movement of a 7598  
vehicle, streetcar, or trackless trolley. 7599

(III) "Predicate motor vehicle or traffic offense" means any 7600  
of the following: 7601

(1) A violation of section 4511.03, 4511.051, 4511.12, 7602  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 7603  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 7604  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.351, 7605  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 7606  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 7607  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 7608  
4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 7609  
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 7610  
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 7611  
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 7612  
Code; 7613

(2) A violation of division (A)(2) of section 4511.17, 7614  
divisions (A) to (D) of section 4511.51, or division (A) of 7615  
section 4511.74 of the Revised Code; 7616

(3) A violation of any provision of sections 4511.01 to 7617  
4511.76 of the Revised Code for which no penalty otherwise is 7618

provided in the section that contains the provision violated; 7619

(4) Until January 1, 2017, a violation of a municipal 7620  
ordinance that is substantially similar to any section or 7621  
provision set forth or described in division (III)(1), (2), or (3) 7622  
of this section; 7623

(5) Effective January 1, 2017, a violation of section 7624  
4511.214 of the Revised Code; 7625

(6) Effective January 1, 2017, a violation of a municipal 7626  
ordinance that is substantially similar to any section or 7627  
provision set forth or described in division (III) (1), (2), (3), 7628  
or (5) of this section. 7629

(JJJ) "Road service vehicle" means wreckers, utility repair 7630  
vehicles, and state, county, and municipal service vehicles 7631  
equipped with visual signals by means of flashing, rotating, or 7632  
oscillating lights. 7633

(KKK) "Beacon" means a highway traffic signal with one or 7634  
more signal sections that operate in a flashing mode. 7635

(LLL) "Hybrid beacon" means a type of beacon that is 7636  
intentionally placed in a dark mode between periods of operation 7637  
where no indications are displayed and, when in operation, 7638  
displays both steady and flashing traffic control signal 7639  
indications. 7640

(MMM) "Highway traffic signal" means a power-operated traffic 7641  
control device by which traffic is warned or directed to take some 7642  
specific action. "Highway traffic signal" does not include a 7643  
power-operated sign, steadily illuminated pavement marker, warning 7644  
light, or steady burning electric lamp. 7645

(NNN) "Median" means the area between two roadways of a 7646  
divided highway, measured from edge of traveled way to edge of 7647  
traveled way, but excluding turn lanes. The width of a median may 7648

be different between intersections, between interchanges, and at 7649  
opposite approaches of the same intersection. 7650

(OOO) "Private road open to public travel" means a private 7651  
toll road or road, including any adjacent sidewalks that generally 7652  
run parallel to the road, within a shopping center, airport, 7653  
sports arena, or other similar business or recreation facility 7654  
that is privately owned but where the public is allowed to travel 7655  
without access restrictions. "Private road open to public travel" 7656  
includes a gated toll road but does not include a road within a 7657  
private gated property where access is restricted at all times, a 7658  
parking area, a driving aisle within a parking area, or a private 7659  
grade crossing. 7660

(PPP) "Shared-use path" means a bikeway outside the traveled 7661  
way and physically separated from motorized vehicular traffic by 7662  
an open space or barrier and either within the highway 7663  
right-of-way or within an independent alignment. A shared-use path 7664  
also may be used by pedestrians, including skaters, joggers, users 7665  
of manual and motorized wheelchairs, and other authorized 7666  
motorized and non-motorized users. 7667

(QQQ) "Highway maintenance vehicle" means a vehicle used in 7668  
snow and ice removal or road surface maintenance, including a snow 7669  
plow, traffic line striper, road sweeper, mowing machine, asphalt 7670  
distributing vehicle, or other such vehicle designed for use in 7671  
specific highway maintenance activities. 7672

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 7673  
trackless trolley, or streetcar at a speed greater or less than is 7674  
reasonable or proper, having due regard to the traffic, surface, 7675  
and width of the street or highway and any other conditions, and 7676  
no person shall drive any motor vehicle, trackless trolley, or 7677  
streetcar in and upon any street or highway at a greater speed 7678  
than will permit the person to bring it to a stop within the 7679



assured clear distance ahead. 7680

(B) It is prima-facie lawful, in the absence of a lower limit 7681  
declared or established pursuant to this section by the director 7682  
of transportation or local authorities, for the operator of a 7683  
motor vehicle, trackless trolley, or streetcar to operate the same 7684  
at a speed not exceeding the following: 7685

(1)(a) Twenty miles per hour in school zones during school 7686  
recess and while children are going to or leaving school during 7687  
the opening or closing hours, and when twenty miles per hour 7688  
school speed limit signs are erected; except that, on 7689  
controlled-access highways and expressways, if the right-of-way 7690  
line fence has been erected without pedestrian opening, the speed 7691  
shall be governed by division (B)(4) of this section and on 7692  
freeways, if the right-of-way line fence has been erected without 7693  
pedestrian opening, the speed shall be governed by divisions 7694  
(B)(9) and (10) of this section. The end of every school zone may 7695  
be marked by a sign indicating the end of the zone. Nothing in 7696  
this section or in the manual and specifications for a uniform 7697  
system of traffic control devices shall be construed to require 7698  
school zones to be indicated by signs equipped with flashing or 7699  
other lights, or giving other special notice of the hours in which 7700  
the school zone speed limit is in effect. 7701

(b) As used in this section and in section 4511.212 of the 7702  
Revised Code, "school" means any school chartered under section 7703  
3301.16 of the Revised Code and any nonchartered school that 7704  
during the preceding year filed with the department of education 7705  
in compliance with rule 3301-35-08 of the Ohio Administrative 7706  
Code, a copy of the school's report for the parents of the 7707  
school's pupils certifying that the school meets Ohio minimum 7708  
standards for nonchartered, nontax-supported schools and presents 7709  
evidence of this filing to the jurisdiction from which it is 7710  
requesting the establishment of a school zone. "School" also 7711

includes a special elementary school that in writing requests the 7712  
county engineer of the county in which the special elementary 7713  
school is located to create a school zone at the location of that 7714  
school. Upon receipt of such a written request, the county 7715  
engineer shall create a school zone at that location by erecting 7716  
the appropriate signs. 7717

(c) As used in this section, "school zone" means that portion 7718  
of a street or highway passing a school fronting upon the street 7719  
or highway that is encompassed by projecting the school property 7720  
lines to the fronting street or highway, and also includes that 7721  
portion of a state highway. Upon request from local authorities 7722  
for streets and highways under their jurisdiction and that portion 7723  
of a state highway under the jurisdiction of the director of 7724  
transportation or a request from a county engineer in the case of 7725  
a school zone for a special elementary school, the director may 7726  
extend the traditional school zone boundaries. The distances in 7727  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 7728  
exceed three hundred feet per approach per direction and are 7729  
bounded by whichever of the following distances or combinations 7730  
thereof the director approves as most appropriate: 7731

(i) The distance encompassed by projecting the school 7732  
building lines normal to the fronting highway and extending a 7733  
distance of three hundred feet on each approach direction; 7734

(ii) The distance encompassed by projecting the school 7735  
property lines intersecting the fronting highway and extending a 7736  
distance of three hundred feet on each approach direction; 7737

(iii) The distance encompassed by the special marking of the 7738  
pavement for a principal school pupil crosswalk plus a distance of 7739  
three hundred feet on each approach direction of the highway. 7740

Nothing in this section shall be construed to invalidate the 7741  
director's initial action on August 9, 1976, establishing all 7742

school zones at the traditional school zone boundaries defined by 7743  
projecting school property lines, except when those boundaries are 7744  
extended as provided in divisions (B)(1)(a) and (c) of this 7745  
section. 7746

(d) As used in this division, "crosswalk" has the meaning 7747  
given that term in division (LL)(2) of section 4511.01 of the 7748  
Revised Code. 7749

The director may, upon request by resolution of the 7750  
legislative authority of a municipal corporation, the board of 7751  
trustees of a township, or a county board of developmental 7752  
disabilities created pursuant to Chapter 5126. of the Revised 7753  
Code, and upon submission by the municipal corporation, township, 7754  
or county board of such engineering, traffic, and other 7755  
information as the director considers necessary, designate a 7756  
school zone on any portion of a state route lying within the 7757  
municipal corporation, lying within the unincorporated territory 7758  
of the township, or lying adjacent to the property of a school 7759  
that is operated by such county board, that includes a crosswalk 7760  
customarily used by children going to or leaving a school during 7761  
recess and opening and closing hours, whenever the distance, as 7762  
measured in a straight line, from the school property line nearest 7763  
the crosswalk to the nearest point of the crosswalk is no more 7764  
than one thousand three hundred twenty feet. Such a school zone 7765  
shall include the distance encompassed by the crosswalk and 7766  
extending three hundred feet on each approach direction of the 7767  
state route. 7768

(e) As used in this section, "special elementary school" 7769  
means a school that meets all of the following criteria: 7770

(i) It is not chartered and does not receive tax revenue from 7771  
any source. 7772

(ii) It does not educate children beyond the eighth grade. 7773

(iii) It is located outside the limits of a municipal corporation.	7774 7775
(iv) A majority of the total number of students enrolled at the school are not related by blood.	7776 7777
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	7778 7779 7780 7781 7782 7783
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	7784 7785 7786 7787
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;	7788 7789 7790
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	7791 7792
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section;	7793 7794 7795 7796 7797 7798
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	7799 7800 7801
(7) Fifteen miles per hour on all alleys within the municipal corporation;	7802 7803

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	7804 7805
(9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section.	7806 7807 7808
(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;	7809 7810 7811
(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;	7812 7813 7814
(12) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	7815 7816
(13) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	7817 7818 7819
(14) <del>Seventy</del> <u>Seventy-five</u> miles per hour for operators of any motor vehicle at all times on all rural freeways;	7820 7821
(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;	7822 7823 7824 7825 7826
(16) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt.	7827 7828 7829 7830
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established	7831 7832 7833

pursuant to this section by the director or local authorities and 7834  
it is unlawful for any person to exceed any of the speed 7835  
limitations in division (D) of this section. No person shall be 7836  
convicted of more than one violation of this section for the same 7837  
conduct, although violations of more than one provision of this 7838  
section may be charged in the alternative in a single affidavit. 7839

(D) No person shall operate a motor vehicle, trackless 7840  
trolley, or streetcar upon a street or highway as follows: 7841

(1) At a speed exceeding fifty-five miles per hour, except 7842  
upon a two-lane state route as provided in division (B)(9) of this 7843  
section and upon a highway, expressway, or freeway as provided in 7844  
divisions (B)(12), (13), (14), and (16) of this section; 7845

(2) At a speed exceeding sixty miles per hour upon a two-lane 7846  
state route as provided in division (B)(9) of this section and 7847  
upon a highway as provided in division (B)(12) of this section; 7848

(3) At a speed exceeding sixty-five miles per hour upon an 7849  
expressway as provided in division (B)(13) or upon a freeway as 7850  
provided in division (B)(16) of this section, except upon a 7851  
freeway as provided in division (B)(14) of this section; 7852

(4) At a speed exceeding ~~seventy~~ seventy-five miles per hour 7853  
upon a freeway as provided in division (B)(14) of this section; 7854

(5) At a speed exceeding the posted speed limit upon a 7855  
highway, expressway, or freeway for which the director has 7856  
determined and declared a speed limit pursuant to division (I)(2) 7857  
or (L)(2) of this section. 7858

(E) In every charge of violation of this section the 7859  
affidavit and warrant shall specify the time, place, and speed at 7860  
which the defendant is alleged to have driven, and in charges made 7861  
in reliance upon division (C) of this section also the speed which 7862  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 7863  
declared or established pursuant to, this section declares is 7864

prima-facie lawful at the time and place of such alleged 7865  
violation, except that in affidavits where a person is alleged to 7866  
have driven at a greater speed than will permit the person to 7867  
bring the vehicle to a stop within the assured clear distance 7868  
ahead the affidavit and warrant need not specify the speed at 7869  
which the defendant is alleged to have driven. 7870

(F) When a speed in excess of both a prima-facie limitation 7871  
and a limitation in division (D) of this section is alleged, the 7872  
defendant shall be charged in a single affidavit, alleging a 7873  
single act, with a violation indicated of both division (B)(1)(a), 7874  
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 7875  
declared or established pursuant to this section by the director 7876  
or local authorities, and of the limitation in division (D) of 7877  
this section. If the court finds a violation of division 7878  
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 7879  
or established pursuant to, this section has occurred, it shall 7880  
enter a judgment of conviction under such division and dismiss the 7881  
charge under division (D) of this section. If it finds no 7882  
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 7883  
of, or a limit declared or established pursuant to, this section, 7884  
it shall then consider whether the evidence supports a conviction 7885  
under division (D) of this section. 7886

(G) Points shall be assessed for violation of a limitation 7887  
under division (D) of this section in accordance with section 7888  
4510.036 of the Revised Code. 7889

(H)(1) Whenever the director determines upon the basis of a 7890  
geometric and traffic characteristic study that any speed limit 7891  
set forth in divisions (B)(1)(a) to (D) of this section is greater 7892  
or less than is reasonable or safe under the conditions found to 7893  
exist at any portion of a street or highway under the jurisdiction 7894  
of the director, the director shall determine and declare a 7895  
reasonable and safe prima-facie speed limit, which shall be 7896

effective when appropriate signs giving notice of it are erected 7897  
at the location. 7898

(2) Whenever the director determines upon the basis of a 7899  
geometric and traffic characteristic study that the speed limit of 7900  
fifty-five miles per hour on a two-lane state route outside a 7901  
municipal corporation is less than is reasonable or safe under the 7902  
conditions found to exist at that portion of the state route, the 7903  
director may determine and declare a speed limit of sixty miles 7904  
per hour for that portion of the state route, which shall be 7905  
effective when appropriate signs giving notice of it are erected 7906  
at the location. 7907

(I)(1) Except as provided in divisions (I)(2) and (K) of this 7908  
section, whenever local authorities determine upon the basis of an 7909  
engineering and traffic investigation that the speed permitted by 7910  
divisions (B)(1)(a) to (D) of this section, on any part of a 7911  
highway under their jurisdiction, is greater than is reasonable 7912  
and safe under the conditions found to exist at such location, the 7913  
local authorities may by resolution request the director to 7914  
determine and declare a reasonable and safe prima-facie speed 7915  
limit. Upon receipt of such request the director may determine and 7916  
declare a reasonable and safe prima-facie speed limit at such 7917  
location, and if the director does so, then such declared speed 7918  
limit shall become effective only when appropriate signs giving 7919  
notice thereof are erected at such location by the local 7920  
authorities. The director may withdraw the declaration of a 7921  
prima-facie speed limit whenever in the director's opinion the 7922  
altered prima-facie speed becomes unreasonable. Upon such 7923  
withdrawal, the declared prima-facie speed shall become 7924  
ineffective and the signs relating thereto shall be immediately 7925  
removed by the local authorities. 7926

(2) A local authority may determine on the basis of a 7927  
geometric and traffic characteristic study that the speed limit of 7928



sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth; 7961

(c) Gravel. 7962

(2) Except as otherwise provided in divisions (K)(4) and (5) 7963  
of this section, whenever a board of township trustees determines 7964  
upon the basis of an engineering and traffic investigation that 7965  
the speed permitted by division (B)(5) of this section on any part 7966  
of an unimproved highway under its jurisdiction and in the 7967  
unincorporated territory of the township is greater than is 7968  
reasonable or safe under the conditions found to exist at the 7969  
location, the board may by resolution declare a reasonable and 7970  
safe prima-facie speed limit of fifty-five but not less than 7971  
twenty-five miles per hour. An altered speed limit adopted by a 7972  
board of township trustees under this division becomes effective 7973  
when appropriate traffic control devices, as prescribed in section 7974  
4511.11 of the Revised Code, giving notice thereof are erected at 7975  
the location, which shall be no sooner than sixty days after 7976  
adoption of the resolution. 7977

(3)(a) Whenever, in the opinion of a board of township 7978  
trustees, any altered prima-facie speed limit established by the 7979  
board under this division becomes unreasonable, the board may 7980  
adopt a resolution withdrawing the altered prima-facie speed 7981  
limit. Upon the adoption of such a resolution, the altered 7982  
prima-facie speed limit becomes ineffective and the traffic 7983  
control devices relating thereto shall be immediately removed. 7984

(b) Whenever a highway ceases to be an unimproved highway and 7985  
the board has adopted an altered prima-facie speed limit pursuant 7986  
to division (K)(2) of this section, the board shall, by 7987  
resolution, withdraw the altered prima-facie speed limit as soon 7988  
as the highway ceases to be unimproved. Upon the adoption of such 7989  
a resolution, the altered prima-facie speed limit becomes 7990  
ineffective and the traffic control devices relating thereto shall 7991  
be immediately removed. 7992

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section: 8025

(a) "Commercial subdivision" means any platted territory 8026  
outside the limits of a municipal corporation and fronting a 8027  
highway where, for a distance of three hundred feet or more, the 8028  
frontage is improved with buildings in use for commercial 8029  
purposes, or where the entire length of the highway is less than 8030  
three hundred feet long and the frontage is improved with 8031  
buildings in use for commercial purposes. 8032

(b) "Residential subdivision" means any platted territory 8033  
outside the limits of a municipal corporation and fronting a 8034  
highway, where, for a distance of three hundred feet or more, the 8035  
frontage is improved with residences or residences and buildings 8036  
in use for business, or where the entire length of the highway is 8037  
less than three hundred feet long and the frontage is improved 8038  
with residences or residences and buildings in use for business. 8039

Whenever a board of township trustees finds upon the basis of 8040  
an engineering and traffic investigation that the prima-facie 8041  
speed permitted by division (B)(5) of this section on any part of 8042  
a highway under its jurisdiction that is located in a commercial 8043  
or residential subdivision, except on highways or portions thereof 8044  
at the entrances to which vehicular traffic from the majority of 8045  
intersecting highways is required to yield the right-of-way to 8046  
vehicles on such highways in obedience to stop or yield signs or 8047  
traffic control signals, is greater than is reasonable and safe 8048  
under the conditions found to exist at the location, the board may 8049  
by resolution declare a reasonable and safe prima-facie speed 8050  
limit of less than fifty-five but not less than twenty-five miles 8051  
per hour at the location. An altered speed limit adopted by a 8052  
board of township trustees under this division shall become 8053  
effective when appropriate signs giving notice thereof are erected 8054  
at the location by the township. Whenever, in the opinion of a 8055  
board of township trustees, any altered prima-facie speed limit 8056

established by it under this division becomes unreasonable, it may 8057  
adopt a resolution withdrawing the altered prima-facie speed, and 8058  
upon such withdrawal, the altered prima-facie speed shall become 8059  
ineffective, and the signs relating thereto shall be immediately 8060  
removed by the township. 8061

(L)(1) On ~~the effective date of this amendment~~ September 29, 8062  
2013, the director of transportation, based upon an engineering 8063  
study of a highway, expressway, or freeway described in division 8064  
(B)(12), (13), (14), (15), or (16) of this section, in 8065  
consultation with the director of public safety and, if 8066  
applicable, the local authority having jurisdiction over the 8067  
studied highway, expressway, or freeway, may determine and declare 8068  
that the speed limit established on such highway, expressway, or 8069  
freeway under division (B)(12), (13), (14), (15), or (16) of this 8070  
section either is reasonable and safe or is more or less than that 8071  
which is reasonable and safe. 8072

(2) If the established speed limit for a highway, expressway, 8073  
or freeway studied pursuant to division (L)(1) of this section is 8074  
determined to be more or less than that which is reasonable and 8075  
safe, the director of transportation, in consultation with the 8076  
director of public safety and, if applicable, the local authority 8077  
having jurisdiction over the studied highway, expressway, or 8078  
freeway, shall determine and declare a reasonable and safe speed 8079  
limit for that highway, expressway, or freeway. 8080

~~(N)~~(M)(1)(a) If the boundary of two local authorities rests 8081  
on the centerline of a highway and both authorities have 8082  
jurisdiction over the highway, the speed limit for the part of the 8083  
highway within their joint jurisdiction shall be either one of the 8084  
following as agreed to by both authorities: 8085

(i) Either prima-facie speed limit permitted by division (B) 8086  
of this section; 8087

(ii) An altered speed limit determined and posted in accordance with this section. 8088  
8089

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 8090  
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8092

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section. 8093  
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~~(O)~~(N) As used in this section: 8111

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101. 8112  
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(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 8114  
8115  
8116

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the 8117  
8118

transportation of persons associated with a charitable or 8119  
nonprofit organization. 8120

(4) "Outerbelt" means a portion of a freeway that is part of 8121  
the interstate system and is located in the outer vicinity of a 8122  
major municipal corporation or group of municipal corporations, as 8123  
designated by the director. 8124

(5) "Rural" means outside urbanized areas, as designated in 8125  
accordance with 23 U.S.C. 101, and outside of a business or urban 8126  
district. 8127

~~(P)~~(O)(1) A violation of any provision of this section is one 8128  
of the following: 8129

(a) Except as otherwise provided in divisions ~~(P)~~(O)(1)(b), 8130  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 8131

(b) If, within one year of the offense, the offender 8132  
previously has been convicted of or pleaded guilty to two 8133  
violations of any provision of this section or of any provision of 8134  
a municipal ordinance that is substantially similar to any 8135  
provision of this section, a misdemeanor of the fourth degree; 8136

(c) If, within one year of the offense, the offender 8137  
previously has been convicted of or pleaded guilty to three or 8138  
more violations of any provision of this section or of any 8139  
provision of a municipal ordinance that is substantially similar 8140  
to any provision of this section, a misdemeanor of the third 8141  
degree. 8142

(2) If the offender has not previously been convicted of or 8143  
pleaded guilty to a violation of any provision of this section or 8144  
of any provision of a municipal ordinance that is substantially 8145  
similar to this section and operated a motor vehicle faster than 8146  
thirty-five miles an hour in a business district of a municipal 8147  
corporation, faster than fifty miles an hour in other portions of 8148  
a municipal corporation, or faster than thirty-five miles an hour 8149

in a school zone during recess or while children are going to or 8150  
leaving school during the school's opening or closing hours, a 8151  
misdemeanor of the fourth degree. 8152

(3) Notwithstanding division ~~(P)~~(O)(1) of this section, if 8153  
the offender operated a motor vehicle in a construction zone where 8154  
a sign was then posted in accordance with section 4511.98 of the 8155  
Revised Code, the court, in addition to all other penalties 8156  
provided by law, shall impose upon the offender a fine of two 8157  
times the usual amount imposed for the violation. No court shall 8158  
impose a fine of two times the usual amount imposed for the 8159  
violation upon an offender if the offender alleges, in an 8160  
affidavit filed with the court prior to the offender's sentencing, 8161  
that the offender is indigent and is unable to pay the fine 8162  
imposed pursuant to this division and if the court determines that 8163  
the offender is an indigent person and unable to pay the fine. 8164

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 8165  
approaching a stationary ~~public safety vehicle, emergency vehicle,~~ 8166  
~~road service vehicle, vehicle used by the public utilities~~ 8167  
~~commission to conduct motor vehicle inspections in accordance with~~ 8168  
~~sections 4923.04 and 4923.06 of the Revised Code, or a highway~~ 8169  
~~maintenance~~ vehicle that is displaying the appropriate visual 8170  
signals by means of flashing, oscillating, or rotating lights, as 8171  
prescribed in section 4513.17 of the Revised Code, shall do either 8172  
of the following: 8173

(1) If the driver of the motor vehicle is traveling on a 8174  
highway that consists of at least two lanes that carry traffic in 8175  
the same direction of travel as that of the driver's motor 8176  
vehicle, the driver shall proceed with due caution and, if 8177  
possible and with due regard to the road, weather, and traffic 8178  
conditions, shall change lanes into a lane that is not adjacent to 8179  
that of the stationary ~~public safety vehicle, emergency vehicle,~~ 8180



~~road service vehicle, vehicle used by the public utilities~~ 8181  
~~commission to conduct motor vehicle inspections in accordance with~~ 8182  
~~sections 4923.04 and 4923.06 of the Revised Code, or a highway~~ 8183  
~~maintenance vehicle.~~ 8184

(2) If the driver is not traveling on a highway of a type 8185  
described in division (A)(1) of this section, or if the driver is 8186  
traveling on a highway of that type but it is not possible to 8187  
change lanes or if to do so would be unsafe, the driver shall 8188  
proceed with due caution, reduce the speed of the motor vehicle, 8189  
and maintain a safe speed for the road, weather, and traffic 8190  
conditions. 8191

(B) This section does not relieve the any driver of a public 8192  
~~safety vehicle, emergency vehicle, road service vehicle, vehicle~~ 8193  
~~used by the public utilities commission to conduct motor vehicle~~ 8194  
~~inspections in accordance with sections 4923.04 and 4923.06 of the~~ 8195  
~~Revised Code, or a highway maintenance vehicle~~ from the duty to 8196  
drive with due regard for the safety of all persons and property 8197  
upon the highway. 8198

(C) No person shall fail to drive a motor vehicle in 8199  
compliance with division (A)(1) or (2) of this section when so 8200  
required by division (A) of this section. 8201

(D)(1) Except as otherwise provided in this division, whoever 8202  
violates this section is guilty of a minor misdemeanor. If, within 8203  
one year of the offense, the offender previously has been 8204  
convicted of or pleaded guilty to one predicate motor vehicle or 8205  
traffic offense, whoever violates this section is guilty of a 8206  
misdemeanor of the fourth degree. If, within one year of the 8207  
offense, the offender previously has been convicted of two or more 8208  
predicate motor vehicle or traffic offenses, whoever violates this 8209  
section is guilty of a misdemeanor of the third degree. 8210

(2) Notwithstanding section 2929.28 of the Revised Code, upon 8211

a finding that a person operated a motor vehicle in violation of 8212  
division (C) of this section, the court, in addition to all other 8213  
penalties provided by law, shall impose a fine of two times the 8214  
usual amount imposed for the violation. 8215

(E) The offense established under this section is a strict 8216  
liability offense and strict liability is a culpable mental state 8217  
for purposes of section 2901.20 of the Revised Code. The 8218  
designation of this offense as a strict liability offense shall 8219  
not be construed to imply that any other offense, for which there 8220  
is no specified degree of culpability, is not a strict liability 8221  
offense. 8222

(F) For the purposes of this section, "stationary vehicle" 8223  
includes, but is not limited to, a public safety vehicle, 8224  
emergency vehicle, road service vehicle, waste collection vehicle, 8225  
construction vehicle, disabled vehicle, vehicle used by the public 8226  
utilities commission to conduct motor vehicle inspections in 8227  
accordance with sections 4923.04 and 4923.06 of the Revised Code, 8228  
or a highway maintenance vehicle. 8229

Sec. 4511.351. (A) No person shall operate a vehicle in the 8230  
left-hand lane of the right-hand roadway of a freeway that 8231  
consists of at least three lanes and is part of the interstate 8232  
system except as follows: 8233

(1) When exiting the freeway; 8234

(2) When overtaking and passing a slower vehicle; 8235

(3) When allowing other vehicles to enter a right-hand lane 8236  
of the right-hand roadway; 8237

(4) When traffic or road conditions exist that would make 8238  
operation of the vehicle in the right-hand lanes unsafe or 8239  
impracticable; 8240

(5) When required to change lanes under section 4511.213 of 8241

the Revised Code; 8242

(6) When signage requires the person's vehicle to occupy the 8243  
left-hand lane. 8244

The operator of a vehicle being driven in the left-hand lane 8245  
shall return to a center lane or right-hand lane as soon as 8246  
traffic and road conditions make it safe to do so. 8247

(B) Except as otherwise provided in this division, whoever 8248  
violates this section is guilty of a minor misdemeanor. If, within 8249  
one year of the offense, the offender previously has been 8250  
convicted of or pleaded guilty to one predicate motor vehicle or 8251  
traffic offense, whoever violates this section is guilty of a 8252  
misdemeanor of the fourth degree. If, within one year of the 8253  
offense, the offender previously has been convicted of two or more 8254  
predicate motor vehicle or traffic offenses, whoever violates this 8255  
section is guilty of a misdemeanor of the third degree. 8256

(C)(1) The department of transportation shall include sign 8257  
R4-16 of the federal manual of uniform traffic control devices 8258  
that states "keep right except to pass" in the department's manual 8259  
for a uniform system of traffic control devices adopted under 8260  
section 4511.09 of the Revised Code. 8261

(2) The director of transportation shall erect "keep right 8262  
except to pass" signs along the right-hand roadway of a freeway 8263  
that consists of at least three lanes and is part of the 8264  
interstate system. 8265

(D) The offense established under this section is a strict 8266  
liability offense and section 2901.20 of the Revised Code does not 8267  
apply. The designation of this offense as a strict liability 8268  
offense shall not be construed to imply that any other offense, 8269  
for which there is no specified degree of culpability, is not a 8270  
strict liability offense. 8271

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 8272  
has the same meaning as given that term in section 4519.01 of the 8273  
Revised Code. 8274

(B) No person operating a bicycle shall ride other than upon 8275  
or astride the permanent and regular seat attached thereto or 8276  
carry any other person upon such bicycle other than upon a firmly 8277  
attached and regular seat thereon, and no person shall ride upon a 8278  
bicycle other than upon such a firmly attached and regular seat. 8279

No person operating a motorcycle shall ride other than upon 8280  
or astride the permanent and regular seat or saddle attached 8281  
thereto, or carry any other person upon such motorcycle other than 8282  
upon a firmly attached and regular seat or saddle thereon, and no 8283  
person shall ride upon a motorcycle other than upon such a firmly 8284  
attached and regular seat or saddle. 8285

No person shall ride upon a motorcycle that is equipped with 8286  
a saddle other than while sitting astride the saddle, facing 8287  
forward, with one leg on each side of the motorcycle. 8288

No person shall ride upon a motorcycle that is equipped with 8289  
a seat other than while sitting upon the seat. 8290

No person operating a bicycle shall carry any package, 8291  
bundle, or article that prevents the driver from keeping at least 8292  
one hand upon the handle bars. 8293

No bicycle or motorcycle shall be used to carry more persons 8294  
at one time than the number for which it is designed and equipped, 8295  
nor shall any motorcycle be operated on a highway when the handle 8296  
bars or grips are more than fifteen inches higher than the seat or 8297  
saddle for the operator. 8298

~~No~~ (C)(1) Except as provided in division (C)(3) of this 8299  
section, no person shall operate or be a passenger on a snowmobile 8300  
or motorcycle without using safety glasses or other protective eye 8301

device. ~~Ne~~ Except as provided in division (C)(3) of this section, 8302  
no person who is under the age of eighteen years, or who holds a 8303  
motorcycle operator's endorsement or license bearing a "novice" 8304  
designation that is currently in effect as provided in section 8305  
4507.13 of the Revised Code, shall operate a motorcycle on a 8306  
highway, or be a passenger on a motorcycle, unless wearing a 8307  
protective helmet on the person's head, and no other person shall 8308  
be a passenger on a motorcycle operated by such a person unless 8309  
similarly wearing a protective helmet. The helmet, safety glasses, 8310  
or other protective eye device shall conform with rules adopted by 8311  
the director of public safety. The provisions of this paragraph or 8312  
a violation thereof shall not be used in the trial of any civil 8313  
action. 8314

~~(C)(1) Ne~~ (2)(a) Except as provided in division (C)(3) of 8315  
this section, no person shall operate a motorcycle with a valid 8316  
temporary instruction permit and temporary instruction permit 8317  
identification card issued by the registrar of motor vehicles 8318  
pursuant to section 4507.05 of the Revised Code unless the person, 8319  
at the time of such operation, is wearing on the person's head a 8320  
protective helmet that conforms with rules adopted by the 8321  
director. 8322

~~(2)(b)~~ No person shall operate a motorcycle with a valid 8323  
temporary instruction permit and temporary instruction permit 8324  
identification card issued by the registrar pursuant to section 8325  
4507.05 of the Revised Code in any of the following circumstances: 8326

~~(a)(i)~~ At any time when lighted lights are required by 8327  
division (A)(1) of section 4513.03 of the Revised Code; 8328

~~(b)(ii)~~ While carrying a passenger; 8329

~~(e)(iii)~~ On any limited access highway. 8330

(3) Divisions (C)(1) and (2)(a) of this section do not apply 8331  
to a person who operates or is a passenger in a cab-enclosed 8332

motorcycle when the occupant compartment top is in place enclosing 8333  
the occupants. 8334

(D) Nothing in this section shall be construed as prohibiting 8335  
the carrying of a child in a seat or trailer that is designed for 8336  
carrying children and is firmly attached to the bicycle. 8337

(E) Except as otherwise provided in this division, whoever 8338  
violates division (B) or (C)(1) or (2) of this section is guilty 8339  
of a minor misdemeanor. If, within one year of the offense, the 8340  
offender previously has been convicted of or pleaded guilty to one 8341  
predicate motor vehicle or traffic offense, whoever violates 8342  
division (B) or (C)(1) or (2) of this section is guilty of a 8343  
misdemeanor of the fourth degree. If, within one year of the 8344  
offense, the offender previously has been convicted of two or more 8345  
predicate motor vehicle or traffic offenses, whoever violates 8346  
division (B) or (C)(1) or (2) of this section is guilty of a 8347  
misdemeanor of the third degree. 8348

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a 8349  
roadway where there is an adjacent curb shall be stopped or parked 8350  
with the right-hand wheels of the vehicle parallel with and not 8351  
more than twelve inches from the right-hand curb, unless it is 8352  
impossible to approach so close to the curb; in such case the stop 8353  
shall be made as close to the curb as possible and only for the 8354  
time necessary to discharge and receive passengers or to load or 8355  
unload merchandise. Local authorities by ordinance may permit 8356  
angle parking on any roadway under their jurisdiction, except that 8357  
angle parking shall not be permitted on a state route within a 8358  
municipal corporation unless an unoccupied roadway width of not 8359  
less than twenty-five feet is available for free-moving traffic. 8360

(B) Local authorities by ordinance may permit parking of 8361  
vehicles with the left-hand wheels adjacent to and within twelve 8362  
inches of the left-hand curb of a one-way roadway. 8363

(C)(1)(a) Except as provided in division (C)(1)(b) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (C)(2) of this section irrespective of whether or not the space is metered.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the

international symbol of access and shall be reasonably close to 8396  
exits, entrances, elevators, and ramps. All elevated signs posted 8397  
in accordance with this division and division (C) of section 8398  
3781.111 of the Revised Code shall be mounted on a fixed or 8399  
movable post, and the distance from the ground to the bottom edge 8400  
of the sign shall measure not less than five feet. If a new sign 8401  
or a replacement sign designating a special parking location is 8402  
posted on or after October 14, 1999, there also shall be affixed 8403  
upon the surface of that sign or affixed next to the designating 8404  
sign a notice that states the fine applicable for the offense of 8405  
parking a motor vehicle in the special designated parking location 8406  
if the motor vehicle is not legally entitled to be parked in that 8407  
location. 8408

(F)(1)(a) No person shall stop, stand, or park any motor 8409  
vehicle at special parking locations provided under division (E) 8410  
of this section or at special clearly marked parking locations 8411  
provided in or on privately owned parking lots, parking garages, 8412  
or other parking areas and designated in accordance with that 8413  
division, unless one of the following applies: 8414

~~(a)~~(i) The motor vehicle is being operated by or for the 8415  
transport of a person with a disability that limits or impairs the 8416  
ability to walk and is displaying a valid removable windshield 8417  
placard or special license plates; 8418

~~(b)~~(ii) The motor vehicle is being operated by or for the 8419  
transport of a handicapped person and is displaying a parking card 8420  
or special handicapped license plates. 8421

~~(2)~~(b) Any motor vehicle that is parked in a special marked 8422  
parking location in violation of division (F)(1)(a)(i) or ~~(b)~~(ii) 8423  
of this section may be towed or otherwise removed from the parking 8424  
location by the law enforcement agency of the political 8425  
subdivision in which the parking location is located. A motor 8426  
vehicle that is so towed or removed shall not be released to its 8427



owner until the owner presents proof of ownership of the motor 8428  
vehicle and pays all towing and storage fees normally imposed by 8429  
that political subdivision for towing and storing motor vehicles. 8430  
If the motor vehicle is a leased vehicle, it shall not be released 8431  
to the lessee until the lessee presents proof that that person is 8432  
the lessee of the motor vehicle and pays all towing and storage 8433  
fees normally imposed by that political subdivision for towing and 8434  
storing motor vehicles. 8435

~~(3)(c)~~ If a person is charged with a violation of division 8436  
(F)(1)(a)(i) or ~~(b)(ii)~~ of this section, it is an affirmative 8437  
defense to the charge that the person suffered an injury not more 8438  
than seventy-two hours prior to the time the person was issued the 8439  
ticket or citation and that, because of the injury, the person 8440  
meets at least one of the criteria contained in division (A)(1) of 8441  
section 4503.44 of the Revised Code. 8442

(2) No person shall stop, stand, or park any motor vehicle in 8443  
an area that is commonly known as an access aisle, which area is 8444  
marked by diagonal stripes and is located immediately adjacent to 8445  
a special parking location provided under division (E) of this 8446  
section or at a special clearly marked parking location provided 8447  
in or on a privately owned parking lot, parking garage, or other 8448  
parking area and designated in accordance with that division. 8449

(G) When a motor vehicle is being operated by or for the 8450  
transport of a person with a disability that limits or impairs the 8451  
ability to walk and is displaying a removable windshield placard 8452  
or a temporary removable windshield placard or special license 8453  
plates, or when a motor vehicle is being operated by or for the 8454  
transport of a handicapped person and is displaying a parking card 8455  
or special handicapped license plates, the motor vehicle is 8456  
permitted to park for a period of two hours in excess of the legal 8457  
parking period permitted by local authorities, except where local 8458  
ordinances or police rules provide otherwise or where the vehicle 8459

is parked in such a manner as to be clearly a traffic hazard. 8460

(H) No owner of an office, facility, or parking garage where 8461  
special parking locations are required to be designated in 8462  
accordance with division (E) of this section shall fail to 8463  
properly mark the special parking locations in accordance with 8464  
that division or fail to maintain the markings of the special 8465  
locations, including the erection and maintenance of the fixed or 8466  
movable signs. 8467

(I) Nothing in this section shall be construed to require a 8468  
person or organization to apply for a removable windshield placard 8469  
or special license plates if the parking card or special license 8470  
plates issued to the person or organization under prior law have 8471  
not expired or been surrendered or revoked. 8472

(J)(1) Whoever violates division (A) or (C) of this section 8473  
is guilty of a minor misdemeanor. 8474

(2)(a) Whoever violates division (F)(1)(a)(i) or ~~(b)~~(ii) of 8475  
this section is guilty of a misdemeanor and shall be punished as 8476  
provided in division (J)(2)(a) and (b) of this section. Except as 8477  
otherwise provided in division (J)(2)(a) of this section, an 8478  
offender who violates division (F)(1)(a)(i) or ~~(b)~~(ii) of this 8479  
section shall be fined not less than two hundred fifty nor more 8480  
than five hundred dollars. An offender who violates division 8481  
(F)(1)(a)(i) or ~~(b)~~(ii) of this section shall be fined not more 8482  
than one hundred dollars if the offender, prior to sentencing, 8483  
proves either of the following to the satisfaction of the court: 8484

(i) At the time of the violation of division (F)(1)(a)(i) of 8485  
this section, the offender or the person for whose transport the 8486  
motor vehicle was being operated had been issued a removable 8487  
windshield placard that then was valid or special license plates 8488  
that then were valid but the offender or the person neglected to 8489  
display the placard or license plates as described in division 8490

(F)(1)(a)(i) of this section. 8491

(ii) At the time of the violation of division 8492  
(F)(1)(~~b~~)(a)(ii) of this section, the offender or the person for 8493  
whose transport the motor vehicle was being operated had been 8494  
issued a parking card that then was valid or special handicapped 8495  
license plates that then were valid but the offender or the person 8496  
neglected to display the card or license plates as described in 8497  
division (F)(1)(~~b~~)(a)(ii) of this section. 8498

(b) In no case shall an offender who violates division 8499  
(F)(1)(a)(i) or (~~b~~)(ii) of this section be sentenced to any term 8500  
of imprisonment. 8501

An arrest or conviction for a violation of division 8502  
(F)(1)(a)(i) or (~~b~~)(ii) of this section does not constitute a 8503  
criminal record and need not be reported by the person so arrested 8504  
or convicted in response to any inquiries contained in any 8505  
application for employment, license, or other right or privilege, 8506  
or made in connection with the person's appearance as a witness. 8507

The clerk of the court shall pay every fine collected under 8508  
~~division~~ divisions (J)(2) and (3) of this section to the political 8509  
subdivision in which the violation occurred. Except as provided in 8510  
division (J)(2) of this section, the political subdivision shall 8511  
use the fine moneys it receives under ~~division~~ divisions (J)(2) 8512  
and (3) of this section to pay the expenses it incurs in complying 8513  
with the signage and notice requirements contained in division (E) 8514  
of this section. The political subdivision may use up to fifty per 8515  
cent of each fine it receives under ~~division~~ divisions (J)(2) and 8516  
(3) of this section to pay the costs of educational, advocacy, 8517  
support, and assistive technology programs for persons with 8518  
disabilities, and for public improvements within the political 8519  
subdivision that benefit or assist persons with disabilities, if 8520  
governmental agencies or nonprofit organizations offer the 8521  
programs. 8522

(3) Whoever violates division (F)(2) of this section shall be 8523  
fined not less than two hundred fifty nor more than five hundred 8524  
dollars. 8525

In no case shall an offender who violates division (F)(2) of 8526  
this section be sentenced to any term of imprisonment. An arrest 8527  
or conviction for a violation of division (F)(2) of this section 8528  
does not constitute a criminal record and need not be reported by 8529  
the person so arrested or convicted in response to any inquiries 8530  
contained in any application for employment, license, or other 8531  
right or privilege, or made in connection with the person's 8532  
appearance as a witness. 8533

(4) Whoever violates division (H) of this section shall be 8534  
punished as follows: 8535

(a) Except as otherwise provided in division (J)~~(3)~~(4) of 8536  
this section, the offender shall be issued a warning. 8537

(b) If the offender previously has been convicted of or 8538  
pleaded guilty to a violation of division (H) of this section or 8539  
of a municipal ordinance that is substantially similar to that 8540  
division, the offender shall not be issued a warning but shall be 8541  
fined not more than twenty-five dollars for each parking location 8542  
that is not properly marked or whose markings are not properly 8543  
maintained. 8544

(K) As used in this section: 8545

(1) "Handicapped person" means any person who has lost the 8546  
use of one or both legs or one or both arms, who is blind, deaf, 8547  
or so severely handicapped as to be unable to move without the aid 8548  
of crutches or a wheelchair, or whose mobility is restricted by a 8549  
permanent cardiovascular, pulmonary, or other handicapping 8550  
condition. 8551

(2) "Person with a disability that limits or impairs the 8552  
ability to walk" has the same meaning as in section 4503.44 of the 8553

Revised Code. 8554

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

**Sec. 4513.263.** (A) As used in this section and in section 4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for 8584  
injury, death, or loss to person or property. "Tort action" 8585  
includes a product liability claim, as defined in section 2307.71 8586  
of the Revised Code, and an asbestos claim, as defined in section 8587  
2307.91 of the Revised Code, but does not include a civil action 8588  
for damages for breach of contract or another agreement between 8589  
persons. 8590

(B) No person shall do any of the following: 8591

(1) Operate an automobile on any street or highway unless 8592  
that person is wearing all of the available elements of a properly 8593  
adjusted occupant restraining device, or operate a school bus that 8594  
has an occupant restraining device installed for use in its 8595  
operator's seat unless that person is wearing all of the available 8596  
elements of the device, as properly adjusted; 8597

(2) Operate an automobile on any street or highway unless 8598  
each passenger in the automobile who is subject to the requirement 8599  
set forth in division (B)(3) of this section is wearing all of the 8600  
available elements of a properly adjusted occupant restraining 8601  
device; 8602

(3) Occupy, as a passenger, a seating position on the front 8603  
seat of an automobile being operated on any street or highway 8604  
unless that person is wearing all of the available elements of a 8605  
properly adjusted occupant restraining device; 8606

(4) Operate a taxicab on any street or highway unless all 8607  
factory-equipped occupant restraining devices in the taxicab are 8608  
maintained in usable form. 8609

(C) Division (B)(3) of this section does not apply to a 8610  
person who is required by section 4511.81 of the Revised Code to 8611  
be secured in a child restraint device or booster seat. Division 8612  
(B)(1) of this section does not apply to a person who is an 8613  
employee of the United States postal service or of a newspaper 8614

home delivery service, during any period in which the person is 8615  
engaged in the operation of an automobile to deliver mail or 8616  
newspapers to addressees. Divisions (B)(1) and (3) of this section 8617  
do not apply to a person who has an affidavit signed by a 8618  
physician licensed to practice in this state under Chapter 4731. 8619  
of the Revised Code or a chiropractor licensed to practice in this 8620  
state under Chapter 4734. of the Revised Code that states that the 8621  
person has a physical impairment that makes use of an occupant 8622  
restraining device impossible or impractical. 8623

(D) Notwithstanding any provision of law to the contrary, no 8624  
law enforcement officer shall cause an operator of an automobile 8625  
being operated on any street or highway to stop the automobile for 8626  
the sole purpose of determining whether a violation of division 8627  
(B) of this section has been or is being committed or for the sole 8628  
purpose of issuing a ticket, citation, or summons for a violation 8629  
of that nature or causing the arrest of or commencing a 8630  
prosecution of a person for a violation of that nature, and no law 8631  
enforcement officer shall view the interior or visually inspect 8632  
any automobile being operated on any street or highway for the 8633  
sole purpose of determining whether a violation of that nature has 8634  
been or is being committed. 8635

(E) All fines collected for violations of division (B) of 8636  
this section, or for violations of any ordinance or resolution of 8637  
a political subdivision that is substantively comparable to that 8638  
division, shall be forwarded to the treasurer of state for deposit 8639  
into the state treasury to the credit of the trauma and emergency 8640  
medical services fund, which is hereby created. In addition, ~~sixty~~ 8641  
~~cents of each fee collected under sections 4501.34, 4503.26,~~ 8642  
~~4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as~~ 8643  
~~specified in those sections, plus~~ the portion of the driver's 8644  
license reinstatement fee described in division (F)(2)(g) of 8645  
section 4511.191 of the Revised Code, plus all fees collected 8646

under section 4765.11 of the Revised Code, plus all fines imposed 8647  
under section 4765.55 of the Revised Code, plus the fees and other 8648  
moneys specified in section 4766.05 of the Revised Code, and plus 8649  
five per cent of fines and moneys arising from bail forfeitures as 8650  
directed by section 5503.04 of the Revised Code, also shall be 8651  
deposited into the trauma and emergency medical services fund. All 8652  
money deposited into the trauma and emergency medical services 8653  
fund shall be used by the department of public safety for the 8654  
administration and operation of the division of emergency medical 8655  
services and the state board of emergency medical, fire, and 8656  
transportation services, and by the state board of emergency 8657  
medical, fire, and transportation services to make grants, in 8658  
accordance with section 4765.07 of the Revised Code and rules the 8659  
board adopts under section 4765.11 of the Revised Code. The 8660  
director of budget and management may transfer excess money from 8661  
the trauma and emergency medical services fund to the state 8662  
highway safety fund if the director of public safety determines 8663  
that the amount of money in the trauma and emergency medical 8664  
services fund exceeds the amount required to cover such costs 8665  
incurred by the emergency medical services agency and the grants 8666  
made by the state board of emergency medical, fire, and 8667  
transportation services and requests the director of budget and 8668  
management to make the transfer. 8669

(F)(1) Subject to division (F)(2) of this section, the 8670  
failure of a person to wear all of the available elements of a 8671  
properly adjusted occupant restraining device in violation of 8672  
division (B)(1) or (3) of this section or the failure of a person 8673  
to ensure that each minor who is a passenger of an automobile 8674  
being operated by that person is wearing all of the available 8675  
elements of a properly adjusted occupant restraining device in 8676  
violation of division (B)(2) of this section shall not be 8677  
considered or used by the trier of fact in a tort action as 8678  
evidence of negligence or contributory negligence. But, the trier 8679



of fact may determine based on evidence admitted consistent with 8680  
the Ohio Rules of Evidence that the failure contributed to the 8681  
harm alleged in the tort action and may diminish a recovery of 8682  
compensatory damages that represents noneconomic loss, as defined 8683  
in section 2307.011 of the Revised Code, in a tort action that 8684  
could have been recovered but for the plaintiff's failure to wear 8685  
all of the available elements of a properly adjusted occupant 8686  
restraining device. Evidence of that failure shall not be used as 8687  
a basis for a criminal prosecution of the person other than a 8688  
prosecution for a violation of this section; and shall not be 8689  
admissible as evidence in a criminal action involving the person 8690  
other than a prosecution for a violation of this section. 8691

(2) If, at the time of an accident involving a passenger car 8692  
equipped with occupant restraining devices, any occupant of the 8693  
passenger car who sustained injury or death was not wearing an 8694  
available occupant restraining device, was not wearing all of the 8695  
available elements of such a device, or was not wearing such a 8696  
device as properly adjusted, then, consistent with the Rules of 8697  
Evidence, the fact that the occupant was not wearing the available 8698  
occupant restraining device, was not wearing all of the available 8699  
elements of such a device, or was not wearing such a device as 8700  
properly adjusted is admissible in evidence in relation to any 8701  
claim for relief in a tort action to the extent that the claim for 8702  
relief satisfies all of the following: 8703

(a) It seeks to recover damages for injury or death to the 8704  
occupant. 8705

(b) The defendant in question is the manufacturer, designer, 8706  
distributor, or seller of the passenger car. 8707

(c) The claim for relief against the defendant in question is 8708  
that the injury or death sustained by the occupant was enhanced or 8709  
aggravated by some design defect in the passenger car or that the 8710  
passenger car was not crashworthy. 8711

(G)(1) Whoever violates division (B)(1) of this section shall 8712  
be fined thirty dollars. 8713

(2) Whoever violates division (B)(3) of this section shall be 8714  
fined twenty dollars. 8715

(3) Except as otherwise provided in this division, whoever 8716  
violates division (B)(4) of this section is guilty of a minor 8717  
misdemeanor. If the offender previously has been convicted of or 8718  
pleaded guilty to a violation of division (B)(4) of this section, 8719  
whoever violates division (B)(4) of this section is guilty of a 8720  
misdemeanor of the third degree. 8721

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 8722  
police of a municipal corporation, township, or township or joint 8723  
police district, within the sheriff's or chief's respective 8724  
territorial jurisdiction, upon complaint of any person adversely 8725  
affected, may order into storage any motor vehicle, other than an 8726  
abandoned junk motor vehicle as defined in section 4513.63 of the 8727  
Revised Code, that has been left on private residential or private 8728  
agricultural property for at least four hours without the 8729  
permission of the person having the right to the possession of the 8730  
property. The sheriff or chief of police, upon complaint of the 8731  
owner of a repair garage or place of storage, may order into 8732  
storage any motor vehicle, other than an abandoned junk motor 8733  
vehicle, that has been left at the garage or place of storage for 8734  
a longer period than that agreed upon. When ordering a motor 8735  
vehicle into storage pursuant to this division, a sheriff or chief 8736  
of police may arrange for the removal of the motor vehicle by a 8737  
towing service and shall designate a storage facility. 8738

(2) A towing service towing a motor vehicle under division 8739  
(A)(1) of this section shall remove the motor vehicle in 8740  
accordance with that division. The towing service shall deliver 8741  
the motor vehicle to the location designated by the sheriff or 8742

chief of police not more than two hours after the time it is 8743  
removed from the private property. 8744

(3) Subject to division (B) of this section, the owner of a 8745  
motor vehicle that has been removed pursuant to this division may 8746  
recover the vehicle only in accordance with division (D) of this 8747  
section. 8748

(4) As used in this section, "private residential property" 8749  
means private property on which is located one or more structures 8750  
that are used as a home, residence, or sleeping place by one or 8751  
more persons, if no more than three separate households are 8752  
maintained in the structure or structures. "Private residential 8753  
property" does not include any private property on which is 8754  
located one or more structures that are used as a home, residence, 8755  
or sleeping place by two or more persons, if more than three 8756  
separate households are maintained in the structure or structures. 8757

(B) If the owner or operator of a motor vehicle that has been 8758  
ordered into storage pursuant to division (A)(1) of this section 8759  
arrives after the motor vehicle has been prepared for removal, but 8760  
prior to its actual removal from the property, the towing service 8761  
shall give the owner or operator oral or written notification at 8762  
the time of such arrival that the vehicle owner or operator may 8763  
pay a fee of not more than one-half of the fee for the removal of 8764  
the motor vehicle under division (D)(1) of this section, in order 8765  
to obtain release of the motor vehicle. Upon payment of that fee, 8766  
the towing service shall give the vehicle owner or operator a 8767  
receipt showing both the full amount normally assessed and the 8768  
actual amount received and shall release the motor vehicle to the 8769  
owner or operator. Upon its release, the owner or operator 8770  
immediately shall move it so that it is not on the private 8771  
residential or private agricultural property without the 8772  
permission of the person having the right to possession of the 8773  
property, or is not at the garage or place of storage without the 8774

permission of the owner, whichever is applicable. 8775

(C)(1) Each county sheriff and each chief of police of a 8776  
municipal corporation, township, or township or joint police 8777  
district shall maintain a record of motor vehicles that the 8778  
sheriff or chief orders into storage pursuant to division (A)(1) 8779  
of this section. The record shall include an entry for each such 8780  
motor vehicle that identifies the motor vehicle's license number, 8781  
make, model, and color, the location from which it was removed, 8782  
the date and time of its removal, the telephone number of the 8783  
person from whom it may be recovered, and the address of the place 8784  
to which it has been taken and from which it may be recovered. A 8785  
sheriff or chief of police shall provide any information in the 8786  
record that pertains to a particular motor vehicle to any person 8787  
who, either in person or pursuant to a telephone call, identifies 8788  
self as the owner or operator of the motor vehicle and requests 8789  
information pertaining to its location. 8790

(2) Any person who registers a complaint that is the basis of 8791  
a sheriff's or police chief's order for the removal and storage of 8792  
a motor vehicle under division (A)(1) of this section shall 8793  
provide the identity of the law enforcement agency with which the 8794  
complaint was registered to any person who identifies self as the 8795  
owner or operator of the motor vehicle and requests information 8796  
pertaining to its location. 8797

(D)(1) The owner or lienholder of a motor vehicle that is 8798  
ordered into storage pursuant to division (A)(1) of this section 8799  
may reclaim it upon both of the following: 8800

(a) Payment of the following fees: 8801

(i) Not more than ninety dollars for the removal of the motor 8802  
vehicle. However, if the motor vehicle has a manufacturer's gross 8803  
vehicle weight rating in excess of ten thousand pounds and is a 8804  
truck, bus, or a combination of a commercial tractor and trailer 8805

or semitrailer, not more than one hundred fifty dollars for the 8806  
removal. 8807

(ii) Not more than twelve dollars per twenty-four-hour period 8808  
for the storage of the motor vehicle. However, if the motor 8809  
vehicle has a manufacturer's gross vehicle weight rating in excess 8810  
of ten thousand pounds and is a truck, bus, or a combination of a 8811  
commercial tractor and trailer or semitrailer, not more than 8812  
twenty dollars per twenty-four-hour period for storage. 8813

(b) Presentation of proof of ownership, which may be 8814  
evidenced by a certificate of title to the motor vehicle, a 8815  
certificate of registration for the motor vehicle, or a lease 8816  
agreement. 8817

(2) Upon presentation of proof of ownership as required under 8818  
division (D)(1)(b) of this section, the owner of a motor vehicle 8819  
that is ordered into storage under division (A)(1) of this section 8820  
may retrieve any personal items from the motor vehicle without 8821  
retrieving the vehicle and without paying any fee. However, the 8822  
owner may not retrieve any personal item that has been determined 8823  
by the sheriff or chief of police, as applicable, to be necessary 8824  
to a criminal investigation. For purposes of division (D)(2) of 8825  
this section, "personal items" do not include any items that are 8826  
attached to the motor vehicle. 8827

(3) If a motor vehicle that is ordered into storage pursuant 8828  
to division (A)(1) of this section remains unclaimed by the owner 8829  
for thirty days, the procedures established by sections 4513.61 8830  
and 4513.62 of the Revised Code apply. 8831

(E)(1) No person shall remove, or cause the removal of, any 8832  
motor vehicle from any private residential or private agricultural 8833  
property other than in accordance with division (A)(1) of this 8834  
section or sections 4513.61 to 4513.65 of the Revised Code. 8835

(2) No towing service or storage facility shall fail to 8836

comply with the requirements of this section. 8837

(F) This section does not apply to any private residential or 8838  
private agricultural property that is established as a private 8839  
tow-away zone in accordance with section 4513.601 of the Revised 8840  
Code. 8841

(G) The owner of any towing service or storage facility that 8842  
violates division (E) of this section is guilty of a minor 8843  
misdemeanor. 8844

**Sec. 4513.601.** (A) The owner of private property may 8845  
establish a private tow-away zone, but may do so only if all of 8846  
the following conditions are satisfied: 8847

(1) The owner posts on the owner's property a sign, that is 8848  
at least eighteen inches by twenty-four inches in size, that is 8849  
visible from all entrances to the property, and that includes all 8850  
of the following information: 8851

(a) A statement that the property is a tow-away zone; 8852

(b) A description of persons authorized to park on the 8853  
property. If the property is a residential property, the owner of 8854  
the private property may include on the sign a statement that only 8855  
tenants and guests may park in the private tow-away zone, subject 8856  
to the terms of the property owner. If the property is a 8857  
commercial property, the owner of the private property may include 8858  
on the sign a statement that only customers may park in the 8859  
private tow-away zone. In all cases, if it is not apparent which 8860  
persons may park in the private tow-away zone, the owner shall 8861  
include on the sign the address of the property on which the 8862  
private tow-away zone is located or the name of the business that 8863  
is located on the property designated as a private tow-away zone. 8864

(c) If the private tow-away zone is not enforceable at all 8865  
times, the times during which the parking restrictions are 8866

enforced; 8867

(d) The telephone number and the address of the place from 8868  
which a towed vehicle may be recovered at any time during the day 8869  
or night; 8870

(e) A statement that the failure to recover a towed vehicle 8871  
may result in the loss of title to the vehicle as provided in 8872  
division (B) of section 4505.101 of the Revised Code. 8873

Any owner of property that has been established as a private 8874  
tow-away zone under section 4513.60 of the Revised Code as that 8875  
section existed prior to ~~the effective date of this section~~ March 8876  
23, 2015, who does not have a contract with a towing service for 8877  
the removal of vehicles from the property may retain existing 8878  
private tow-away zone signs that comply with that section for up 8879  
to six months after ~~the effective date of this section~~ March 23, 8880  
2015. At any time, in order to comply with the requirements of 8881  
division (B)(1) of this section, such a property owner may modify 8882  
the existing sign by affixing to the existing sign stickers or an 8883  
addendum in lieu of replacing the sign. 8884

(2) A towing service ensures that a vehicle towed under this 8885  
section is taken to a location from which it may be recovered that 8886  
complies with all of the following: 8887

(a) It is located within twenty linear miles of the location 8888  
of the private tow-away zone, unless it is not practicable to take 8889  
the vehicle to a place of storage within twenty linear miles. 8890

(b) It is well-lighted. 8891

(c) It is on or within a reasonable distance of a regularly 8892  
scheduled route of one or more modes of public transportation, if 8893  
any public transportation is available in the municipal 8894  
corporation or township in which the private tow-away zone is 8895  
located. 8896

(B)(1) If a vehicle is parked on private property that is 8897  
established as a private tow-away zone in accordance with division 8898  
(A) of this section, without the consent of the owner of the 8899  
property or in violation of any posted parking condition or 8900  
regulation, the owner may cause the removal of the vehicle by a 8901  
towing service. The towing service shall remove the vehicle in 8902  
accordance with this section. The vehicle owner and the operator 8903  
of the vehicle are considered to have consented to the removal and 8904  
storage of the vehicle, to the payment of the applicable fees 8905  
established under division (G) of this section, and to the right 8906  
of a towing service to obtain title to the vehicle if it remains 8907  
unclaimed as provided in section 4505.101 of the Revised Code. The 8908  
owner or lienholder of a vehicle that has been removed under this 8909  
section, subject to division (C) of this section, may recover the 8910  
vehicle in accordance with division (G) of this section. 8911

(2) If a municipal corporation requires tow trucks and tow 8912  
truck operators to be licensed, no owner of private property 8913  
located within the municipal corporation shall cause the removal 8914  
and storage of any vehicle pursuant to division (B) of this 8915  
section by an unlicensed tow truck or unlicensed tow truck 8916  
operator. 8917

(C) If the owner or operator of a vehicle that is being 8918  
removed under authority of division (B) of this section arrives 8919  
after the vehicle has been prepared for removal, but prior to its 8920  
actual removal from the property, the towing service shall give 8921  
the vehicle owner or operator oral or written notification at the 8922  
time of such arrival that the vehicle owner or operator may pay a 8923  
fee of not more than one-half of the fee for the removal of the 8924  
vehicle established under division (G) of this section in order to 8925  
obtain release of the vehicle. Upon payment of that fee, the 8926  
towing service shall give the vehicle owner or operator a receipt 8927  
showing both the full amount normally assessed and the actual 8928



amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

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

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

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone.

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

- (a) The vehicle's license number, make, model, and color; 8960
- (b) The location from which the vehicle was removed; 8961
- (c) The date and time the vehicle was removed; 8962
- (d) The telephone number of the person from whom the vehicle  
may be recovered; 8963  
8964
- (e) The address of the place from which the vehicle may be  
recovered. 8965  
8966
- (2) Each county sheriff and each chief of police of a 8967  
municipal corporation, township, or township or joint police 8968  
district shall maintain a record of any vehicle removed from 8969  
private property in the sheriff's or chief's jurisdiction that is 8970  
established as a private tow-away zone of which the sheriff or 8971  
chief has received notice under this section. The record shall 8972  
include all information submitted by the towing service. The 8973  
sheriff or chief shall provide any information in the record that 8974  
pertains to a particular vehicle to a person who, either in person 8975  
or pursuant to a telephone call, identifies self as the owner, 8976  
operator, or lienholder of the vehicle and requests information 8977  
pertaining to the vehicle. 8978
- (F)(1) When a vehicle is removed from private property in 8979  
accordance with this section, the owner of the towing service or 8980  
storage facility from which the vehicle may be recovered shall 8981  
immediately cause a search to be made of the records of the bureau 8982  
of motor vehicles to ascertain the identity of the owner and any 8983  
lienholder of the motor vehicle. Subject to division (F)(4) of 8984  
this section, the owner of the towing service or storage facility 8985  
shall send notice to the vehicle owner and any known lienholder as 8986  
follows: 8987
- (a) Within five business days of removal of the vehicle from 8988  
the private tow-away zone, if the vehicle has not yet been 8989  
recovered, to the owner's and lienholder's last known address by 8990

certified or express mail with return receipt requested or by a 8991  
commercial carrier service utilizing any form of delivery 8992  
requiring a signed receipt; 8993

(b) If the vehicle remains unclaimed thirty days after the 8994  
first notice is sent, in the manner authorized in division 8995  
(F)(1)(a) of this section; 8996

(c) If the vehicle remains unclaimed forty-five days after 8997  
the first notice is sent, in the manner authorized in division 8998  
(F)(1)(a) of this section. 8999

(2) Sixty days after any notice sent pursuant to division 9000  
(F)(1) of this section is received, as evidenced by a receipt 9001  
signed by any person, or the towing service or storage facility 9002  
has been notified that delivery was not possible, the owner of a 9003  
towing service or storage facility, if authorized under division 9004  
(B) of section 4505.101 of the Revised Code, may initiate the 9005  
process for obtaining a certificate of title to the motor vehicle 9006  
as provided in that section. 9007

(3) A towing service or storage facility that does not 9008  
receive a signed receipt of notice, or a notification that 9009  
delivery was not possible, shall not obtain, and shall not attempt 9010  
to obtain, a certificate of title to the motor vehicle under 9011  
division (B) of section 4505.101 of the Revised Code. 9012

(4) With respect to a vehicle concerning which a towing 9013  
service or storage facility is not eligible to obtain title under 9014  
section 4505.101 of the Revised Code, the towing service or 9015  
storage facility need only comply with the initial notice required 9016  
under division (F)(1)(a) of this section. 9017

(G)(1) The owner or lienholder of a vehicle that is removed 9018  
under division (B) of this section may reclaim it upon all of the 9019  
following: 9020

(a) Presentation of proof of ownership, which may be 9021

evidenced by a certificate of title to the vehicle, a certificate 9022  
of registration for the motor vehicle, or a lease agreement; 9023

(b) Payment of the following fees: 9024

(i) Not more than ninety dollars for the removal of the 9025  
vehicle. However, if the vehicle has a manufacturer's gross 9026  
vehicle weight rating in excess of ten thousand pounds and is a 9027  
truck, bus, or a combination of a commercial tractor and trailer 9028  
or semitrailer, not more than one hundred fifty dollars for the 9029  
removal. 9030

(ii) Not more than twelve dollars per twenty-four-hour period 9031  
for the storage of the vehicle. However, if the vehicle has a 9032  
manufacturer's gross vehicle weight rating in excess of ten 9033  
thousand pounds and is a truck, bus, or a combination of a 9034  
commercial tractor and trailer or semitrailer, not more than 9035  
twenty dollars per twenty-four-hour period for storage. 9036

(iii) If notice has been sent to the owner and lienholder as 9037  
described in division (F) of this section, a processing fee of 9038  
twenty-five dollars. 9039

(2) A towing service or storage facility in possession of a 9040  
vehicle that is removed under authority of division (B) of this 9041  
section shall show the vehicle owner, operator, or lienholder who 9042  
contests the removal of the vehicle all photographs taken under 9043  
division (D) of this section. Upon request, the towing service or 9044  
storage facility shall provide copies of all photographs in the 9045  
medium in which the photographs are stored, whether paper, 9046  
electronic, or otherwise. 9047

(3) Upon presentation of proof of ownership, which may be 9048  
evidenced by a certificate of title to the vehicle, a certificate 9049  
of registration for the motor vehicle, or a lease agreement, the 9050  
owner of a vehicle that is removed under authority of division (B) 9051  
of this section may retrieve any personal items from the vehicle 9052

without retrieving the vehicle and without paying any fee. For 9053  
purposes of division (G)(3) of this section, "personal items" do 9054  
not include any items that are attached to the vehicle. 9055

(H) No towing service or storage facility shall remove, or 9056  
cause the removal of, any vehicle from private property that is 9057  
established as a private tow-away zone under this section, store 9058  
such a vehicle other than in accordance with this section, or 9059  
otherwise fail to comply with any applicable requirement of this 9060  
section. 9061

(I) This section does not affect or limit the operation of 9062  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 9063  
as they relate to property other than private property that is 9064  
established as a private tow-away zone under division (A) of this 9065  
section. 9066

(J) The owner of any towing service or storage facility or 9067  
property owner that violates division (H) of this section is 9068  
guilty of a minor misdemeanor. 9069

**Sec. 4513.61.** (A) The sheriff of a county or chief of police 9070  
of a municipal corporation, township, or township or joint police 9071  
district, within the sheriff's or chief's respective territorial 9072  
jurisdiction, or a state highway patrol trooper, upon notification 9073  
to the sheriff or chief of police of such action and of the 9074  
location of the place of storage, may order into storage any motor 9075  
vehicle, including an abandoned junk motor vehicle as defined in 9076  
section 4513.63 of the Revised Code, that: 9077

(1) Has come into the possession of the sheriff, chief of 9078  
police, or state highway patrol trooper as a result of the 9079  
performance of the sheriff's, chief's, or trooper's duties; or 9080

(2) Has been left on a public street or other property open 9081  
to the public for purposes of vehicular travel, or upon or within 9082

the right-of-way of any road or highway, for forty-eight hours or 9083  
longer without notification to the sheriff or chief of police of 9084  
the reasons for leaving the motor vehicle in such place. However, 9085  
when such a motor vehicle constitutes an obstruction to traffic it 9086  
may be ordered into storage immediately unless either of the 9087  
following applies:- 9088

(a) The vehicle was involved in an accident and is subject to 9089  
section 4513.66 of the Revised Code; 9090

(b) The vehicle is a commercial motor vehicle. If the vehicle 9091  
is a commercial motor vehicle, the sheriff, chief of police, or 9092  
state highway patrol trooper shall allow the owner or operator of 9093  
the vehicle the opportunity to arrange for the removal of the 9094  
motor vehicle within a period of time specified by the sheriff, 9095  
chief of police, or state highway patrol trooper. If the sheriff, 9096  
chief of police, or state highway patrol trooper determines that 9097  
the vehicle cannot be removed within the specified period of time, 9098  
the sheriff, chief of police, or state highway patrol trooper 9099  
shall order the removal of the vehicle. 9100

Subject to division (C) of this section, the sheriff or chief 9101  
of police shall designate the place of storage of any motor 9102  
vehicle so ordered removed. 9103

(B) If the sheriff, chief of police, or a state highway 9104  
patrol trooper issues an order under division (A) of this section 9105  
and arranges for the removal of a motor vehicle by a towing 9106  
service, the towing service shall deliver the motor vehicle to the 9107  
location designated by the sheriff or chief of police not more 9108  
than two hours after the time it is removed. 9109

(C)(1) The sheriff or chief of police immediately shall cause 9110  
a search to be made of the records of the bureau of motor vehicles 9111  
to ascertain the identity of the owner and any lienholder of a 9112  
motor vehicle ordered into storage by the sheriff or chief of 9113

police, or by a state highway patrol trooper. Upon obtaining such 9114  
identity, the sheriff or chief of police shall send or cause to be 9115  
sent to the owner or lienholder at the owner's or lienholder's 9116  
last known address by certified mail with return receipt 9117  
requested, notice that informs the owner or lienholder that the 9118  
motor vehicle will be declared a nuisance and disposed of if not 9119  
claimed within ten days of the date of mailing of the notice. 9120

(2) The owner or lienholder of the motor vehicle may reclaim 9121  
the motor vehicle upon payment of any expenses or charges incurred 9122  
in its removal and storage, and presentation of proof of 9123  
ownership, which may be evidenced by a certificate of title or 9124  
memorandum certificate of title to the motor vehicle, a 9125  
certificate of registration for the motor vehicle, or a lease 9126  
agreement. Upon presentation of proof of ownership evidenced as 9127  
provided above, the owner of the motor vehicle also may retrieve 9128  
any personal items from the vehicle without retrieving the vehicle 9129  
and without paying any fee. However, the owner may not retrieve 9130  
any personal item that has been determined by the sheriff, chief 9131  
of police, or a state highway patrol trooper, as applicable, to be 9132  
necessary to a criminal investigation. For purposes of division 9133  
(C)(2) of this section, "personal items" do not include any items 9134  
that are attached to the vehicle. 9135

(3) If the owner or lienholder of the motor vehicle reclaims 9136  
it after a search of the records of the bureau has been conducted 9137  
and after notice has been sent to the owner or lienholder as 9138  
described in this section, and the search was conducted by the 9139  
owner of the place of storage or the owner's employee, and the 9140  
notice was sent to the motor vehicle owner by the owner of the 9141  
place of storage or the owner's employee, the owner or lienholder 9142  
shall pay to the place of storage a processing fee of twenty-five 9143  
dollars, in addition to any expenses or charges incurred in the 9144  
removal and storage of the vehicle. 9145

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

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

(F) No towing service or storage facility shall fail to



comply with this section. 9178

**Sec. 4513.68.** (A) ~~Except as provided in division (B) of this~~ 9179  
~~section~~ If a towing service is removing a motor vehicle, and the 9180  
removal was not authorized under section 4513.60, 4513.601, 9181  
4513.61, or 4513.66 of the Revised Code, prior to removing a the 9182  
~~motor vehicle from an accident scene on any street or highway or~~ 9183  
~~any other property open to the public for purposes of vehicular~~ 9184  
~~travel or parking, a the~~ towing service shall provide an a written 9185  
estimate of the price for the removal to the ~~person who was~~ 9186  
~~operating~~ operator of the motor vehicle ~~at the time of the~~ 9187  
~~accident unless that person the operator~~ is incapacitated, 9188  
seriously injured, or otherwise unavailable to accept the 9189  
estimate. The towing service shall not submit such an estimate to 9190  
~~the~~ any repair facility or storage facility to which the motor 9191  
vehicle is transported unless the ~~person who was operating~~ 9192  
operator of the motor vehicle ~~at the time of the accident~~ meets 9193  
one of the conditions specified above. 9194

(B) The towing service shall ensure that any estimate 9195  
provided under division (A) of this section includes the fees, 9196  
services to be rendered, and destination of the vehicle. 9197

(C) ~~Division (A) of this section does not apply if all of the~~ 9198  
~~following are applicable:~~ 9199

~~(1) The towing service removes a motor vehicle from an~~ 9200  
~~accident scene.~~ 9201

~~(2) The removal is conducted pursuant to a contract between~~ 9202  
~~the towing service and the issuer of a policy of motor vehicle~~ 9203  
~~insurance covering the motor vehicle.~~ 9204

~~(3) The contract requires the towing service to be paid~~ 9205  
~~directly by issuer of the policy.~~ 9206

~~(D)~~ If a towing service fails to provide an a written 9207

estimate ~~at an accident scene~~ as required by this section, the 9208  
towing service shall not charge fees for the towing and storage of 9209  
the motor vehicle ~~removed from the accident scene~~ that exceed 9210  
twenty-five per cent of the fees authorized under division 9211  
(G)(1)(b) of section 4513.601 of the Revised Code for a motor 9212  
vehicle removed from a private tow-away zone. 9213

~~(E)(D)~~ Any storage facility that accepts towed vehicles ~~towed~~ 9214  
~~from accident scenes~~ shall conspicuously post a notice at the 9215  
entrance to the storage facility that states the limitation on 9216  
fees established under division ~~(D)(C)~~ of this section. 9217

**Sec. 4513.69.** (A) The owner of a storage facility shall 9218  
ensure that the facility remains open during both of the following 9219  
periods of time to allow a vehicle owner or lienholder to retrieve 9220  
a vehicle in the possession of the storage facility: 9221

(1) Any time during which a towing service is towing a 9222  
vehicle pursuant to section 4513.60, 4513.601, or 4513.61 of the 9223  
Revised Code and the vehicle will be held by the storage facility; 9224

(2) Between nine o'clock in the morning and noon on the day 9225  
after any day during which the storage facility accepted for 9226  
storage a vehicle towed under section 4513.60, 4513.601, or 9227  
4513.61 of the Revised Code. 9228

(B)(1) The owner of a storage facility that accepts for 9229  
storage vehicles towed under section 4513.60, 4513.601, or 4513.61 9230  
of the Revised Code shall ensure that a notice is conspicuously 9231  
posted at the entrance to the storage facility that states the 9232  
telephone number at which the owner or lienholder of a vehicle may 9233  
contact the owner or a representative of the storage facility for 9234  
the purpose of retrieving a vehicle when the storage facility is 9235  
closed. The owner of the storage facility also shall provide that 9236  
telephone number to the sheriff of a county or chief of police of 9237  
a municipal corporation, township, or township or joint police 9238

district. The owner of the storage facility shall ensure that a process is in place for purposes of answering calls at all times day or night.

(2) After receiving a call from the owner or lienholder of a vehicle who seeks to recover the vehicle, the owner of the storage facility shall ensure that, within three hours of receiving the phone call, a representative of the storage facility is available to release the vehicle upon being presented with proof of ownership of the vehicle, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, and payment of an after-hours vehicle retrieval fee established under section ~~4921.25~~ 4513.70 of the Revised Code and all other applicable fees.

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

**Sec. 4513.70.** The director of public safety shall adopt rules that do all of the following:

(A) Establish the acceptable scope of public safety regulations applicable to a towing service that is engaged in the towing of motor vehicles under section 4513.60, 4513.601, or 4513.61 of the Revised Code that a county or township may adopt pursuant to a resolution;

(B) Establish safety standards for the type of equipment necessary to safely remove and tow vehicles based on the type of vehicle being removed or towed;

(C) Establish standards for the removal of a vehicle from a private tow-away zone in addition to standards and requirements established under section 4513.601 of the Revised Code. The standards may vary based on whether the private tow-away zone is located on residential, retail, or other commercial property.

(D) Establish an after-hours retrieval fee for purposes of 9269  
section 4513.69 of the Revised Code; 9270

(E) Establish any other requirements necessary to carry out 9271  
the purposes of this section. 9272

**Sec. 4517.03.** (A) A place of business that is used for 9273  
selling, displaying, offering for sale, or dealing in motor 9274  
vehicles shall be considered as used exclusively for those 9275  
purposes even though snowmobiles, farm machinery, outdoor power 9276  
equipment, watercraft and related products, or products 9277  
manufactured or distributed by a motor vehicle manufacturer with 9278  
which the motor vehicle dealer has a franchise agreement are sold 9279  
or displayed there, or if repair, accessory, gasoline and oil, 9280  
storage, parts, service, or paint departments are maintained 9281  
there, or such products or services are provided there, if the 9282  
departments are operated or the products or services are provided 9283  
for the business of selling, displaying, offering for sale, or 9284  
dealing in motor vehicles. Places of business or departments in a 9285  
place of business used to dismantle, salvage, or rebuild motor 9286  
vehicles by means of using used parts, are not considered as being 9287  
maintained for the purpose of assisting or furthering the selling, 9288  
displaying, offering for sale, or dealing in motor vehicles. A 9289  
place of business shall be considered as used exclusively for 9290  
selling, displaying, offering for sale, or dealing in motor 9291  
vehicles even though a business owned by a motor vehicle leasing 9292  
dealer or a motor vehicle renting dealer is located at the place 9293  
of business. 9294

(B)(1)(a) No new motor vehicle dealer shall sell, display, 9295  
offer for sale, or deal in motor vehicles at any place except an 9296  
established place of business that is used exclusively for the 9297  
purpose of selling, displaying, offering for sale, or dealing in 9298  
motor vehicles. The place of business shall have space, under 9299

roof, for the display of at least one new motor vehicle. The 9300  
established place of business or, if the dealer operates a remote 9301  
service facility, the dealer's remote service facility shall have 9302  
facilities and space for the inspection, servicing, and repair of 9303  
at least one motor vehicle. However a new motor vehicle dealer 9304  
selling manufactured or mobile homes is exempt from the 9305  
requirement that a place of business have space, under roof, for 9306  
the display of at least one new motor vehicle and facilities and 9307  
space for the inspection, servicing, and repair of at least one 9308  
motor vehicle. 9309

(b) A new motor vehicle dealer does not violate division 9310  
(B)(1) of this section if a customer of the new motor vehicle 9311  
dealer executes purchase or lease documentation at a location 9312  
other than the new motor vehicle dealer's established place of 9313  
business. 9314

(c) A commercial transaction involving the sale or lease by a 9315  
new motor vehicle dealer of a new or used heavy duty vehicle, as 9316  
defined in 49 C.F.R. 523.6, is deemed to have taken place at the 9317  
new motor vehicle dealer's established place of business if the 9318  
sale or lease is negotiated and the documents are executed at the 9319  
customer's business location. 9320

(2) A licensed new motor vehicle dealer may operate a remote 9321  
service facility with the consent of the manufacturer and only to 9322  
perform repairs, warranty work, recall work, and maintenance on 9323  
motor vehicles as part of the dealer's franchised and licensed new 9324  
motor vehicle dealership. The remote service facility shall be 9325  
included on the new motor vehicle dealer's license and be deemed 9326  
to be part of the dealer's licensed location. 9327

(3) No person shall use a remote service facility for 9328  
selling, displaying, or offering for sale motor vehicles. 9329

(C) No used motor vehicle dealer shall sell, display, offer 9330

for sale, or deal in motor vehicles at any place except an 9331  
established place of business that is used exclusively for the 9332  
purpose of selling, displaying, offering for sale, or dealing in 9333  
motor vehicles. 9334

(D) No motor vehicle leasing dealer shall make a motor 9335  
vehicle available for use by another, in the manner described in 9336  
division (M) of section 4517.01 of the Revised Code, at any place 9337  
except an established place of business that is used for leasing 9338  
motor vehicles; except that a motor vehicle leasing dealer who is 9339  
also a new motor vehicle dealer or used motor vehicle dealer may 9340  
lease motor vehicles at the same place of business at which the 9341  
dealer sells, offers for sale, or deals in new or used motor 9342  
vehicles. 9343

(E) No motor vehicle leasing dealer or motor vehicle renting 9344  
dealer shall sell a motor vehicle within ninety days after a 9345  
certificate of title to the motor vehicle is issued to the dealer, 9346  
except as follows: 9347

(1) A salvage certificate of title may be issued to replace 9348  
the original certificate of title. 9349

(2) A motor vehicle leasing dealer may sell a motor vehicle 9350  
to another motor vehicle leasing dealer at the end of a sublease 9351  
pursuant to that sublease. 9352

(3) A motor vehicle leasing dealer may sell a motor vehicle 9353  
previously titled to an ultimate purchaser to another licensed 9354  
motor vehicle dealer. 9355

(4) A motor vehicle leasing dealer may sell a motor vehicle 9356  
when the motor vehicle has been titled in the dealer's name or in 9357  
the name of an entity affiliated with the dealer in this state or 9358  
another state for a cumulative period of ninety days. 9359

(F) No distributor shall distribute new motor vehicles to new 9360  
motor vehicle dealers at any place except an established place of 9361

business that is used exclusively for the purpose of distributing 9362  
new motor vehicles to new motor vehicle dealers; except that a 9363  
distributor who is also a new motor vehicle dealer may distribute 9364  
new motor vehicles at the same place of business at which the 9365  
distributor sells, displays, offers for sale, or deals in new 9366  
motor vehicles. 9367

(G) No person, firm, or corporation that sells, displays, or 9368  
offers for sale tent-type fold-out camping trailers is subject to 9369  
the requirement that the person's, firm's, or corporation's place 9370  
of business be used exclusively for the purpose of selling, 9371  
displaying, offering for sale, or dealing in motor vehicles. No 9372  
person, firm, or corporation that sells, displays, or offers for 9373  
sale tent-type fold-out camping trailers, trailers, semitrailers, 9374  
or park trailers is subject to the requirement that the place of 9375  
business have space, under roof, for the display of at least one 9376  
new motor vehicle and facilities and space for the inspection, 9377  
servicing, and repair of at least one motor vehicle. 9378

(H) Nothing in this section shall be construed to prohibit 9379  
persons licensed under this chapter from making sales calls. 9380

(I) Whoever violates this section is guilty of a misdemeanor 9381  
of the fourth degree. 9382

(J) As used in this section: 9383

(1) "Motor vehicle leasing dealer" has the same meaning as in 9384  
section 4517.01 of the Revised Code. 9385

(2) "Motor vehicle renting dealer" has the same meaning as in 9386  
section 4549.65 of the Revised Code. 9387

(3) "Watercraft" has the same meaning as in section 1547.01 9388  
of the Revised Code. 9389

**Sec. 4517.10.** At the time the registrar of motor vehicles 9390  
grants the application of any person for a license as motor 9391

vehicle dealer, motor vehicle leasing dealer, distributor, motor 9392  
vehicle auction owner, or motor vehicle salesperson, the registrar 9393  
shall issue to the person a license. The registrar shall prescribe 9394  
different forms for the licenses of motor vehicle dealers, motor 9395  
vehicle leasing dealers, distributors, motor vehicle auction 9396  
owners, and motor vehicle salespersons, and all licenses shall 9397  
include the name and post-office address of the person licensed. 9398

The fee for a motor vehicle dealer's license and a motor 9399  
vehicle leasing dealer's license shall be fifty dollars. In 9400  
addition to the license fee, the registrar shall collect from each 9401  
applicant for an initial motor vehicle dealer's license and motor 9402  
vehicle leasing dealer's license a separate fee in an amount equal 9403  
to the last assessment required by section 4505.181 of the Revised 9404  
Code for all motor vehicle dealers and motor vehicle leasing 9405  
dealers. The registrar shall deposit the separate fee into the 9406  
state treasury to the credit of the title defect ~~rescision~~ 9407  
recision fund created in section 1345.52 of the Revised Code. The 9408  
fee for a salesperson's license shall be ten dollars. The fee for 9409  
a motor vehicle auction owner's license shall be one hundred 9410  
dollars for each location. The fee for a distributor's license 9411  
shall be one hundred dollars for each distributorship. In all 9412  
cases, the fee shall accompany the application for license. 9413

The registrar may require each applicant for a license issued 9414  
under this chapter to pay an additional fee, which shall be used 9415  
by the registrar to pay the costs of obtaining a record of any 9416  
arrests and convictions of the applicant from the Ohio bureau of 9417  
identification and investigation. The amount of the fee shall be 9418  
equal to that paid by the registrar to obtain such record. 9419

If a motor vehicle dealer or a motor vehicle leasing dealer 9420  
has more than one place of business in the county, the dealer 9421  
shall make application, in such form as the registrar prescribes, 9422  
for a certified copy of the license issued to the dealer for each 9423



place of business operated. In the event of the loss, mutilation, 9424  
or destruction of a license issued under sections 4517.01 to 9425  
4517.65 of the Revised Code, any licensee may make application to 9426  
the registrar, in such form as the registrar prescribes, for a 9427  
duplicate copy thereof. The fee for a certified or duplicate copy 9428  
of a motor vehicle dealer's, motor vehicle leasing dealer's, 9429  
distributor's, or auction owner's license, is two dollars, and the 9430  
fee for a duplicate copy of a salesperson's license is one dollar. 9431  
All fees for such copies shall accompany the applications. 9432

Beginning on September 16, 2004, all motor vehicle dealers' 9433  
licenses, motor vehicle leasing dealers' licenses, distributors' 9434  
licenses, auction owners' licenses, and all salespersons' licenses 9435  
issued or renewed shall expire biennially on a day within the 9436  
two-year cycle that is prescribed by the registrar, unless sooner 9437  
suspended or revoked. Before the first day after the day 9438  
prescribed by the registrar in the year that the license expires, 9439  
each licensed motor vehicle dealer, motor vehicle leasing dealer, 9440  
distributor, and auction owner and each licensed salesperson, in 9441  
the year in which the license will expire, shall file an 9442  
application, in such form as the registrar prescribes, for the 9443  
renewal of such license. The fee for renewing a motor vehicle 9444  
dealer's license and a motor vehicle leasing dealer's license 9445  
shall be fifty dollars. The fee for renewing a salesperson's 9446  
license shall be ten dollars. The fee for renewing a motor vehicle 9447  
auction owner's license shall be one hundred dollars for each 9448  
location. The fee for renewing a distributor's license shall be 9449  
one hundred dollars for each distributorship. In all cases the 9450  
license renewal fee shall accompany the renewal application. 9451

Any salesperson's license shall be suspended upon the 9452  
termination, suspension, or revocation of the license of the motor 9453  
vehicle dealer for whom the salesperson is acting, or upon the 9454  
salesperson leaving the service of the motor vehicle dealer; 9455

provided that upon the termination, suspension, or revocation of 9456  
the license of the motor vehicle dealer for whom the salesperson 9457  
is acting, or upon the salesperson leaving the service of a 9458  
licensed motor vehicle dealer, the licensed salesperson, upon 9459  
entering the service of any other licensed motor vehicle dealer, 9460  
shall make application to the registrar, in such form as the 9461  
registrar prescribes, to have the salesperson's license 9462  
reinstated, transferred, and registered as a salesperson for the 9463  
other dealer. If the information contained in the application is 9464  
satisfactory to the registrar, the registrar shall have the 9465  
salesperson's license reinstated, transferred, and registered as a 9466  
salesperson for the other dealer. The fee for the reinstatement 9467  
and transfer of license shall be two dollars. No license issued to 9468  
a motor vehicle dealer, motor vehicle leasing dealer, auction 9469  
owner, or salesperson, under sections 4517.01 to 4517.65 of the 9470  
Revised Code shall be transferable to any other person. 9471

Each motor vehicle dealer, motor vehicle leasing dealer, 9472  
distributor, and auction owner shall keep the dealer's or auction 9473  
owner's license or a certified copy thereof ~~and, in the case of a~~ 9474  
~~dealer, a current list of the dealer's licensed salespersons,~~ 9475  
~~showing the names, addresses, and serial numbers of their~~ 9476  
~~licenses,~~ posted in a conspicuous place in each place of business. 9477  
A dealer shall keep a current list of the dealer's licensed 9478  
salespersons, showing the names, addresses, and serial numbers of 9479  
their licenses and shall make the list available upon request. 9480  
Each salesperson shall ~~carry~~ keep the salesperson's license or a 9481  
certified copy thereof at the salesperson's place of business and 9482  
shall ~~exhibit~~ provide such license or copy upon demand to any 9483  
inspector of the bureau of motor vehicles, state highway patrol 9484  
trooper, police officer, or person with whom the salesperson seeks 9485  
to transact business as a motor vehicle salesperson. 9486

The notice of refusal to grant a license shall disclose the 9487

reason for refusal. 9488

**Sec. 4519.63.** (A) The registrar of motor vehicles or the 9489  
clerk of the court of common pleas, upon the application of any 9490  
person and payment of the proper fee, may prepare and furnish 9491  
title information regarding off-highway motorcycles and 9492  
all-purpose vehicles in the form and subject to any territorial 9493  
division or other classification as they may direct. The registrar 9494  
or the clerk may search the records of the bureau of motor 9495  
vehicles regarding off-highway motorcycles and all-purpose 9496  
vehicles and furnish reports of those records under the signature 9497  
of the registrar or the clerk. 9498

(B)(1) Fees for lists containing title information shall be 9499  
charged and collected as follows: 9500

(a) For lists containing three thousand titles or more, 9501  
twenty-five dollars per thousand or part thereof; 9502

(b) For each report of a search of the records, ~~two dollars~~ 9503  
~~per copy except that on and after October 1, 2009, the fee shall~~ 9504  
~~be~~ is five dollars per copy. The registrar and clerk may certify 9505  
copies of records generated by an automated title processing 9506  
system. 9507

(2) A copy of any such report shall be taken as prima-facie 9508  
evidence of the facts therein stated in any court of the state. 9509  
The registrar and the clerk shall furnish information on any title 9510  
without charge to state highway patrol troopers, sheriffs, chiefs 9511  
of police, or the attorney general. The clerk also may provide a 9512  
copy of a certificate of title to a public agency without charge. 9513

(C)(1) Those fees collected by the registrar as provided in 9514  
division (B)(1)(a) of this section shall be paid to the treasurer 9515  
of state to the credit of the state bureau of motor vehicles fund 9516  
established in section 4501.25 of the Revised Code. Those fees 9517

collected by the clerk as provided in division (B)(1)(a) of this 9518  
section shall be paid to the certificate of title administration 9519  
fund created by section 325.33 of the Revised Code. 9520

~~(2) Prior to October 1, 2009, the registrar shall pay those 9521  
fees the registrar collects under division (B)(1)(b) of this 9522  
section into the state treasury to the credit of the state bureau 9523  
of motor vehicles fund established in section 4501.25 of the 9524  
Revised Code. Prior to October 1, 2009, the clerk shall pay those 9525  
fees the clerk collects under division (B)(1)(b) of this section 9526  
to the certificate of title administration fund created by section 9527  
325.33 of the Revised Code. 9528~~

~~(3) On and after October 1, 2009, the The registrar shall pay 9529  
two dollars of each five-dollar fee the registrar collects under 9530  
division (B)(1)(b) of this section into the state treasury to the 9531  
credit of the state bureau of motor vehicles fund established in 9532  
section 4501.25 of the Revised Code. ~~Of the remaining three 9533  
dollars of each such fee the registrar collects, the registrar 9534  
shall deposit sixty cents into the state treasury to the credit of 9535  
the trauma and emergency medical services fund established in 9536  
section 4513.263 of the Revised Code, sixty cents into the state 9537  
treasury to the credit of the homeland security fund established 9538  
under section 5502.03 of the Revised Code, thirty cents into the 9539  
state treasury to the credit of the investigations fund 9540  
established in section 5502.131 of the Revised Code, one dollar 9541  
and twenty five cents into the state treasury to the credit of the 9542  
emergency management agency service and reimbursement fund 9543  
established in section 5502.39 of the Revised Code, and 9544  
twenty five cents into the state treasury to the credit of the 9545  
justice program services fund established in section 5502.67 of 9546  
the Revised Code. 9547~~~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 9548  
court of common pleas shall retain two dollars of each fee the 9549~~

clerk collects under division (B)(1)(b) of this section and 9550  
deposit that two dollars into the certificate of title 9551  
administration fund created by section 325.33 of the Revised Code. 9552  
The clerk shall forward the remaining three dollars to the 9553  
registrar not later than the fifth day of the month next 9554  
succeeding that in which the transaction occurred. ~~Of that~~ 9555  
~~remaining three dollars, the~~ The registrar shall deposit ~~sixty~~ 9556  
~~cents~~ the three-dollar portion of each fee into the state treasury 9557  
to the credit of the ~~trauma and emergency medical services state~~ 9558  
bureau of motor vehicles fund established in section ~~4513.263~~ 9559  
4501.25 of the Revised Code, ~~sixty cents into the state treasury~~ 9560  
~~to the credit of the homeland security fund established under~~ 9561  
~~section 5502.03 of the Revised Code, thirty cents into the state~~ 9562  
~~treasury to the credit of the investigations fund established in~~ 9563  
~~section 5502.131 of the Revised Code, one dollar and twenty five~~ 9564  
~~cents into the state treasury to the credit of the emergency~~ 9565  
~~management agency service and reimbursement fund established in~~ 9566  
~~section 5502.39 of the Revised Code, and twenty five cents into~~ 9567  
~~the state treasury to the credit of the justice program services~~ 9568  
~~fund established in section 5502.67 of the Revised Code.~~ 9569

**Sec. 4582.06.** (A) A port authority created in accordance with 9570  
section 4582.02 of the Revised Code may: 9571

(1) Acquire, construct, furnish, equip, maintain, repair, 9572  
sell, exchange, lease to or from, lease with an option to 9573  
purchase, convey other interests in, or operate real or personal 9574  
property, or any combination thereof, related to, useful for, or 9575  
in furtherance of any authorized purpose, and make charges for the 9576  
use of any port authority facility, which shall be not less than 9577  
the charges established for the same services furnished by a 9578  
public utility or common carrier in the jurisdiction of the 9579  
particular port authority; 9580

(2) Straighthen, deepen, and improve any canal, channel, 9581  
river, stream, or other water course or way that may be necessary 9582  
or proper in the development of the facilities of the port 9583  
authority; 9584

(3) Issue bonds or notes for the acquisition, construction, 9585  
furnishing, or equipping of any real or personal property, or any 9586  
combination thereof, related to, useful for, or in furtherance of 9587  
any authorized purpose, in compliance with Chapter 133. of the 9588  
Revised Code, except that the bonds or notes only may be issued 9589  
pursuant to a vote of the electors residing within the territory 9590  
of the port authority. The net indebtedness incurred by a port 9591  
authority shall never exceed two per cent of the total value of 9592  
all property within the territory comprising the authority as 9593  
listed and assessed for taxation. 9594

(4) By resolution of its board of directors, issue revenue 9595  
bonds beyond the limit of bonded indebtedness provided by law, for 9596  
the acquisition, construction, furnishing, or equipping of any 9597  
real or personal property, or any combination thereof, related to, 9598  
useful for, or in furtherance of any authorized purpose, including 9599  
all costs in connection with or incidental thereto. 9600

The revenue bonds of the port authority shall be secured only 9601  
by a pledge of and a lien on the revenues of the port authority 9602  
derived from those loan payments, rentals, fees, charges, or other 9603  
revenues that are designated in the resolution, including, but not 9604  
limited to, any property to be acquired, constructed, furnished, 9605  
or equipped with the proceeds of the bond issue, after provision 9606  
only for the reasonable cost of operating, maintaining, and 9607  
repairing the property of the port authority so designated. The 9608  
bonds may further be secured by the covenant of the port authority 9609  
to maintain rates or charges that will produce revenues sufficient 9610  
to meet the costs of operating, maintaining, and repairing such 9611  
property and to meet the interest and principal requirements of 9612

the bonds and to establish and maintain reserves for the foregoing 9613  
purposes. The board of directors, by resolution, may provide for 9614  
the issuance of additional revenue bonds from time to time, to be 9615  
secured equally and ratably, without preference, priority, or 9616  
distinction, with outstanding revenue bonds, but subject to the 9617  
terms and limitations of any trust agreement described in this 9618  
section, and of any resolution authorizing bonds then outstanding. 9619  
The board of directors, by resolution, may designate additional 9620  
property of the port authority, the revenues of which shall be 9621  
pledged and be subject to a lien for the payment of the debt 9622  
charges on revenue bonds theretofore authorized by resolution of 9623  
the board of directors, to the same extent as the revenues above 9624  
described. 9625

In the discretion of the board of directors, the revenue 9626  
bonds of the port authority may be secured by a trust agreement 9627  
between the board of directors on behalf of the port authority and 9628  
a corporate trustee, that may be any trust company or bank having 9629  
powers of a trust company, within or without the state. 9630

The trust agreement may provide for the pledge or assignment 9631  
of the revenues to be received, but shall not pledge the general 9632  
credit and taxing power of the port authority. A trust agreement 9633  
securing revenue bonds issued to acquire, construct, furnish, or 9634  
equip real property, plants, factories, offices, and other 9635  
structures and facilities for authorized purposes consistent with 9636  
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 9637  
the real or personal property, or a combination thereof, to be 9638  
acquired, constructed, furnished, or equipped from the proceeds of 9639  
such revenue bonds, as further security for the bonds. The trust 9640  
agreement or the resolution providing for the issuance of revenue 9641  
bonds may set forth the rights and remedies of the bondholders and 9642  
trustee, and may contain other provisions for protecting and 9643  
enforcing their rights and remedies that are determined in the 9644

discretion of the board of directors to be reasonable and proper. 9645  
The agreement or resolution may provide for the custody, 9646  
investment, and disbursement of all moneys derived from the sale 9647  
of such bonds, or from the revenues of the port authority, other 9648  
than those moneys received from taxes levied pursuant to section 9649  
4582.14 of the Revised Code, and may provide for the deposit of 9650  
such funds without regard to section 4582.15 of the Revised Code. 9651

All bonds issued under authority of this chapter, regardless 9652  
of form or terms and regardless of any other law to the contrary, 9653  
shall have all qualities and incidents of negotiable instruments, 9654  
subject to provisions for registration, and may be issued in 9655  
coupon, fully registered, or other form, or any combination 9656  
thereof, as the board of directors determines. Provision may be 9657  
made for the registration of any coupon bonds as to principal 9658  
alone or as to both principal and interest, and for the conversion 9659  
into coupon bonds of any fully registered bonds or bonds 9660  
registered as to both principal and interest. 9661

The revenue bonds shall bear interest at such rate or rates, 9662  
shall bear such date or dates, and shall mature within forty-five 9663  
years following the date of issuance and in such amount, at such 9664  
time or times, and in such number of installments, as may be 9665  
provided in or pursuant to the resolution authorizing their 9666  
issuance. The final maturity of any original issue of revenue 9667  
bonds shall not be later than forty-five years from their date of 9668  
issue. Such resolution also shall provide for the execution of the 9669  
bonds, which may be by facsimile signatures unless prohibited by 9670  
the resolution, and the manner of sale of the bonds. The 9671  
resolution shall provide for, or provide for the determination of, 9672  
any other terms and conditions relative to the issuance, sale, and 9673  
retirement of the bonds that the board of directors in its 9674  
discretion determines to be reasonable and proper. 9675

Whenever a port authority considers it expedient, it may 9676



issue renewal notes and refund any bonds, whether the bonds to be 9677  
refunded have or have not matured. The final maturity of any 9678  
notes, including any renewal notes, shall not be later than five 9679  
years from the date of issue of the original issue of notes. The 9680  
final maturity of any refunding bonds shall not be later than the 9681  
later of forty-five years from the date of issue of the original 9682  
issue of bonds. The refunding bonds shall be sold and the proceeds 9683  
applied to the purchase, redemption, or payment of the bonds to be 9684  
refunded and the costs of issuance of the refunding bonds. The 9685  
bonds and notes issued under this chapter, their transfer, and the 9686  
income therefrom, shall at all times be free from taxation within 9687  
the state. 9688

(5) Do any of the following, in regard to any interests in 9689  
any real or personal property, or any combination thereof, 9690  
including, without limitation, machinery, equipment, plants, 9691  
factories, offices, and other structures and facilities related 9692  
to, useful for, or in furtherance of any authorized purpose, for 9693  
such consideration and in such manner, consistent with Article 9694  
VIII, Ohio Constitution, as the board in its sole discretion may 9695  
determine: 9696

(a) Loan moneys to any person or governmental entity for the 9697  
acquisition, construction, furnishing, and equipping of the 9698  
property; 9699

(b) Acquire, construct, maintain, repair, furnish, and equip 9700  
the property; 9701

(c) Sell to, exchange with, lease, convey other interests in, 9702  
or lease with an option to purchase the same or any lesser 9703  
interest in the property to the same or any other person or 9704  
governmental entity; 9705

(d) Guarantee the obligations of any person or governmental 9706  
entity. 9707

A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

(6) Construct, maintain, repair, furnish, equip, sell, exchange, lease, or lease with an option to purchase, any property that it is authorized to acquire. A port authority that is subject to this section also may operate any property in connection with transportation, recreational, governmental operations, or cultural activities.

(a) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(b) Division (A)(6)(a) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(c) Divisions (A)(6)(a) and (b) of this section do not apply to either of the following:

(i) Any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of

moneys raised by taxation; 9739

(ii) Any contract secured exclusively by or to be paid 9740  
exclusively from the general revenues of the port authority. For 9741  
the purposes of this section, any revenues derived by the port 9742  
authority under a lease or other agreement that, by its terms, 9743  
contemplates the use of amounts payable under the agreement either 9744  
to pay the costs of the improvement that is the subject of the 9745  
contract or to secure obligations of the port authority issued to 9746  
finance costs of such improvement, are excluded from general 9747  
revenues. 9748

(7) Apply to the proper authorities of the United States 9749  
pursuant to appropriate law for the right to establish, operate, 9750  
and maintain foreign trade zones and to establish, operate, and 9751  
maintain foreign trade zones; and to acquire land or property 9752  
therefor, in a manner consistent with section 4582.17 of the 9753  
Revised Code; 9754

(8) Exercise the right of eminent domain to appropriate any 9755  
land, rights, rights-of-way, franchises, easements, or other 9756  
property, necessary or proper for any authorized purpose, pursuant 9757  
to the procedure provided in sections 163.01 to 163.22 of the 9758  
Revised Code, if funds equal to the appraised value of the 9759  
property to be acquired as a result of such proceedings are 9760  
available for that purpose, except that nothing contained in 9761  
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 9762  
port authority to take or disturb property or facilities belonging 9763  
to any agency or political subdivision of this state, public 9764  
utility, or common carrier, which property or facilities are 9765  
necessary and convenient in the operation of the agency or 9766  
political subdivision, public utility, or common carrier, unless 9767  
provision is made for the restoration, relocation, or duplication 9768  
of the property or facilities, or upon the election of the agency 9769  
or political subdivision, public utility, or common carrier, for 9770

the payment of compensation, if any, at the sole cost of the port 9771  
authority, provided that: 9772

(a) If any restoration or duplication proposed to be made 9773  
pursuant to this section involves a relocation of such property or 9774  
facilities, the new facilities and location shall be of at least 9775  
comparable utilitarian value and effectiveness, and the relocation 9776  
shall not impair the ability of the public utility or common 9777  
carrier to compete in its original area of operation. 9778

(b) If any restoration or duplication made pursuant to this 9779  
section involves a relocation of such property or facilities, the 9780  
port authority shall acquire no interest or right in or to the 9781  
appropriated property or facilities, except as provided in 9782  
division (A)(11) of this section, until the relocated property or 9783  
facilities are available for use and until marketable title 9784  
thereto has been transferred to the public utility or common 9785  
carrier. 9786

(c) Provisions for restoration or duplication shall be 9787  
described in detail in the resolution for appropriation passed by 9788  
the port authority. 9789

(9) Enjoy and possess the same rights, privileges, and powers 9790  
granted municipal corporations under sections 721.04 to 721.11 of 9791  
the Revised Code; 9792

(10) Maintain such funds as it considers necessary; 9793

(11) Direct its agents or employees, when properly identified 9794  
in writing, and after at least five days' written notice, to enter 9795  
upon lands within the confines of its jurisdiction in order to 9796  
make surveys and examinations preliminary to location and 9797  
construction of works for the purposes of the port authority, 9798  
without liability of the port authority or its agents or employees 9799  
except for actual damage done; 9800

(12) Sell, lease, or convey other interests in real and 9801

personal property and grant easements or rights-of-way over 9802  
property of the port authority. The board of directors shall 9803  
specify the consideration and any terms thereof for the sale, 9804  
lease, or conveyance of other interests in real and personal 9805  
property. Any determinations made by the board of directors under 9806  
this division shall be conclusive. The sale, lease, or conveyance 9807  
may be made without advertising and the receipt of bids. 9808

(13) Promote, advertise, and publicize the port authority 9809  
facilities and its authorized purposes, provide information to 9810  
persons with an interest in transportation and other port 9811  
authority activities, and appear before rate-making authorities to 9812  
represent and promote the interests of the port authority and its 9813  
authorized purposes; 9814

(14) Adopt rules, not in conflict with general law, governing 9815  
the use of and the safeguarding of its property, grounds, 9816  
buildings, equipment, and facilities, safeguarding persons and 9817  
their property located on or in port authority property, and 9818  
governing the conduct of its employees and the public, in order to 9819  
promote the public safety and convenience in and about its 9820  
terminals and grounds, and to maintain order. Any such regulation 9821  
shall be posted at no less than five public places in the port 9822  
authority, as determined by the board of directors, for a period 9823  
of not fewer than fifteen days, and shall be available for public 9824  
inspection at the principal office of the port authority during 9825  
regular business hours. No person shall violate any lawful 9826  
regulation adopted and posted as provided in this division. 9827

(15) Establish and administer one or more payment card 9828  
programs for purposes of paying expenses related to port authority 9829  
business. Any obligation incurred as a result of the use of such a 9830  
payment card shall be paid from port authority funds. 9831

(16) Do all acts necessary or appropriate to carry out its 9832  
authorized purposes. The port authority shall have the powers and 9833

rights granted to other subdivisions under section 9.20 of the Revised Code. 9834  
9835

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 9836  
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9838  
9839

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor. 9840  
9841

**Sec. 4582.31.** (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 9842  
9843

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 9844  
9845

(2) Adopt an official seal; 9846

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 9847  
9848

(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities; 9849  
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(5) Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority; 9856  
9857  
9858

(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof; 9859  
9860  
9861

(7) Issue bonds or notes for the acquisition, construction, 9862

furnishing, or equipping of any port authority facility or other 9863  
permanent improvement that a port authority is authorized to 9864  
acquire, construct, furnish, or equip, in compliance with Chapter 9865  
133. of the Revised Code, except that such bonds or notes may only 9866  
be issued pursuant to a vote of the electors residing within the 9867  
area of jurisdiction of the port authority. The net indebtedness 9868  
incurred by a port authority shall never exceed two per cent of 9869  
the total value of all property within the territory comprising 9870  
the port authority as listed and assessed for taxation. 9871

(8) Issue port authority revenue bonds beyond the limit of 9872  
bonded indebtedness provided by law, payable solely from revenues 9873  
as provided in section 4582.48 of the Revised Code, for the 9874  
purpose of providing funds to pay the costs of any port authority 9875  
facility or facilities or parts thereof; 9876

(9) Apply to the proper authorities of the United States 9877  
pursuant to appropriate law for the right to establish, operate, 9878  
and maintain foreign trade zones and establish, operate, and 9879  
maintain foreign trade zones and to acquire, exchange, sell, lease 9880  
to or from, lease with an option to purchase, or operate 9881  
facilities, land, or property therefor in accordance with the 9882  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 9883  
81u; 9884

(10) Enjoy and possess the same rights, privileges, and 9885  
powers granted municipal corporations under sections 721.04 to 9886  
721.11 of the Revised Code; 9887

(11) Maintain such funds as it considers necessary; 9888

(12) Direct its agents or employees, when properly identified 9889  
in writing, and after at least five days' written notice, to enter 9890  
upon lands within the confines of its jurisdiction in order to 9891  
make surveys and examinations preliminary to location and 9892  
construction of works for the purposes of the port authority, 9893

without liability of the port authority or its agents or employees 9894  
except for actual damage done; 9895

(13) Promote, advertise, and publicize the port authority and 9896  
its facilities; provide information to shippers and other 9897  
commercial interests; and appear before rate-making authorities to 9898  
represent and promote the interests of the port authority; 9899

(14) Adopt rules, not in conflict with general law, it finds 9900  
necessary or incidental to the performance of its duties and the 9901  
execution of its powers under sections 4582.21 to 4582.54 of the 9902  
Revised Code. Any such rule shall be posted at no less than five 9903  
public places in the port authority, as determined by the board of 9904  
directors, for a period of not fewer than fifteen days, and shall 9905  
be available for public inspection at the principal office of the 9906  
port authority during regular business hours. No person shall 9907  
violate any lawful rule adopted and posted as provided in this 9908  
division. 9909

(15) Do any of the following, in regard to any interests in 9910  
any real or personal property, or any combination thereof, 9911  
including, without limitation, machinery, equipment, plants, 9912  
factories, offices, and other structures and facilities related 9913  
to, useful for, or in furtherance of any authorized purpose, for 9914  
such consideration and in such manner, consistent with Article 9915  
VIII of the Ohio Constitution, as the board in its sole discretion 9916  
may determine: 9917

(a) Loan moneys to any person or governmental entity for the 9918  
acquisition, construction, furnishing, and equipping of the 9919  
property; 9920

(b) Acquire, construct, maintain, repair, furnish, and equip 9921  
the property; 9922

(c) Sell to, exchange with, lease, convey other interests in, 9923  
or lease with an option to purchase the same or any lesser 9924



interest in the property to the same or any other person or 9925  
governmental entity; 9926

(d) Guarantee the obligations of any person or governmental 9927  
entity. 9928

A port authority may accept and hold as consideration for the 9929  
conveyance of property or any interest therein such property or 9930  
interests therein as the board in its discretion may determine, 9931  
notwithstanding any restrictions that apply to the investment of 9932  
funds by a port authority. 9933

(16) Sell, lease, or convey other interests in real and 9934  
personal property, and grant easements or rights-of-way over 9935  
property of the port authority. The board of directors shall 9936  
specify the consideration and any terms for the sale, lease, or 9937  
conveyance of other interests in real and personal property. Any 9938  
determination made by the board under this division shall be 9939  
conclusive. The sale, lease, or conveyance may be made without 9940  
advertising and the receipt of bids. 9941

(17) Exercise the right of eminent domain to appropriate any 9942  
land, rights, rights-of-way, franchises, easements, or other 9943  
property, necessary or proper for any authorized purpose, pursuant 9944  
to the procedure provided in sections 163.01 to 163.22 of the 9945  
Revised Code, if funds equal to the appraised value of the 9946  
property to be acquired as a result of such proceedings are 9947  
available for that purpose. However, nothing contained in sections 9948  
4582.201 to 4582.59 of the Revised Code shall authorize a port 9949  
authority to take or disturb property or facilities belonging to 9950  
any agency or political subdivision of this state, public utility, 9951  
cable operator, or common carrier, which property or facilities 9952  
are necessary and convenient in the operation of the agency or 9953  
political subdivision, public utility, cable operator, or common 9954  
carrier, unless provision is made for the restoration, relocation, 9955  
or duplication of such property or facilities, or upon the 9956

election of the agency or political subdivision, public utility, 9957  
cable operator, or common carrier, for the payment of 9958  
compensation, if any, at the sole cost of the port authority, 9959  
provided that: 9960

(a) If any restoration or duplication proposed to be made 9961  
under this section involves a relocation of the property or 9962  
facilities, the new facilities and location shall be of at least 9963  
comparable utilitarian value and effectiveness and shall not 9964  
impair the ability of the public utility, cable operator, or 9965  
common carrier to compete in its original area of operation; 9966

(b) If any restoration or duplication made under this section 9967  
involves a relocation of the property or facilities, the port 9968  
authority shall acquire no interest or right in or to the 9969  
appropriated property or facilities, except as provided in 9970  
division (A)(15) of this section, until the relocated property or 9971  
facilities are available for use and until marketable title 9972  
thereto has been transferred to the public utility, cable 9973  
operator, or common carrier. 9974

As used in division (A)(17) of this section, "cable operator" 9975  
has the same meaning as in the "Cable Communications Policy Act of 9976  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 9977  
amended by the "Telecommunications Act of 1996," Pub. L. No. 9978  
104-104, 110 Stat. 56. 9979

(18)(a) Make and enter into all contracts and agreements and 9980  
execute all instruments necessary or incidental to the performance 9981  
of its duties and the execution of its powers under sections 9982  
4582.21 to 4582.59 of the Revised Code. 9983

(b)(i) Except as provided in division (A)(18)(c) of this 9984  
section or except when the port authority elects to construct a 9985  
building, structure, or other improvement pursuant to a contract 9986  
made with a construction manager at risk under sections 9.33 to 9987

9.335 of the Revised Code or with a design-build firm under 9988  
section 153.65 to 153.73 of the Revised Code, when the cost of a 9989  
contract for the construction of any building, structure, or other 9990  
improvement undertaken by a port authority involves an expenditure 9991  
exceeding the higher of one hundred thousand dollars or the amount 9992  
as adjusted under division (A)(18)(b)(ii) of this section, and the 9993  
port authority is the contracting entity, the port authority shall 9994  
make a written contract after notice calling for bids for the 9995  
award of the contract has been given by publication twice, with at 9996  
least seven days between publications, in a newspaper of general 9997  
circulation in the area of the port authority or as provided in 9998  
section 7.16 of the Revised Code. Each such contract shall be let 9999  
to the lowest responsive and responsible bidder in accordance with 10000  
section 9.312 of the Revised Code. Every contract shall be 10001  
accompanied by or shall refer to plans and specifications for the 10002  
work to be done, prepared for and approved by the port authority, 10003  
signed by an authorized officer of the port authority and by the 10004  
contractor, and shall be executed in triplicate. 10005

Each bid shall be awarded in accordance with sections 153.54, 10006  
153.57, and 153.571 of the Revised Code. The port authority may 10007  
reject any and all bids. 10008

(ii) On January 1, 2012, and the first day of January of 10009  
every even-numbered year thereafter, the director of commerce 10010  
shall adjust the threshold level for contracts subject to the 10011  
bidding requirements contained in division (A)(18)(b)(i) of this 10012  
section. The director shall adjust this amount according to the 10013  
average increase for each of the two years immediately preceding 10014  
the adjustment as set forth in the producer price index for 10015  
material and supply inputs for new nonresidential construction as 10016  
determined by the bureau of labor statistics of the United States 10017  
department of labor or, if that index no longer is published, a 10018  
generally available comparable index. If there is no resulting 10019

increase, the threshold shall remain the same until the next 10020  
scheduled adjustment on the first day of January of the next 10021  
even-numbered year. 10022

(c) The board of directors by rule may provide criteria for 10023  
the negotiation and award without competitive bidding of any 10024  
contract as to which the port authority is the contracting entity 10025  
for the construction of any building or structure or other 10026  
improvement under any of the following circumstances: 10027

(i) There exists a real and present emergency that threatens 10028  
damage or injury to persons or property of the port authority or 10029  
other persons, provided that a statement specifying the nature of 10030  
the emergency that is the basis for the negotiation and award of a 10031  
contract without competitive bidding shall be signed by the 10032  
officer of the port authority that executes that contract at the 10033  
time of the contract's execution and shall be attached to the 10034  
contract. 10035

(ii) A commonly recognized industry or other standard or 10036  
specification does not exist and cannot objectively be articulated 10037  
for the improvement. 10038

(iii) The contract is for any energy conservation measure as 10039  
defined in section 307.041 of the Revised Code. 10040

(iv) With respect to material to be incorporated into the 10041  
improvement, only a single source or supplier exists for the 10042  
material. 10043

(v) A single bid is received by the port authority after 10044  
complying with the provisions of division (A)(18)(b) of this 10045  
section. 10046

(d)(i) If a contract is to be negotiated and awarded without 10047  
competitive bidding for the reason set forth in division 10048  
(A)(18)(c)(ii) of this section, the port authority shall publish a 10049  
notice calling for technical proposals twice, with at least seven 10050

days between publications, in a newspaper of general circulation 10051  
in the area of the port authority or as provided in section 7.16 10052  
of the Revised Code. After receipt of the technical proposals, the 10053  
port authority may negotiate with and award a contract for the 10054  
improvement to the proposer making the proposal considered to be 10055  
the most advantageous to the port authority. 10056

(ii) If a contract is to be negotiated and awarded without 10057  
competitive bidding for the reason set forth in division 10058  
(A)(18)(c)(iv) of this section, any construction activities 10059  
related to the incorporation of the material into the improvement 10060  
also may be provided without competitive bidding by the source or 10061  
supplier of that material. 10062

(e)(i) Any purchase, exchange, sale, lease, lease with an 10063  
option to purchase, conveyance of other interests in, or other 10064  
contract with a person or governmental entity that pertains to the 10065  
acquisition, construction, maintenance, repair, furnishing, 10066  
equipping, or operation of any real or personal property, or any 10067  
combination thereof, related to, useful for, or in furtherance of 10068  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 10069  
Constitution, shall be made in such manner and subject to such 10070  
terms and conditions as may be determined by the board of 10071  
directors in its discretion. 10072

(ii) Division (A)(18)(e)(i) of this section applies to all 10073  
contracts that are subject to the division, notwithstanding any 10074  
other provision of law that might otherwise apply, including, 10075  
without limitation, any requirement of notice, any requirement of 10076  
competitive bidding or selection, or any requirement for the 10077  
provision of security. 10078

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 10079  
apply to either of the following: any contract secured by or to be 10080  
paid from moneys raised by taxation or the proceeds of obligations 10081  
secured by a pledge of moneys raised by taxation; or any contract 10082

secured exclusively by or to be paid exclusively from the general 10083  
revenues of the port authority. For the purposes of this section, 10084  
any revenues derived by the port authority under a lease or other 10085  
agreement that, by its terms, contemplates the use of amounts 10086  
payable under the agreement either to pay the costs of the 10087  
improvement that is the subject of the contract or to secure 10088  
obligations of the port authority issued to finance costs of such 10089  
improvement, are excluded from general revenues. 10090

(19) Employ managers, superintendents, and other employees 10091  
and retain or contract with consulting engineers, financial 10092  
consultants, accounting experts, architects, attorneys, and any 10093  
other consultants and independent contractors as are necessary in 10094  
its judgment to carry out this chapter, and fix the compensation 10095  
thereof. All expenses thereof shall be payable from any available 10096  
funds of the port authority or from funds appropriated for that 10097  
purpose by a political subdivision creating or participating in 10098  
the creation of the port authority. 10099

(20) Receive and accept from any state or federal agency 10100  
grants and loans for or in aid of the construction of any port 10101  
authority facility or for research and development with respect to 10102  
port authority facilities, and receive and accept aid or 10103  
contributions from any source of money, property, labor, or other 10104  
things of value, to be held, used, and applied only for the 10105  
purposes for which the grants and contributions are made; 10106

(21) Engage in research and development with respect to port 10107  
authority facilities; 10108

(22) Purchase fire and extended coverage and liability 10109  
insurance for any port authority facility and for the principal 10110  
office and branch offices of the port authority, insurance 10111  
protecting the port authority and its officers and employees 10112  
against liability for damage to property or injury to or death of 10113  
persons arising from its operations, and any other insurance the 10114

port authority may agree to provide under any resolution 10115  
authorizing its port authority revenue bonds or in any trust 10116  
agreement securing the same; 10117

(23) Charge, alter, and collect rentals and other charges for 10118  
the use or services of any port authority facility as provided in 10119  
section 4582.43 of the Revised Code; 10120

(24) Provide coverage for its employees under Chapters 145., 10121  
4123., and 4141. of the Revised Code; 10122

(25) Establish and administer one or more payment card 10123  
programs for purposes of paying expenses related to port authority 10124  
business. Any obligation incurred as a result of the use of such a 10125  
payment card shall be paid from port authority funds. 10126

(26) Do all acts necessary or proper to carry out the powers 10127  
expressly granted in sections 4582.21 to 4582.59 of the Revised 10128  
Code. 10129

(B) Any instrument by which real property is acquired 10130  
pursuant to this section shall identify the agency of the state 10131  
that has the use and benefit of the real property as specified in 10132  
section 5301.012 of the Revised Code. 10133

(C) Whoever violates division (A)(14) of this section is 10134  
guilty of a minor misdemeanor. 10135

**Sec. 4749.07.** (A) After refund of any license fees as 10136  
required by section 4749.03 of the Revised Code, the department of 10137  
public safety shall pay all fees and penalties received pursuant 10138  
to this chapter to the treasurer of state, to be credited to the 10139  
private investigator and security guard provider fund, which is 10140  
hereby created. 10141

(B) Moneys received in payment of fines levied pursuant to 10142  
section 4749.99 of the Revised Code shall be distributed as 10143  
follows: 10144

(1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;	10145 10146
(2) One-third to the general fund of the county in which the prosecution occurs;	10147 10148
(3) One-third to the private investigator and security guard provider fund.	10149 10150
<b>Sec. 4921.25.</b> <del>(A)</del> Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, that is engaged in the towing of motor vehicles is subject to regulation by the public utilities commission as a for-hire motor carrier under this chapter.	10151 10152 10153 10154 10155
<del>(B) The commission shall adopt rules under Chapter 111. of the Revised Code that do all of the following:</del>	10156 10157
<del>(1) Establish the acceptable scope of public safety regulations applicable to a for hire motor carrier engaged in the towing of motor vehicles under section 4513.60, 4513.601, or 4513.61 of the Revised Code that a county or township may adopt pursuant to a resolution;</del>	10158 10159 10160 10161 10162
<del>(2) Establish safety standards for the type of equipment necessary to safely remove and tow vehicles based on the type of vehicle being removed or towed;</del>	10163 10164 10165
<del>(3) Establish standards for the removal of a vehicle from a private tow away zone by a for hire motor carrier engaged in the towing of motor vehicles in addition to standards and requirements established under section 4513.601 of the Revised Code. The standards may vary based on whether the private tow away zone is located on residential, retail, or other commercial property.</del>	10166 10167 10168 10169 10170 10171
<del>(4) Establish an after hours retrieval fee for purposes of section 4513.69 of the Revised Code;</del>	10172 10173
<del>(5) Adopt any other rules necessary to carry out the purposes</del>	10174



<del>of this section.</del>	10175
<b>Sec. 5501.03.</b> (A) The department of transportation shall:	10176
(1) Exercise and perform such other duties, powers, and functions as are conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department;	10177 10178 10179 10180
(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning;	10181 10182 10183 10184 10185 10186
(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions;	10187 10188 10189 10190 10191
(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration;	10192 10193 10194 10195
(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;	10196 10197
(6) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as prescribed under divisions (A)(2) and (3) of this section;	10198 10199 10200 10201
(7) Conduct, in cooperation with the Ohio legislative service commission, any studies or comparisons of state traffic laws and local traffic ordinances with model laws and ordinances that may	10202 10203 10204

be required to meet program standards adopted by the United States 10205  
department of transportation pursuant to the "Highway Safety Act 10206  
of 1966," 80 Stat. 731, U.S.C.A. 401; 10207

(8) Prepare, print, distribute, and advertise books, maps, 10208  
pamphlets, and other information that, in the judgment of the 10209  
director, will inform the public and other governmental 10210  
departments, agencies, and authorities as to the duties, powers, 10211  
and functions of the department; 10212

(9) In its research and development program, consider 10213  
technologies for improving safety, mobility, aviation and aviation 10214  
education, transportation facilities, roadways, including 10215  
construction techniques and materials to prolong project life, 10216  
being used or developed by other states that have geographic, 10217  
geologic, or climatic features similar to this state's, and 10218  
collaborate with those states in that development. 10219

(B) Nothing contained in this section shall be held to in any 10220  
manner affect, limit, restrict, or otherwise interfere with the 10221  
exercise of powers relating to transportation facilities by 10222  
appropriate agencies of the federal government, or by counties, 10223  
municipal corporations, or other political subdivisions or special 10224  
districts in this state authorized by law to exercise such powers. 10225

(C) The department may use all appropriate sources of revenue 10226  
to assist in the development and implementation of rail service as 10227  
defined by division (C) of section ~~4981.01~~ 5501.57 of the Revised 10228  
Code. 10229

(D) The director of transportation may enter into contracts 10230  
with public agencies including political subdivisions, other state 10231  
agencies, boards, commissions, regional transit authorities, 10232  
county transit boards, and port authorities, to administer the 10233  
design, qualification of bidders, competitive bid letting, 10234  
construction inspection, research, and acceptance of any projects 10235

or transportation facilities administered by the department, 10236  
provided the administration of such projects or transportation 10237  
facilities is performed in accordance with all applicable state 10238  
and federal laws and regulations with oversight by the department. 10239

(E) The director may enter into cooperative or contractual 10240  
agreements with any individual, organization, or business related 10241  
to the creation or promotion of a traveler information program. 10242  
The traveler information program shall provide real-time traffic 10243  
conditions and travel time information to travelers by telephone, 10244  
text message, internet, or other similar means at no cost to the 10245  
traveler. The director may contract with a program manager for the 10246  
traveler information program. The program manager shall be 10247  
responsible for all costs associated with the development and 10248  
operation of the traveler information program. The compensation 10249  
due to a program manager or vendor under any of these agreements 10250  
may include deferred compensation in an amount determined by the 10251  
director. Excess revenue shall be remitted to the department for 10252  
deposit into the highway operating fund. 10253

(F) Any materials or data submitted to, made available to, or 10254  
received by the director of transportation, to the extent that the 10255  
materials or data consist of trade secrets, as defined in section 10256  
1333.61 of the Revised Code, or commercial or financial 10257  
information, are confidential and are not public records for the 10258  
purposes of section 149.43 of the Revised Code. 10259

Sec. 5501.08. The department of transportation, in order to 10260  
assist in statewide strategic transportation planning, shall 10261  
develop metrics that allow the comparison of data across 10262  
transportation modes and that also incorporate the full spectrum 10263  
of state strategic transportation goals, including all of the 10264  
following: 10265

(A) Anticipated future costs of maintaining infrastructure in 10266

<u>acceptable condition, both short-term and long-term;</u>	10267
<u>(B) Short-term economic impact, one to five years, and</u>	10268
<u>long-term economic impact, thirty years and longer;</u>	10269
<u>(C) Economic impact on a region's future rate of job growth</u>	10270
<u>and job retention;</u>	10271
<u>(D) Motorist, bicyclist, and pedestrian counts, and number of</u>	10272
<u>accidents by mode.</u>	10273
<u>Sec. 5501.491. There is hereby created the department of</u>	10274
<u>transportation Ohio bridge partnership program. Under the program,</u>	10275
<u>the department shall work with counties and local jurisdictions</u>	10276
<u>to, at the discretion of the director of transportation, either</u>	10277
<u>pay the full cost of, or match local expenditures with regard to,</u>	10278
<u>the rehabilitation or reconstruction of selected bridges that are</u>	10279
<u>located on county roads or within municipal corporations and are</u>	10280
<u>owned by a county or municipal corporation, as applicable. The</u>	10281
<u>program also shall apply to embankments, drainage, and other</u>	10282
<u>issues related to a subject bridge. The director shall confer with</u>	10283
<u>the appropriate county or municipal corporation officials in</u>	10284
<u>determining what bridges will be part of the program. A bridge</u>	10285
<u>must meet all of the following criteria in order to be eligible</u>	10286
<u>for the program:</u>	10287
<u>(A) The bridge must be not less than twenty feet in length.</u>	10288
<u>(B) The bridge must be "structurally deficient" in that the</u>	10289
<u>bridge, while safe for use, is in need of repair.</u>	10290
<u>(C) The bridge must be open currently and be carrying</u>	10291
<u>vehicular traffic.</u>	10292
<u>Sec. 5501.55. (A) The department of transportation is the</u>	10293
<u>designated state agency responsible for overseeing the safety</u>	10294
<u>practices of rail fixed guideway systems and the administration of</u>	10295

49 U.S.C. 5329 and 5330. The director of transportation shall 10296  
develop any guidelines necessary to oversee the safety practices 10297  
of rail fixed guideway systems that are consistent with the 10298  
federal act and rules adopted thereunder. 10299

(B) In accordance with guidelines developed by the director, 10300  
the department shall do all of the following: 10301

(1) Establish a safety program ~~plan~~ documentation standard 10302  
for transit agencies operating ~~a~~, implementing, or significantly 10303  
enhancing an applicable rail fixed guideway system within the 10304  
state; 10305

(2) ~~Adopt~~ Oversee adoption of standards and oversee 10306  
enforcement of laws for the personal safety and security of 10307  
passengers and employees of rail fixed guideway systems; 10308

(3) Review and approve or disapprove the annual internal 10309  
safety audit conducted by a transit agency under section 5501.56 10310  
of the Revised Code; 10311

(4) Periodically, conduct an on-site safety review of each 10312  
transit agency safety program based on the agency's safety program 10313  
documentation and make recommendations ~~based on the review of~~ for 10314  
changes or enhancements to the ~~system~~ transit agency safety 10315  
program ~~plan~~; 10316

(5)(a) Establish procedures for the investigation of 10317  
accidents and ~~unacceptable~~ hazardous conditions, and for 10318  
coordinating and addressing immediate conditions at a transit 10319  
agency, as defined in the guidelines developed by the director; 10320

(b) Investigate accidents and ~~unacceptable~~ hazardous 10321  
conditions at transit agencies; 10322

(c) Approve or disapprove any corrective action plan of a 10323  
transit agency intended to minimize, control, correct, or 10324  
eliminate any investigated hazard; 10325

(d) Enforce the correction of identified hazardous conditions and plans to minimize, control, correct, or eliminate those identified hazardous conditions in a timely manner agreed upon within corrective action plans. 10326  
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(6) Submit to the federal transit administration any reports or other information necessary to remain in compliance with 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ thereunder; 10330  
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(7) Approve or disapprove, oversee, and enforce the development, updating, and implementation of the transit agency's public transportation safety plan as defined and required by the federal transit administration. 10333  
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(C) The department may use a contractor to act on its behalf in carrying out the duties of the ~~Department~~ department under this section and section 5501.56 of the Revised Code and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ thereunder. 10337  
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(D)(1) Reports of any investigation or audit conducted by the department, a transit agency operating a rail fixed guideway system, or a contractor acting on behalf of the department or such a transit agency are confidential and are not subject to disclosure, inspection, or copying under section 149.43 of the Revised Code. Information contained in investigative files shall be disclosed only at the discretion of the director or as otherwise provided in this section. 10341  
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(2) Reports of any investigation or audit conducted by the department, a transit agency operating a rail fixed guideway system, or a contractor acting on behalf of the department or such a transit agency shall not be admitted in evidence or used for any purpose in any action or proceeding arising out of any matter referred to in the investigation or audit, except in actions or proceedings instituted by the state or by the department on behalf of the state, nor shall any member of the department or its 10349  
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employees, a transit agency acting on behalf of the department, or 10357  
a contractor acting on behalf of the department or such a transit 10358  
agency be required to testify to any facts ascertained in, or 10359  
information obtained by reason of, the person's official capacity, 10360  
or to testify as an expert witness in any action or proceeding 10361  
involving or pertaining to rail fixed guideway systems to which 10362  
the state is not a party. 10363

(E) In accordance with the guidelines developed by the 10364  
director, the department may establish such programs, procedures, 10365  
and administrative mandates as may be necessary to carry out its 10366  
duties under this section and section 5501.56 of the Revised Code 10367  
and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ 10368  
thereunder. 10369

(F) As used in this section and in section 5501.56 of the 10370  
Revised Code: 10371

(1) "Rail fixed guideway system" means any light, heavy, or 10372  
rapid rail system, monorail, inclined plane, funicular, trolley, 10373  
or automated guideway that is included in the federal transit 10374  
administration's calculation of fixed guideway route miles or 10375  
receives funding for urbanized areas under 49 U.S.C. 5336 and is 10376  
not regulated by the federal railroad administration. 10377

(2) "Transit agency" means an entity operating a rail fixed 10378  
guideway system. 10379

**Sec. 5501.56.** (A) Each transit agency shall do all of the 10380  
following: 10381

(1) Develop a system safety program ~~plan~~ documentation that 10382  
complies with the safety program ~~plan~~ documentation standards 10383  
adopted by the department of transportation under section 5501.55 10384  
of the Revised Code and includes standards and laws for the 10385  
personal safety and security of passengers and employees; 10386

(2) Conduct an annual internal safety audit and submit the audit to the department for input and approval;

(3) Report accidents and ~~unacceptable~~ hazardous conditions, as defined in the guidelines developed by the director of transportation under section 5501.55 of the Revised Code, to the department within a time period specified by the department;

(4) Minimize, control, correct, or eliminate any identified and investigated ~~unacceptable~~ hazardous condition within a time period specified by the department and in accordance with a plan approved by the department;

(5) Provide all necessary assistance to the department as required to allow the department to conduct or participate in appropriate on-site investigations of accidents and ~~unacceptable~~ hazardous conditions or audits at the transit ~~system~~ agency.

(B) Any part of a transit agency's system safety program ~~plan~~ that concerns security for the system is confidential and is not subject to disclosure, inspection, or copying under section 149.43 of the Revised Code. Security information shall be disclosed only at the discretion of the director or as otherwise provided in section 5501.55 of the Revised Code.

**Sec. ~~4981.01~~ 5501.57.** As used in sections ~~4981.01~~ 5501.57 to ~~4981.34~~ 5501.661 of the Revised Code:

(A) "Person" means, in addition to the meaning given that term in division (C) of section 1.59 of the Revised Code, any unit of local government, any local or regional transportation authority, and any private corporation or organization.

(B) "Rail property" means any asset or right that is used or is useful in providing rail service, including tracks, rolling stock, rights-of-way, bridges, grade crossing equipment, terminals, stations, parking facilities, and other rail



facilities.	10417
(C) "Rail service" means freight, intercity passenger, commuter, and high speed rail transportation service.	10418 10419
(D) "Regional rail reorganization act" means the "Regional Rail Reorganization Act of 1973," 87 Stat. 986, 45 U.S.C.A. 701, as amended.	10420 10421 10422
(E) "Local or regional transportation authority" includes a county transit board, a board of county commissioners operating a county transit system, a regional transit authority, a regional transit commission, or any other local or regional transportation authority or agency.	10423 10424 10425 10426 10427
(F) "Qualifying subdivision" means a county, township, or municipal corporation in this state that is levying a tax for the purpose of acquiring, rehabilitating, or developing rail service or rail property pursuant to division (CC) of section 5705.19 of the Revised Code.	10428 10429 10430 10431 10432
(G) "Ancillary system facilities" means all facilities desirable in connection with the operation and maintenance of a rail system such as parking lots, retail establishments, restaurants, hotels, offices, and other commercial or support facilities, located within or outside the right-of-way of the rail system.	10433 10434 10435 10436 10437 10438
(H) "Corridor" means a designated portion of a rail system serving two or more designated urban areas.	10439 10440
(I) "Franchise" means a license approved by the <del>Ohio rail development commission</del> <u>division of freight</u> that grants exclusive rights to a private corporation or organization to plan, construct, finance, lease, improve, use, operate, maintain, and set and collect charges for the use of a rail system or a portion of a rail system, such as a corridor, for a period of years as permitted by section <del>4981.29</del> <u>5501.651</u> of the Revised Code, as	10441 10442 10443 10444 10445 10446 10447

system owner or as lessee from or agent of the commission. 10448

(J) "Franchise agreement" means the agreement executed 10449  
between the ~~Ohio rail development commission~~ division of freight 10450  
and a person to whom a franchise is awarded. 10451

(K) "3-C corridor" means the corridor connecting Cincinnati, 10452  
Columbus, and Cleveland. 10453

**Sec. ~~4981.02~~ 5501.58.** (A) There is hereby created the ~~Ohio~~ 10454  
~~rail development commission, as an independent agency of the state~~ 10455  
division of freight within the department of transportation, 10456  
~~consisting of seven members appointed by the governor with the~~ 10457  
~~advice and consent of the senate, two members of the Ohio senate,~~ 10458  
~~one of whom shall be appointed by and serve at the pleasure of the~~ 10459  
~~president of the senate and one of whom shall be appointed by and~~ 10460  
~~serve at the pleasure of the minority leader of the senate, two~~ 10461  
~~members of the Ohio house of representatives, one of whom shall be~~ 10462  
~~appointed by and serve at the pleasure of the speaker of the house~~ 10463  
~~of representatives and one of whom shall be appointed by and serve~~ 10464  
~~at the pleasure of the minority leader of the house of~~ 10465  
~~representatives, and two members representing the general public,~~ 10466  
~~one of whom shall be appointed by the president of the senate and~~ 10467  
~~one of whom shall be appointed by the speaker of the house of~~ 10468  
~~representatives. The director of transportation and the director~~ 10469  
~~of development, or their designees, shall be ex officio members of~~ 10470  
~~the commission. Of the members appointed by the governor, one~~ 10471  
~~shall serve as chairman of the commission, one shall represent the~~ 10472  
~~interests of a freight rail company, one shall represent the~~ 10473  
~~interests of passenger rail service, one shall have expertise in~~ 10474  
~~infrastructure financing, one shall represent the interests of~~ 10475  
~~organized labor, one shall represent the interests of~~ 10476  
~~manufacturers, and one shall represent the general public. All~~ 10477  
~~members shall be reimbursed for actual expenses incurred in the~~ 10478

~~performance of their duties. The members of the commission from the Ohio senate and the Ohio house of representatives shall serve as nonvoting members. No more than four members of the seven appointed to the commission by the governor shall be from the same political party. Each member of the commission shall be a resident of this state which shall include an office of rail, an office of highway freight, and an office of maritime freight. The division shall be responsible for any duty or obligation with regard to rail service as specified under sections 5501.57 to 5501.661 of the Revised Code as well as any duty or obligation delegated to the division by the director of transportation in accordance with section 5501.04 of the Revised Code, including those related to the intermodal transportation of freight. Any duty or obligation of the division is under the purview of the director of transportation, and the director has the authority to approve or disapprove any action of the division. The director may appoint a deputy director of the division to serve at the pleasure of the director. The deputy director shall be an advocate for all freight transport within the state, including rail, highway, air cargo, and maritime freight. The deputy director is responsible, to the extent authorized by the director, for the organization, direction, and supervision of the work of the division. The deputy director also may exercise any powers and perform any duties of the division under sections 5501.57 to 5501.661 of the Revised Code, as authorized by the director. Subject to Chapter 124. of the Revised Code and any civil service regulations, the deputy director, with the approval of the director, shall select and appoint any necessary employees. The director also may employ experts for assistance in any specific manner at a reasonable rate of compensation.~~

~~(B) Within sixty days after the effective date of this amendment, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission,~~

~~three shall be for a term ending three years after the effective date of this amendment, and three shall be for a term ending six years after that date. Terms for all other appointments made to the commission shall be for six years. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy shall have the same qualifications as his predecessor. Each term shall end on the same day of the same month of the year as did the term which it succeeds. Each appointed member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration date of his term until his successor takes office, or for a period of sixty days, whichever occurs first. All members shall be eligible for reappointment.~~

~~(C) The commission may employ an executive director, who shall have appropriate experience as determined by the commission, and a secretary treasurer and other employees that the commission considers appropriate. The commission may fix the compensation of the employees.~~

~~(D) Six members of the commission shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.~~

~~(E) All members of the commission are subject to Chapter 102 of the Revised Code.~~

~~(F) The department of transportation may use all appropriate sources of revenue to assist the commission in developing and implementing rail service.~~

~~(G) Expenditures by the department of transportation, the Ohio rail development commission, or any other state agency for capital improvements for the development of passenger rail shall be subject to the approval of the controlling board with an affirmative vote of not fewer than five members, including the affirmative vote of a majority of the controlling board members appointed by the president of the senate and a majority of the controlling board members appointed by the speaker of the house of representatives. All public funds acquired by the commission shall be used for developing, implementing, and regulating rail service and not for operating rail service unless the general assembly specifically approves the expenditure of funds for operating rail service.~~ 10544  
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**Sec. 4981.03 5501.581.** ~~(A) The Ohio rail development commission~~ division of freight shall do all of the following: 10557  
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(1) Develop, promote, and support safe, adequate, and efficient rail service throughout the state; 10559  
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(2) Maintain adequate programs of investigation, research, promotion, planning, and development for rail service, which programs shall include the consideration of recommendations by public or private planning organizations; 10561  
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(3) Provide for the participation of private corporations or organizations and the public in the development, construction, operation, and maintenance of rail service, and as franchisees of rail service. 10565  
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~~(B) In regard to rail service, the Ohio rail development commission~~ The division of freight is the successor of the Ohio rail development commission, the Ohio high speed rail authority, and the division of rail transportation of the department of transportation. The ~~commission~~ division shall succeed to all federal allotments, entitlements, subsidies, and grants now 10569  
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existing, whether such allotments, entitlements, subsidies, and grants are encumbered or unencumbered, in the same manner and with the same authority as the ~~Ohio high speed rail authority and the division of rail transportation exercised prior to October 20, 1994~~ mentioned entities.

(C) Every authority, commission, department, or other agency of this state shall provide the ~~commission~~ division with data, plans, research, and any other information that the ~~commission~~ division requests to assist it in performing its duties pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code.

(D) The ~~commission~~ division may request and contract with any railroad to provide it with data and information necessary to carry out the purposes of ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code. All railroads operating within this state shall provide the requested data and information to the ~~commission~~ division. The ~~commission~~ division shall not disclose any confidential data or information supplied to it and such data is exempt from Chapter 149. of the Revised Code.

(E) The ~~commission~~ division shall cooperate with the director of development services by exercising the ~~commission's~~ division's duty to promote and develop rail service in this state in conjunction with the director's exercise of ~~his~~ the duty to promote the economic development of this state.

(F) The ~~commission~~ division, when developing rail service throughout the state, may give priority to projects undertaken within the geographic boundaries of qualifying subdivisions.

(G) The department of transportation may use all appropriate sources of revenue to assist the division in developing and implementing rail service. Expenditures by the department of transportation, the transportation review advisory council, or any other state agency for capital improvements for the development of

passenger rail is subject to the approval of the controlling board 10606  
with an affirmative vote of not fewer than five members, including 10607  
the affirmative vote of a majority of the controlling board 10608  
members appointed by the president of the senate and a majority of 10609  
the controlling board members appointed by the speaker of the 10610  
house of representatives. The department shall use all public 10611  
funds acquired by the division for developing, implementing, and 10612  
regulating rail service and not for operating rail service unless 10613  
the general assembly specifically approves the expenditure of 10614  
funds for operating rail service. 10615

**Sec. ~~4981.14~~ 5501.582.** (A) ~~The Ohio rail development~~ 10616  
~~commission~~ division of freight may exercise all powers necessary 10617  
or appropriate to carry out its ~~corporate~~ purposes related to 10618  
rail, highway freight, air freight, and maritime freight. 10619

(B) The ~~commission~~ division may do all of the following: 10620

(1) ~~Adopt, and from time to time, ratify, amend, and repeal~~ 10621  
~~bylaws necessary and proper for the regulation of its affairs and~~ 10622  
~~the conduct of its business and rules to implement and make~~ 10623  
~~effective its powers and duties;~~ 10624

(2) ~~Adopt an official seal;~~ 10625

(3) ~~Maintain a principal office in Columbus and, if~~ 10626  
~~necessary, regional sub-offices at locations properly designated~~ 10627  
~~or provided;~~ 10628

(4) ~~Sue and be sued in its own name and plead and be~~ 10629  
~~impleaded in its own name, particularly to enforce the obligations~~ 10630  
~~and covenants made under this section and sections 4981.13 and~~ 10631  
~~4981.29 of the Revised Code. Any actions against the commission~~ 10632  
~~shall be brought in the court of common pleas in Franklin county,~~ 10633  
~~in which the principal office of the commission shall be located.~~ 10634

(5) Undertake or cause to be undertaken the acquisition, 10635

renovation, repair, refunding, operation, maintenance, or 10636  
construction of any rail service project; 10637

~~(6)~~(2) Establish and operate a revolving loan fund for the 10638  
purpose of making loans to qualifying subdivisions, local or 10639  
regional transportation authorities, or other persons for the 10640  
acquisition, renovation, repair, refunding, or construction of 10641  
rail service projects by such qualifying subdivisions, local or 10642  
regional transportation authorities, and private corporations or 10643  
organizations, and the repayment thereof from project financing 10644  
proceeds and revenues; purchase the obligations of counties and 10645  
municipal corporations issued for the acquisition, renovation, 10646  
repair, or construction of rail service projects by such 10647  
qualifying subdivisions and local or regional transportation 10648  
authorities; and adopt rules and procedures for making those loans 10649  
or purchasing those obligations; 10650

~~(7)~~(3) Issue bonds and notes and refunding obligations of the 10651  
state, payable as provided in ~~this chapter~~ sections 5501.57 to 10652  
5501.661 of the Revised Code unless the bonds are refunded by 10653  
refunding bonds, for the purpose of borrowing money to implement 10654  
any power granted by divisions (B)~~(5)~~(1) and ~~(6)~~(2) of this 10655  
section for one or more rail service projects or parts thereof; 10656

~~(8)~~(4) Acquire by gift or purchase, hold, or dispose of real 10657  
and personal property in the exercise of its powers and 10658  
performance of its duties as set forth in ~~this chapter~~ sections 10659  
5501.57 to 5501.661 of the Revised Code; 10660

~~(9)~~(5) Make and enter into all contracts and agreements and 10661  
execute all instruments necessary or incidental to the performance 10662  
of its duties and the execution of its powers and to employ 10663  
natural persons to act on behalf of the ~~commission~~ division, and 10664  
to establish the terms and conditions of such employment; 10665

~~(10)~~(6) Receive and accept from any federal agency or other 10666



person, subject to the approval of the governor, grants for or in 10667  
aid of the construction, repair, renovation, operation, 10668  
maintenance, or acquisition of rail service projects, and receive 10669  
and accept aid or contributions from any source of money, 10670  
property, labor, or other things of value, to be held, used, and 10671  
applied only for the purposes for which the grants and 10672  
contributions are made; 10673

~~(11)~~(7) Purchase property coverage and liability insurance 10674  
for any rail service project and for any offices of the ~~commission~~ 10675  
division, insurance protecting the ~~commission~~ division and its 10676  
officers and employees against liability, if any, or damage to 10677  
property or injury to or death of persons arising from its 10678  
operations, and any other insurance the ~~commission~~ division may 10679  
agree to provide under any ~~resolution~~ determination authorizing 10680  
the issuance of bonds in accordance with sections ~~4981.11 to~~ 10681  
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code, or in any trust 10682  
agreement securing the same; 10683

~~(12)~~(8) Establish or increase reserves from moneys received 10684  
or to be received by the ~~commission~~ division to secure or pay the 10685  
principal of and interest on bonds, notes, or other obligations 10686  
issued by the ~~commission~~ division pursuant to ~~this chapter~~ 10687  
sections 5501.57 to 5501.661 of the Revised Code or other law. 10688  
Moneys, funds, and accounts of the ~~commission~~ division, however, 10689  
are subject only to audit by the auditor of state and all moneys, 10690  
funds, and accounts shall be held in custody or deposited as 10691  
directed by resolution of the ~~commission~~ division and unless 10692  
otherwise provided by law all moneys of the ~~commission~~ division 10693  
not pledged to the holders of bonds of the ~~commission~~ division 10694  
shall be appropriated by the general assembly. 10695

~~(13)~~(9) Receive and disburse the proceeds of general 10696  
obligation or other bonds of the state or agencies thereof as may 10697  
be allowed by law pursuant to any resolution or act of the general 10698

assembly; 10699

~~(14)~~(10) To the extent permitted under its contracts with the 10700  
holders of bonds or notes of the ~~commission~~ division, consent to 10701  
modification of the rate of interest, time and payment of 10702  
installment of principal or interest, security, or any other term 10703  
of a bond, contract, or agreement of any kind to which the 10704  
~~commission~~ division is a party; 10705

~~(15)~~(11) Make grants to counties or municipal corporations, 10706  
qualifying subdivisions, local or regional transportation 10707  
authorities, or other persons for one or more rail service 10708  
projects or parts thereof; 10709

~~(16)~~(12) Provide consultation services to any qualifying 10710  
subdivision, local or regional transportation authority, or other 10711  
person in connection with the acquisition, renovation, repair, or 10712  
construction of any rail service project; 10713

~~(17)~~(13) Establish and amend the criteria and qualifications 10714  
for the making of any loan to or the purchasing of any bond from 10715  
any qualifying subdivision, local or regional transportation 10716  
authority, or other person and the terms not inconsistent with 10717  
~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code of 10718  
any loan or bond purchase agreement with any qualifying 10719  
subdivision, local or regional transportation authority, or other 10720  
person; 10721

~~(18)~~(14) Deposit money received from the repayment of loans 10722  
and recoveries from the sale, lease, or other disposition of 10723  
property acquired or constructed from amounts loaned by the 10724  
~~commission~~ division pursuant to section ~~4981.13~~ 5501.642 of the 10725  
Revised Code or division (B) of this section, in an account 10726  
pledged to secure, and applied to the repayment, without the need 10727  
for appropriation, of, obligations issued under section 166.08 of 10728  
the Revised Code to pay the costs of property, facilities, or 10729

equipment that qualifies as rail service projects; enter into 10730  
agreements with the treasurer of state or a corporate trustee for 10731  
such obligations to provide for the deposit and pledge of such 10732  
money as specified in the agreement, to permit the withdrawal of 10733  
money by the treasurer of state or corporate trustee from the 10734  
account as necessary for application to the payment of debt 10735  
service on such obligations, and to permit the investment of those 10736  
amounts, without regard to Chapter 131. or 135. of the Revised 10737  
Code, pending their application to the payment of debt service; 10738  
and enter into agreements with persons to provide for the 10739  
repayment of any amounts paid from any pledged account in 10740  
connection with obligations issued under section 166.08 of the 10741  
Revised Code; 10742

~~(19)~~(15) Do all acts necessary and proper to carry out the 10743  
powers expressly granted to the ~~commission~~ division in ~~this~~ 10744  
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 10745

(C) Any instrument by which real property is acquired 10746  
pursuant to this section shall identify the agency of the state 10747  
that has the use and benefit of the real property as specified in 10748  
section 5301.012 of the Revised Code. 10749

(D) The transportation review advisory council shall review 10750  
any rail project, excluding grade crossing safety projects, 10751  
initiated pursuant to the authority under sections 5501.57 to 10752  
5501.661 of the Revised Code. 10753

**Sec. ~~4981.031~~ 5501.59.** (A) The ~~Ohio rail development~~ 10754  
~~commission or the department of transportation, on behalf of the~~ 10755  
~~commission,~~ division of freight may apply for and receive from the 10756  
United States government loans and grants in accordance with any 10757  
federal law or program concerning rail transportation. 10758

(B) It is hereby found and determined that rail 10759  
transportation is an essential and indispensable part of the 10760

commerce and industry of the state and is of vital importance to 10761  
the creation and preservation of jobs and employment opportunities 10762  
and to the improvement of the economic welfare of the people of 10763  
the state, and that rail transportation creates, promotes, and is 10764  
a part of the continuous exchange of goods and services in the 10765  
state economy. It is further found and determined that the 10766  
authority granted ~~by Chapter 4981.~~ under sections 5501.57 to 10767  
5501.661 of the Revised Code is consistent with and will effect 10768  
the purposes of Section 13 of Article VIII, Ohio Constitution, 10769  
that rail transportation is part of and is directly related to 10770  
industry, commerce, distribution, and research under Section 13 of 10771  
Article VIII, Ohio Constitution, and that it is in the public 10772  
interest and a proper public purpose under Section 13 of Article 10773  
VIII, Ohio Constitution, for the state to acquire, construct, 10774  
enlarge, improve, or equip, and to sell, lease, or exchange, or 10775  
otherwise dispose of property, structures, equipment, and 10776  
facilities for rail transportation, all as provided ~~in Chapter~~ 10777  
~~4981.~~ under sections 5501.57 to 5501.661 of the Revised Code, and 10778  
that such activities will contribute to the creation or 10779  
preservation of jobs or employment opportunities or the 10780  
improvement of the economic welfare of the people of the state. 10781  
~~Chapter 4981.~~ Sections 5501.57 to 5501.661 of the Revised Code, 10782  
being necessary for the welfare of the state and its people, shall 10783  
be liberally construed to effect its purposes. 10784

**Sec. ~~4981.032~~ 5501.591.** ~~The Ohio rail development commission~~ 10785  
division of freight may issue grants and loans to any 10786  
transportation authority or to any person for the purpose of 10787  
continuing or instituting rail transportation in the state. The 10788  
grants and loans may be used for rehabilitation, construction, 10789  
planning, relocation, or acquisition of rail transportation or 10790  
rail property, or for substitute service. The grants and loans may 10791  
be provided by the ~~commission~~ division with funds from the United 10792

States government, the state, any transportation authority, or any 10793  
person, or from any combination of those sources. The ~~commission~~ 10794  
division shall establish eligibility and distribution criteria for 10795  
the grants and loans. 10796

**Sec. ~~4981.033~~ 5501.592.** (A) Notwithstanding section 4961.37 10797  
of the Revised Code, a railroad company, public agency, or other 10798  
person operating passenger rail service on a right-of-way owned by 10799  
another shall indemnify and hold harmless the owner, user, or 10800  
other rights holder for liability for any damages arising out of 10801  
passenger operations conducted by or on behalf of the railroad 10802  
company, public agency, or other person operating passenger rail 10803  
service and for all claims for damages for harm arising from any 10804  
accident or incident occurring in connection with the operations 10805  
conducted by or on behalf of the railroad company, public agency, 10806  
or other person operating passenger rail service. 10807

(B) Each railroad company, public agency, or other person 10808  
operating passenger rail service on a right-of-way owned by 10809  
another shall maintain an aggregate limit of liability coverage of 10810  
no less than two hundred million dollars. 10811

(C) The liability for damages for harm, including any 10812  
punitive damages, of a railroad company or other entity over whose 10813  
tracks passenger rail service operations are conducted by another 10814  
shall not be in an amount greater than the limits of the liability 10815  
coverage maintained by the railroad company, public agency, or 10816  
other person operating passenger rail service. 10817

(D) Division (A) of this section ~~shall~~ does not apply if the 10818  
railroad company or other entity over whose tracks the passenger 10819  
rail service operations are conducted, committed an act or 10820  
omission with reckless, wanton, willful, or gross negligence and 10821  
the act or omission proximately caused the harm in question. 10822

(E) The operator of an excursion rail service and the owner 10823

of any railroad property over which the excursion rail service 10824  
will be provided may negotiate to determine the amount of 10825  
liability coverage necessary to satisfy the owner's private 10826  
insurance requirements. If the operator and owner reach agreement 10827  
on the amount of private insurance coverage so required, division 10828  
(B) of this section ~~shall~~ does not apply to the operation of the 10829  
excursion rail service over that railroad property. 10830

This division does not require any owner of railroad property 10831  
to enter into such negotiations, to agree to an amount of 10832  
liability coverage that the owner determines to be insufficient 10833  
indemnification, nor to permit any excursion rail service operator 10834  
to have access to the railroad property. 10835

(F) As used in this section: 10836

(1) "Harm" means injury, death, or loss to person or 10837  
property. 10838

(2) "Passenger rail service" includes intercity passenger, 10839  
commuter, or high speed rail transportation service. 10840

(3) "Excursion rail service" means any rail passenger service 10841  
that is undertaken primarily for education, entertainment, 10842  
recreation, or scenic observation and that does not involve any of 10843  
the following: 10844

(a) The carrying of freight other than the personal luggage 10845  
of the passengers or crew, or supplies and equipment necessary to 10846  
serve the needs of the passengers or crew; 10847

(b) The carrying of passengers who are commuting to work; 10848

(c) The carrying of passengers who are traveling to a final 10849  
destination solely for business or commercial purposes. 10850

**Sec. ~~4981.05~~ 5501.593.** (A) Any local or regional 10851  
transportation authority may apply for a rail service continuation 10852  
subsidy, acquisition or modernization loan, or any other 10853

assistance provided by the Regional Rail Reorganization Act for 10854  
the purpose of providing any rail service that is consistent with 10855  
rail service provided under ~~this chapter~~ sections 5501.57 to 10856  
5501.661 of the Revised Code. Any local or regional transportation 10857  
authority may exercise, or may be created to exercise, such 10858  
authority, administrative jurisdiction, and fiscal control as is 10859  
necessary to obtain such assistance and provide such rail service. 10860

(B) For the purposes of this section, "transit system" as 10861  
used in section 306.04 of the Revised Code, and "transit facility" 10862  
as used in sections 306.30 and 306.81 of the Revised Code, include 10863  
rail service. 10864

**Sec. ~~4981.04~~ 5501.60.** (A) The ~~Ohio rail development~~ 10865  
~~commission~~ division of freight shall prepare a draft plan for the 10866  
construction and operation of an intercity conventional or high 10867  
speed passenger transportation system in this state. The division 10868  
shall construct and operate the system ~~shall be constructed and~~ 10869  
~~operated by the commission~~. The division shall base the draft plan 10870  
for construction and operation ~~shall be based~~ on existing studies, 10871  
and shall state that the system's initial route will connect 10872  
Cleveland, Columbus, and Cincinnati and any points in between 10873  
those cities determined by the ~~authority~~ division. The division 10874  
shall include in the draft plan ~~shall include~~ the following 10875  
information: 10876

- (1) The route alignment of the proposed system; 10877
- (2) The proposed technology; 10878
- (3) The size, nature, and scope of the proposed system; 10879
- (4) The sources of the public and private revenue needed to 10880  
finance the system; 10881
- (5) The projected ability of all revenue sources to meet both 10882  
capital and operating funding requirements of the proposed system; 10883

(6) The construction, operation, and management plan for the system, including a timetable for construction and the proposed location and number of transit stations considered necessary;

(7) The likelihood that Ohio-based corporations will be used to manufacture or supply components of the proposed system;

(8) The likelihood that additional or subsidiary development will be generated;

(9) The extent to which the proposed system will create an additional or reduced demand for sources of energy;

(10) Any changes in the law necessary to implement the proposed system;

(11) The proposed system's impact on the economy of the state and on the economic and other public policies of the state.

~~The commission may revise any plan of the Ohio high speed rail authority or may submit a separate plan for construction and operation and a funding request to the governor, the speaker of the house of representatives, and to the president of the senate.~~

(B) The division shall submit the draft plan to the transportation review advisory council for approval and acceptance. Any plan for an intercity conventional or high speed passenger transportation system submitted by the ~~commission~~ division pursuant to this section shall not propose the operation of such a system by the state other than through the ~~commission~~ division.

**Sec. 4981.35 5501.601.** The "Interstate High Speed Intercity Rail Passenger Network Compact" is hereby ratified, enacted into law and entered into by the state of Ohio with all other states legally joining therein the form substantially as follows:

"INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER

NETWORK COMPACT

10913



Article I	10914
Policy and Purpose	10915
Because the beneficial service of and profitability of a high	10916
speed intercity rail passenger system would be enhanced by	10917
establishing such a system which would operate across state lines,	10918
it is the policy of the states party to this compact to cooperate	10919
and share jointly the administrative and financial	10920
responsibilities of preparing a feasibility study concerning the	10921
operation of such a system connecting major cities in Ohio,	10922
Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and	10923
Kentucky.	10924
Article II	10925
Cooperation	10926
The states of Ohio, Indiana, Michigan, Pennsylvania,	10927
Illinois, West Virginia, and Kentucky, hereinafter referred to as	10928
participating states, agree to, upon adoption of this compact by	10929
the respective states, jointly conduct and participate in a high	10930
speed intercity rail passenger feasibility study by providing such	10931
information and data as is available and may be requested by a	10932
participating state or any consulting firms representing a	10933
participating state or the compact. It is mutually understood by	10934
the participating states that such information shall not include	10935
matters not of public record or of a nature considered to be	10936
privileged and confidential unless the state providing such	10937
information agrees to waive the confidentiality.	10938
The participating states further agree to:	10939
(A) Make available to each other and to any consulting firm	10940
representing the member states or the compact such assistance as	10941
may be legal, proper and available, including but not limited to	10942
personnel, equipment, office space, machinery, computers,	10943
engineering and technical advice and services; and	10944
(B) Provide such financial assistance for the implementation	10945

of the feasibility study as may be legal, proper and available. 10946

Article III 10947

Interstate Rail Passenger Advisory Council 10948

There is hereby created an interstate rail passenger advisory 10949  
council, the membership of which shall consist of two 10950  
representatives from each participating state, one representative 10951  
from each state shall hold a bachelor of science degree in either 10952  
engineering or transportation science, and shall be appointed by 10953  
the governor of the participating state and the other shall be the 10954  
chairman of the state's railroad authority, but in the event said 10955  
state does not have a railroad authority, the second member shall 10956  
be the director of the participating state's transportation 10957  
agency. The members shall select designees who shall serve in the 10958  
absence of the members. The advisory council shall meet within 10959  
thirty days after ratification of this agreement by at least two 10960  
participating states and establish rules for the conduct of the 10961  
advisory council's business. 10962

The advisory council shall coordinate all aspects of the high 10963  
speed intercity rail passenger feasibility study relative to 10964  
interstate connections and shall do all other things necessary and 10965  
proper for the completion of the feasibility study. 10966

Article IV 10967

Effective Date 10968

This compact shall become effective upon the adoption of the 10969  
compact into law by two or more of the participating states. 10970  
Thereafter, it shall enter into force and effect as to any other 10971  
participating state upon the enactment thereof by such state. 10972

This compact shall continue in force with respect to a 10973  
participating state and remain binding upon such state until six 10974  
months after such state has given notice to each other 10975  
participating state of the repeal thereof. Such withdrawal shall 10976  
not be construed to relieve any participating state from any 10977

obligation incurred prior to the end of the state's participation 10978  
in the compact as provided herein. 10979

Article V 10980

Construction and Severability 10981

This compact shall be liberally construed so as to effectuate 10982  
the purposes thereof. The provisions of this compact shall be 10983  
severable and if any phrase, clause, sentence, or provision of 10984  
this compact is declared to be contrary to the constitution of any 10985  
participating state or of the United States, or the applicability 10986  
thereof to any government, agency, person, or circumstance is held 10987  
invalid, the validity of the remainder of this compact and the 10988  
applicability thereof to any government, agency, person, or 10989  
circumstance shall not be affected thereby. If this compact shall 10990  
be held contrary to the constitution of any participating state, 10991  
the compact shall remain in full force and effect as to the 10992  
remaining states and in full force and effect as to the state 10993  
affected as to all severable matters. 10994

**Sec. ~~4981.40~~ 5501.602.** In any overall programmatic 10995  
environmental impact study or other comprehensive high-speed rail 10996  
project development study, ~~the department of transportation and~~ 10997  
~~the rail development commission~~ division of freight shall include 10998  
all federally designated high-speed rail corridors in Ohio and all 10999  
passenger rail corridors in the Ohio hub study. 11000

~~The department of transportation and the rail development~~ 11001  
~~commission~~ division of freight shall work with Amtrak to examine 11002  
methods to improve existing service between Toledo and Cleveland 11003  
with a goal of creating optimum service to connect the planned 11004  
Cleveland, Columbus, Dayton, and Cincinnati service. 11005

~~The department of transportation and the rail development~~ 11006  
~~commission~~ division of freight shall examine the financial and 11007  
economic feasibility of developing a passenger rail system between 11008

Toledo and Columbus, including necessary characteristics of a 11009  
viable connection between the cities. 11010

**Sec. ~~4981.06~~ 5501.61.** (A) The ~~Ohio rail development~~ 11011  
~~commission~~ division of freight may purchase or lease any portion 11012  
of the rail property of a railroad corporation, and may purchase 11013  
or lease any other property, facilities, or equipment considered 11014  
necessary by the ~~commission~~ division for the operation of rail 11015  
services, and the maintenance of track and other rail property. 11016  
For the purpose of acquiring such property the ~~commission~~ division 11017  
may obtain acquisition loans from the federal government. 11018

(B) Where it is necessary for the purpose of implementing 11019  
rail service under this chapter, the ~~commission, with the approval~~ 11020  
~~of the director of transportation,~~ division may appropriate real 11021  
property. ~~All~~ The division shall make all such appropriations 11022  
~~shall be made~~ pursuant to sections 163.01 to 163.22 of the Revised 11023  
Code. 11024

**Sec. ~~4981.07~~ 5501.611.** (A) The ~~Ohio rail development~~ 11025  
~~commission~~ division of freight may restore, repair, relocate, or 11026  
upgrade any rail property purchased, leased, or maintained by the 11027  
~~commission~~ division. The ~~commission~~ division may restore, repair, 11028  
relocate, or upgrade any rail property owned by another person as 11029  
long as such action is necessary for the efficient operation of 11030  
rail services provided by the ~~commission~~ division. The ~~commission~~ 11031  
division may obtain modernization loans from the federal 11032  
government to restore or repair rail property acquired by the 11033  
~~commission~~ division for the purpose of implementing rail service. 11034

(B) The ~~commission~~ division may operate any rail property 11035  
acquired by it over track owned or leased by the ~~commission~~ 11036  
division, or over track owned by another person pursuant to an 11037  
agreement with that person as long as such action is necessary for 11038

the efficient operation of rail service provided by the ~~commission~~ 11039  
~~division~~ pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of 11040  
the Revised Code. 11041

(C) The ~~commission~~ division may enter into agreements with 11042  
the ~~department of transportation~~, boards of county commissioners, 11043  
boards of township trustees, legislative authorities of municipal 11044  
corporations, with other governmental agencies or organizations, 11045  
and with private corporations or organizations in order to 11046  
facilitate implementation of rail service. 11047

**Sec. 4981.08 5501.612.** (A) The ~~Ohio rail development~~ 11048  
~~commission~~ division of freight may sell, transfer, or lease any of 11049  
the rail property that it possesses to any person for the 11050  
continuation and operation of any rail service that is provided 11051  
for pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the 11052  
Revised Code. 11053

(B) The ~~commission~~ division may assist any person to obtain 11054  
an order or certificate required by the interstate commerce 11055  
commission for the performance of rail services in this state. 11056

(C) The ~~commission~~ division may cooperate with other states 11057  
in carrying out the provisions of ~~this chapter~~ sections 5501.57 to 11058  
5501.661 of the Revised Code and may enter into any agreements 11059  
with other states for the operation of rail services, including 11060  
the joint purchasing or leasing of rail property. 11061

**Sec. 4981.10 5501.613.** As long as such action does not 11062  
violate covenants made on behalf of or for the benefit of the 11063  
holders of bonds, notes, or other obligations of the ~~Ohio rail~~ 11064  
~~development commission~~ division of freight, the ~~Ohio rail~~ 11065  
~~development commission~~ division may purchase any portion of the 11066  
rail property of a railroad corporation and may purchase any other 11067  
property, facilities, or equipment considered necessary by the 11068

commission for the operation of rail services, subject to the 11069  
following conditions: 11070

(A) Upon inspection of the rail property the ~~commission~~ 11071  
division determines that the rail property is suitable for the 11072  
efficient operation of rail services; 11073

(B) The controlling board approves the purchase of the rail 11074  
property by an affirmative vote of no fewer than five members. 11075

**Sec. ~~4981-24~~ 5501.614.** Any political subdivision, taxing 11076  
district, or other public body of this state, without competitive 11077  
bidding, may convey or exchange with the ~~Ohio rail development~~ 11078  
~~commission~~ division of freight, for use in connection with a 11079  
project, any or all of its interests in real or personal property, 11080  
or both, not needed by the grantor. The interest in such property 11081  
to be conveyed shall be appraised at its fair market value and 11082  
such appraisal value shall be the conveyance price. The appraised 11083  
fair market value of any property exchanged under this section 11084  
shall be substantially equal to the aggregate of the appraised 11085  
fair market value of the property for which it is exchanged and 11086  
any moneys paid to the grantor in consideration of such exchange. 11087  
The political subdivision, taxing district, or other public body 11088  
shall prescribe the form of its deed. 11089

**Sec. ~~4981-25~~ 5501.62.** In accordance with Section 13 of 11090  
Article VIII, Ohio Constitution, the state, acting through the 11091  
~~Ohio rail development commission~~ division of freight, for the 11092  
purpose of implementing rail service, may ~~by resolution~~ designate 11093  
a corporation organized under Chapter 1702. or 1724. of the 11094  
Revised Code as its agency to acquire, construct, reconstruct, 11095  
enlarge, improve, furnish, or equip and to sell, lease, exchange, 11096  
or otherwise dispose of property and facilities within the state 11097  
for industry, commerce, distribution, and research; may approve 11098

such corporation and obligations of the corporation issued by it 11099  
for one or more such purposes; and may have a beneficial interest 11100  
in such corporation including the right to the property financed 11101  
by such obligations on the retirement of such obligations, or by 11102  
acquiring such property for endowment or similar uses or benefits 11103  
or for ultimate direct use by it, subject to any lease or mortgage 11104  
securing such obligations. 11105

**Sec. ~~4981.26~~ 5501.63.** (A) A project of the ~~Ohio rail~~ 11106  
~~development commission shall~~ division of freight is not be subject 11107  
to the requirements relating to public buildings, structures, 11108  
grounds, works, or improvements imposed by section 125.81, 713.02, 11109  
or 713.25 of the Revised Code or any other similar requirements 11110  
that may be lawfully waived by this section. 11111

(B) A project of the ~~commission~~ division shall be 11112  
constructed, reconstructed, enlarged, improved, furnished, or 11113  
equipped and shall be leased, sold, or otherwise disposed of in 11114  
the manner determined by the ~~issuer~~ director of transportation in 11115  
~~its~~ the sole discretion of the director and any requirement of 11116  
competitive bidding or other restriction, which may be lawfully 11117  
waived by this section, imposed on the procedure for award of 11118  
contracts for such purpose or the lease, sale, or other 11119  
disposition of property of the issuer is not applicable to any 11120  
action taken under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 11121  
of the Revised Code. 11122

**Sec. ~~4981.11~~ 5501.64.** (A) "~~Commission Division~~" means the 11123  
~~Ohio rail development commission~~ division of freight created in 11124  
section ~~4981.02~~ 5501.58 of the Revised Code, the duties, powers, 11125  
responsibilities, and functions of which are specified in ~~this~~ 11126  
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 11127

(B) "Bond" means revenue bonds, notes, or other obligations 11128

including current or advance refunding bonds issued by the 11129  
~~commission~~ division to effect the intents and purposes of ~~this~~ 11130  
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code and any 11131  
bond issued by a qualifying subdivision or local or regional 11132  
transportation authority pursuant to Chapter 133. of the Revised 11133  
Code or otherwise as provided by the constitution and laws of this 11134  
state. 11135

(C) "Bond proceedings" means any bond proceedings, as defined 11136  
in division (E) of section 9.98 of the Revised Code, with respect 11137  
to bonds, including, without limitation, the bond legislation with 11138  
respect thereto. 11139

(D) "Cost," as applied to rail service projects, means the 11140  
cost of acquisition, repair, renovation, and construction thereof; 11141  
the cost of acquisition of all land, rights-of-way, property 11142  
rights, easements, franchise rights, credit enhancements, or 11143  
credit facility and interests required by any person, qualifying 11144  
subdivision, a local or regional transportation authority, or the 11145  
~~commission~~ division for such acquisition, renovation, repair, or 11146  
construction, the cost of demolishing or removing any buildings or 11147  
structures on land so acquired, including the cost of acquiring 11148  
any lands to which buildings or structures may be moved; the cost 11149  
of diverting highways, interchange of highways, access roads to 11150  
private property, railroad rights-of-way including the cost of 11151  
land or easement therefor; the cost of all machinery, furnishing, 11152  
and equipment; all finance charges, and interest prior to and 11153  
during the construction and for no more than eighteen months after 11154  
completion of construction or acquisition; the cost of all legal 11155  
services and expenses; the cost of all plans, specifications, 11156  
surveys, and estimates of cost; all working capital and other 11157  
expenses necessary or incident to determining the feasibility or 11158  
practicability of acquiring, renovating, repairing, or 11159  
constructing any such project; the financing of such acquisition, 11160



renovation, repair, refunding, or construction, including the 11161  
amount ~~authorized in the resolution of the commission~~ determined 11162  
by the division providing for the issuance of bonds to be paid 11163  
into any special funds from the proceeds of such bonds; and the 11164  
financing of the placing of any such rail service project in 11165  
operation, if necessary. Any obligations or expenses incurred 11166  
after December 19, 1986, by any person, qualifying subdivision, or 11167  
local or regional transportation authority, with the approval of 11168  
the ~~commission~~ division, for surveys, borings, preparation of 11169  
plans and specifications, and other engineering services in 11170  
connection with the acquisition, renovation, repair, or 11171  
construction of a project shall be regarded as a part of the cost 11172  
of such project and shall be reimbursed out of the proceeds of 11173  
grants, loans, or bonds as authorized by ~~this chapter~~ sections 11174  
5501.57 to 5501.661 of the Revised Code. 11175

(E) "Credit facility" means any credit facility, as defined 11176  
in division (G) of section 9.98 of the Revised Code, with respect 11177  
to bonds. 11178

(F) "Floating rate interest structure" means any floating 11179  
rate interest structure, as defined in division (I) of section 11180  
9.98 of the Revised Code, with respect to bonds. 11181

(G) "Indexing agent" means any indexing agent, as defined in 11182  
division (J) of section 9.98 of the Revised Code, with respect to 11183  
bonds. 11184

(H) "Rail service project" or "project" means any project of 11185  
an essential public nature which is considered a part of the rail 11186  
service system, including, without limitation, permitted loan 11187  
purposes which are specifically declared to be for an essential 11188  
public purpose. 11189

(I) "Interest rate period" means any interest rate period, as 11190  
defined in division (K) of section 9.98 of the Revised Code, with 11191

respect to bonds. 11192

(J) "Issuer" means the ~~commission~~ division. 11193

(K) "Participation agreement" means any participation 11194  
agreement, loan agreement, lease agreement, bond purchase 11195  
agreement, or other agreement between or among any person, 11196  
qualifying subdivision, or local or regional transportation 11197  
authority and the commission pursuant to which the ~~commission~~ 11198  
division agrees to lend moneys to the person, qualified 11199  
subdivision, or local or regional transportation authority, and 11200  
the person, qualifying subdivision, or local or regional 11201  
transportation authority agrees to repay the moneys so lent, in 11202  
accordance with ~~this chapter~~ sections 5501.57 to 5501.661 of the 11203  
Revised Code and the applicable bond proceedings and on the terms 11204  
and subject to the conditions set forth in such agreement. 11205

(L) "Permitted loan purpose" means any of the following: 11206

(1) The payment of the costs of the acquisition or 11207  
construction of any property, asset, or improvement with an 11208  
estimated life or usefulness of one year or more, including land 11209  
and interests therein, and including reconstructions, 11210  
enlargements, and extensions of any such property, asset, or 11211  
improvement having an estimated life or usefulness of one year or 11212  
more, of the commission provided that such estimated life or 11213  
usefulness shall be certified by the fiscal officer of the person, 11214  
qualifying subdivision, or local or regional transportation 11215  
authority to which the loan is to be made to that person, 11216  
qualifying subdivision, or local or regional transportation 11217  
authority; 11218

(2) The payment of any final judgment, regardless of whether 11219  
such judgment arose out of a contractual or noncontractual cause 11220  
of action; 11221

(3) The reimbursement to any person, qualifying subdivision, 11222

or local or regional transportation authority of moneys expended 11223  
by it for a permitted loan purpose described in divisions (L)(1) 11224  
and (2) of this section, including, without limitation, rental 11225  
payments made by any person, qualifying subdivision, or local or 11226  
regional transportation authority under a lease with an option to 11227  
purchase if the proceeds of the loan are to be applied to the 11228  
payment of the purchase price upon the exercise of the option to 11229  
purchase; 11230

(4) The refunding, including funding and retirement, or 11231  
advance refunding of the outstanding principal amount of any debt 11232  
obligation issued or incurred by the ~~commission~~ division or by any 11233  
person, qualifying subdivision, or local or regional 11234  
transportation authority, including, without limitation, any loan 11235  
previously made from the ~~commission~~ division for a permitted loan 11236  
purpose of the sort described in divisions (L)(1) and (2) of this 11237  
section; 11238

(5) The costs and expenses incurred by the ~~commission~~ 11239  
division or by any person, qualifying subdivision, or local or 11240  
regional transportation authority in obtaining a loan from the 11241  
~~commission~~ division, including, without limitation, the fees and 11242  
expenses of attorneys, accountants, engineers, and consultants and 11243  
the costs and expenses of preparing, printing, and delivering any 11244  
documents or instruments required to be delivered by any person, 11245  
qualifying subdivision, or local or regional transportation 11246  
authority under its participation agreement with the ~~commission~~ 11247  
division. 11248

(M) "Person" means any natural person, partnership, joint 11249  
venture, corporation, foreign or domestic, state or subdivision 11250  
thereof, or sovereign government, or province thereof including 11251  
the United States or any agency or instrumentality thereof. 11252

(N) "Put arrangement" means any put arrangement, as defined 11253  
in division (N) of section 9.98 of the Revised Code, with respect 11254

to bonds. 11255

(O) "Remarketing agent" means a remarketing agent as defined 11256  
in division (O) of section 9.98 of the Revised Code, with respect 11257  
to bonds. 11258

(P) "Revenue" means any money or thing of value collected by, 11259  
or paid to, the ~~commission~~ division in connection with any rail 11260  
project or as principal of or interest, charges, or other fees on 11261  
loans, including any moneys derived from taxation or any other 11262  
collections on loans made by the ~~commission~~ division to any 11263  
person, qualifying subdivisions, or local or regional 11264  
transportation authorities to finance in whole or in part the 11265  
acquisition, renovation, repair, refunding, or construction of any 11266  
rail service project or projects, or other money or property which 11267  
is received by the ~~commission~~ division and may be expended for or 11268  
pledged as revenues pursuant to ~~this chapter~~ sections 5501.57 to 11269  
5501.661 of the Revised Code. 11270

(Q) "Special fund" means any fund required to be established 11271  
by the ~~commission~~ division pursuant to the bond proceedings with 11272  
respect to any bonds and into which the bond proceedings require 11273  
that pledged receipts be deposited and from which the bond 11274  
proceedings permit the disbursement of the pledged receipts at the 11275  
times, in the amounts, and for the purposes set forth therein. 11276

(R) "Special revenue loan" means a loan to a qualifying 11277  
subdivision or local or regional transportation authority by the 11278  
~~commission~~ division that is payable solely from and secured solely 11279  
by one or more sources of county or municipal tax or other revenue 11280  
other than ad valorem property taxes. 11281

**Sec. ~~4981.12~~ 5501.641.** (A) The general assembly hereby finds 11282  
and declares that increasing requirements for rail service for the 11283  
people of the state and escalating costs of providing such rail 11284  
service have created inordinate demands upon the financial 11285

resources of the state, qualifying subdivisions, private 11286  
corporations and organizations, and local and regional 11287  
transportation authorities necessitating legislation to enable the 11288  
people of the state to attain a more competitive position in 11289  
capital markets to provide rail service. 11290

(B) The general assembly hereby finds and declares further 11291  
that it is in the public interest and is the responsibility of the 11292  
state to foster and promote by all lawful means the provision of 11293  
adequate capital markets and facilities for borrowing money for 11294  
the financing of rail service and the fulfillment of public 11295  
purposes, and to make it possible for the ~~commission~~ division of 11296  
freight, qualifying subdivisions, private corporations or 11297  
organizations, and local or regional transportation authorities to 11298  
obtain new or additional sources of capital funds at acceptable 11299  
interest costs, including activities to encourage investor 11300  
interest in the purchase of bonds, notes or other obligations of 11301  
the ~~commission~~ division, or issued by the ~~commission~~ division to 11302  
fund loans it may make to private corporations or organizations 11303  
under sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 11304  
Revised Code, as sound and preferred securities for investments. 11305

(C) The general assembly hereby finds and declares further 11306  
that it is in the public interest and is the responsibility of the 11307  
state to encourage qualifying subdivisions, local or regional 11308  
transportation authorities, and other persons to continue their 11309  
independent undertakings of rail service and fulfillment of public 11310  
purposes and the financing thereof and to improve or enhance the 11311  
possibilities of qualifying subdivisions, local or regional 11312  
transportation authorities, and other persons obtaining funds, to 11313  
the extent possible, at reduced interest costs, for the orderly 11314  
financing of rail service projects and fulfillment of public 11315  
purposes. 11316

(D) The general assembly hereby finds and declares further 11317

that it is in the public interest, in order to implement and aid 11318  
in the discharge of these responsibilities, that a state 11319  
instrumentality, having been created as a public body corporate 11320  
with full powers to borrow money and issue its bonds, notes, and 11321  
other obligations to the end that funds obtained thereby may be 11322  
used or made available to franchisees to provide capital 11323  
facilities for rail service by the ~~commission~~ division or for the 11324  
purposes of making loans to qualifying subdivisions, local or 11325  
regional transportation authorities, private corporations or 11326  
organizations, and other persons for rail service projects, that 11327  
such state instrumentality be granted all powers necessary or 11328  
appropriate to accomplish and carry out these essential public 11329  
purposes and responsibilities of the state in a manner to make it 11330  
possible to sell bonds and borrow funds at as low an interest rate 11331  
as the instrumentality finds and determines to be feasible. 11332

(E) The general assembly further finds and declares that in 11333  
accomplishing these purposes, the ~~commission~~ division, created and 11334  
established by ~~this chapter~~ sections 5501.57 to 5501.661 of the 11335  
Revised Code, will be acting in all respects for the benefit of 11336  
the people of the state to serve the public purposes of improving 11337  
and otherwise promoting their health, education, welfare, safety, 11338  
and prosperity, and that the ~~commission~~ division may act on behalf 11339  
of the state and its people in serving the essential public 11340  
purposes described in this section for the benefit of the general 11341  
public of the state. 11342

**Sec. ~~4981.13~~ 5501.642.** To accomplish the public policies and 11343  
purposes and to meet the responsibility of the state as set forth 11344  
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code, 11345  
the ~~Ohio rail development commission~~ division of freight may 11346  
directly undertake and implement and make loans to qualifying 11347  
subdivisions, local or regional transportation authorities, and 11348  
other persons for the acquisition, renovation, repair, refunding, 11349

or construction of rail service projects by such qualifying 11350  
subdivisions and local or regional transportation authorities, and 11351  
may issue bonds, payable solely from revenues, to pay the cost of, 11352  
or finance, in whole or in part, rail service projects of the 11353  
~~commission~~ division or loans to any person, qualifying 11354  
subdivision, or local or regional transportation authority. A 11355  
project shall not be undertaken unless it has been determined by 11356  
the ~~commission~~ division, based upon information provided to it by 11357  
the qualifying subdivision, local or regional transportation 11358  
authority, or other person or agency charged or empowered by law 11359  
with the responsibility of reporting, to be consistent with any 11360  
applicable requirements of law. Any ~~resolution of~~ determination by 11361  
the ~~commission~~ division providing for making a loan for any 11362  
permitted loan purpose or execution of any participation agreement 11363  
pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the 11364  
Revised Code shall include a finding by the ~~commission~~ division 11365  
that such determinations have been made. A participation agreement 11366  
may be entered into between the ~~commission~~ division and each 11367  
qualifying subdivision, local or regional transportation 11368  
authority, or other person to which a loan is made or from which 11369  
bonds are purchased for the acquisition, renovation, repair, or 11370  
construction of a rail service project, which participation 11371  
agreement shall include, without limitation, all of the following 11372  
provisions: 11373

(A) The cost of such project, the amount of the loan or bond 11374  
purchase, the terms of repayment of such loan or bond purchase and 11375  
the security therefor; 11376

(B) The specific purposes for which the proceeds of the loan 11377  
or bond purchase shall be expended, the procedures as to the 11378  
disbursements of loan or bond purchase proceeds, and the duties 11379  
and obligations imposed upon the qualifying subdivision, local or 11380  
regional transportation authority, or other person in regard to 11381

the construction, renovation, repair, refunding, or acquisition of 11382  
the project; 11383

(C) The agreement of the qualifying subdivision, local or 11384  
regional transportation authority, or other person to raise the 11385  
funds ~~of~~ or provide sufficient credit or guarantee for repayment, 11386  
through levy, pursuant to an election, contract, lease, fee 11387  
charges, or otherwise; 11388

(D) The agreement of the qualifying subdivision, local or 11389  
regional authority, or other person to provide the opinion of its 11390  
counsel that the obligations of the qualifying subdivision, local 11391  
or regional transportation authority, or other person comply with 11392  
all applicable laws, rules, and regulations issued by the 11393  
~~commission~~ division or other state, federal, or local bodies in 11394  
regard to the construction, repair, renovation, funding, 11395  
refunding, or acquisition of the project. 11396

**Sec. ~~4981.131~~ 5501.643.** (A) The power and authority provided 11397  
~~by this chapter~~ under sections 5501.57 to 5501.661 of the Revised 11398  
Code to qualifying subdivisions and local or regional 11399  
transportation authorities to borrow for permitted loan purposes 11400  
is in addition and supplemental to, not in derogation of, any 11401  
other power or authority provided by law for the same or similar 11402  
purposes, and ~~this chapter provides~~ sections 5501.57 to 5501.661 11403  
of the Revised Code provide to qualifying subdivisions or local or 11404  
regional transportation authorities alternative, not exclusive, 11405  
means of accomplishing those purposes. 11406

(B) Chapter 133. of the Revised Code shall not apply to 11407  
issuance of bonds by the ~~Ohio rail development commission~~ division 11408  
of freight or to the authorizing, obtaining, or incurring of any 11409  
general obligation loan or special revenue loan or to its entering 11410  
into any participation agreement or delivering any such other 11411  
instrument to the ~~commission~~ division in connection therewith, by 11412



any qualifying subdivision or local or regional transportation 11413  
authority, except to the extent, if any, that provisions of 11414  
Chapter 133. of the Revised Code are expressly made applicable 11415  
thereto by ~~this chapter~~ sections 5501.57 to 5501.661 of the 11416  
Revised Code or by the bond proceedings applicable to the bonds 11417  
from the proceeds of which such loan was made. 11418

(C) For purposes of division (A) of section 5705.41 of the 11419  
Revised Code, the authorization by a qualifying subdivision or 11420  
local or regional transportation authority of a loan from the 11421  
~~commission~~ division pursuant to section ~~4981.12~~ 5501.641 of the 11422  
Revised Code shall be deemed to be the authorization of a bond 11423  
issue, and the purpose for which such loan was obtained shall be 11424  
deemed to be the purpose for which such bonds were issued. For 11425  
purposes of division (D) of section 5705.41 of the Revised Code, 11426  
the proceeds to be derived from a loan authorized by a qualifying 11427  
subdivision or local or regional transportation authority to be 11428  
obtained pursuant to section ~~4981.12~~ 5501.641 of the Revised Code 11429  
shall be deemed to be proceeds to be derived from authorized 11430  
bonds. 11431

(D) Sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 11432  
Revised Code shall be liberally construed to effect the purposes 11433  
described in section 1.11 of the Revised Code. 11434

**Sec. ~~4981.15~~ 5501.644.** (A) The ~~Ohio rail development~~ 11435  
~~commission~~ division of freight, from time to time, may issue bonds 11436  
in such principal amounts as the ~~commission~~ division finds 11437  
necessary to finance one or more rail service projects. Sections 11438  
9.98 to 9.983 of the Revised Code are hereby made applicable in 11439  
their entirety to any bonds authorized to be issued under ~~this~~ 11440  
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code except as 11441  
otherwise provided herein. 11442

(B) The ~~commission~~ division, from time to time, may issue 11443

renewal bonds, issue bonds to pay such obligations and, whenever 11444  
it considers refunding expedient, refund any bonds by the issuance 11445  
of bonds by the authority granted by ~~this chapter~~ sections 5501.57 11446  
to 5501.661 of the Revised Code. Except as may otherwise be 11447  
expressly provided in ~~this chapter~~ sections 5501.57 to 5501.661 of 11448  
the Revised Code or by the ~~commission~~ division, every issue of its 11449  
bonds or notes is an obligation of the ~~commission~~ division payable 11450  
out of the revenues and reserves created for such purposes by the 11451  
~~commission~~ division, which are expressly pledged for such payment, 11452  
without preference or priority of the first bonds issued, subject 11453  
only to any agreements with the holders of particular bonds or 11454  
notes pledging any particular revenues. Such pledge shall be valid 11455  
and binding from the time the pledge is made and the revenues so 11456  
pledged and thereafter received by the ~~commission~~ division 11457  
immediately shall be subject to the lien of such pledge without 11458  
any physical delivery thereof or further act and the lien of any 11459  
such pledge shall be valid and binding as against all parties 11460  
having claims of any kind, in tort, contract, or otherwise, 11461  
against the ~~commission~~ division irrespective of whether such 11462  
parties have notice thereof. 11463

(C) All such bonds shall have and are hereby declared to have 11464  
all the qualities of negotiable instruments. The bonds shall ~~be~~ 11465  
~~authorized by resolution of the commission,~~ shall bear such date 11466  
and shall mature at such time, in case of any such note or any 11467  
renewal thereof not exceeding five years from the date of issue of 11468  
such original note, and in the case of any such bond not exceeding 11469  
fifty years from the date of issue, as such resolution may 11470  
provide. The bonds and notes shall bear interest at such rate or 11471  
rates, including variable rates, be in such denominations, be in 11472  
such form, either coupon or registered, carry such registration 11473  
privileges, be payable in such medium of payment, in such place, 11474  
and be subject to such terms of redemption as otherwise set forth 11475  
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code 11476

as the ~~commission~~ division may authorize. The bonds of the 11477  
~~commission~~ division may be sold by the ~~commission~~ division at 11478  
public or private sale, at or not less than the price the 11479  
~~commission~~ division determines. The bonds shall be executed by a 11480  
~~voting member of the commission, selected by the commission and~~ 11481  
~~approved by the speaker of the house of representatives and the~~ 11482  
~~president of the senate, who may use a facsimile signature. The~~ 11483  
~~official seal of the commission, or a facsimile, shall be affixed~~ 11484  
~~thereto or printed thereon and attested, manually, or by facsimile~~ 11485  
~~signature, by the secretary treasurer of the commission the~~ 11486  
director of transportation. Coupons, if any, attached thereto 11487  
shall bear the signature or facsimile signature of the ~~chairperson~~ 11488  
~~of the commission~~ director. In case any officer whose signature, 11489  
or a facsimile of whose signature appears on any bonds, notes, or 11490  
coupons ceases to be such officer before delivery of such bonds or 11491  
notes, such signature or facsimile is nevertheless sufficient for 11492  
all purposes the same as if the officer had remained in office 11493  
until such delivery. ~~In case the seal of the commission changes~~ 11494  
~~after a facsimile is imprinted on such bonds or notes, such~~ 11495  
~~facsimile continues to be sufficient for all purposes.~~ 11496

(D) Any ~~resolution authorizing~~ determination by the director 11497  
to authorize any bonds or any ~~issue thereof~~ bond issuance may 11498  
contain provisions, subject to such agreements with bondholders or 11499  
noteholders as may then exist, which provisions shall be a part of 11500  
the contract with the holders thereof, as to pledging all or any 11501  
part of the revenues of the ~~commission~~ division to secure the 11502  
payment of the bonds of any issue thereof; the issue and 11503  
disposition of revenues of the ~~commission~~ division; the setting 11504  
aside of reserve funds, sinking funds, or replacement and 11505  
improvement funds and the regulation and disposition thereof; the 11506  
crediting of the proceeds of the sale of bonds to and among the 11507  
funds referred to and provided for in the ~~resolution authorizing~~ 11508  
determination by the director to authorize the issuance of the 11509

bonds; providing for the pledge or use of the rail development 11510  
fund created by section ~~4981.09~~ 5501.66 of the Revised Code; the 11511  
use, lease, sale, or other disposition of any assets of the 11512  
~~commission~~ division; limitations on the purpose to which the 11513  
proceeds of the sale of bonds may be applied; the agreement of the 11514  
~~commission~~ division to do all things necessary for the 11515  
authorization, issuance, and sale of such bonds which may be 11516  
issued in such amounts as may be necessary for the timely 11517  
retirement of such bonds; limitation on the issuance of additional 11518  
bonds which may be issued and secured; the refunding of 11519  
outstanding bonds; the procedure, if any, by which the terms of 11520  
any contract with bondholders or noteholders may be amended or 11521  
abrogated; the amount of bonds the holders of which must consent 11522  
may be given; limitations on the amount of moneys to be expended 11523  
by the ~~commission~~ division for operating, administrative, or other 11524  
expenses of the ~~commission~~ division securing any bonds by a trust 11525  
agreement; and any other matter, of like or different character, 11526  
which in any way affects the security or protection of the bonds. 11527

(E) In connection with each such issuance of bonds, the 11528  
~~commission~~ division shall establish in its name an improvement 11529  
fund or funds in the name of the rail service project or projects 11530  
for which the permitted loan or expenditure is to be made. The 11531  
proceeds of each issue of bonds, except for any portion thereof 11532  
required under the bond proceedings to be deposited in a bond 11533  
service fund, bond service reserve fund, or other special fund 11534  
established pursuant to the bond proceedings for such issue of 11535  
bonds, shall be deposited in the designated fund, and together 11536  
with any investment income thereof, shall be held in trust and 11537  
applied solely to permitted bond purposes and in accordance with 11538  
such bond proceedings. 11539

(F) The right of holders of bonds issued by the ~~commission~~ 11540  
division to payment of debt service on such bonds shall be limited 11541

to the pledged receipts and special funds pledged thereto pursuant 11542  
to the bond proceedings and any moneys available for such payment 11543  
under any credit facility issued with respect to such bonds. The 11544  
holders of such bonds shall have no right to have moneys raised by 11545  
ad valorem taxation obligated or pledged, and moneys raised by ad 11546  
valorem taxation shall not be obligated or pledged for the payment 11547  
of debt service on bonds issued by the ~~commission~~ division, except 11548  
to the extent, if any, that the general assembly or legislative 11549  
authority of qualifying subdivisions and local or regional 11550  
transportation authorities that borrows moneys derived from the 11551  
proceeds of such bonds pledge any moneys they raise by ad valorem 11552  
taxation to the repayment of such borrowings and the moneys so 11553  
raised and paid to the ~~commission~~ division are obligated or 11554  
pledged to the payment of debt service on the bonds pursuant to 11555  
the bond proceedings. 11556

(G) The bond proceedings adopted by the ~~commission~~ director 11557  
authorizing the issuance of bonds shall provide for the general 11558  
purpose thereof and shall specify, ~~or shall authorize one or more~~ 11559  
~~officers of the board of directors to determine~~, subject to 11560  
limitations set forth in the bond proceedings: the aggregate 11561  
principal amount of the bonds; the form and manner of execution 11562  
and authentication of the bonds; the principal maturity or 11563  
maturities; whether the bonds are to bear interest at a fixed rate 11564  
or rates or under a floating rate interest structure; if a fixed 11565  
rate or fixed rates of interest are to be borne by the bonds, the 11566  
interest rate or rates: if the bonds are to bear interest under a 11567  
floating rate interest structure, the manner in which the floating 11568  
rate is to be determined for each interest-rate period, the length 11569  
of each interest-rate period, and the extent to which and manner 11570  
in which the interest-rate period may be changed from time to 11571  
time; the put arrangement or arrangements, if any, to be available 11572  
to holders of the bonds; and the paying agents, remarketing 11573  
agents, indexing agents, or other agents, if any, to be engaged in 11574

connection with the issuance of the bonds. The bond proceedings, 11575  
either expressly or by reference to other bond proceedings thereby 11576  
approved or otherwise applicable, also shall specify: the pledged 11577  
receipts and the special fund or funds to be pledged to secure the 11578  
payment of the debt service on the bonds; whether the pledged 11579  
receipts are pledged on a basis prior or subordinate to other 11580  
expenses, claims, or payments and whether other bonds have been or 11581  
may be issued by the ~~commission~~ division secured by the pledged 11582  
receipts on a basis prior to or on a parity with the bonds; the 11583  
credit facility or facilities, if any, to be obtained with respect 11584  
to the bonds; and the rights and remedies that may be exercised by 11585  
the holders of the bonds or by a trustee on their behalf upon the 11586  
occurrence of an event constituting an event of default under the 11587  
bond proceedings, which rights and remedies shall include, except 11588  
to the extent restricted by the bond proceedings, any rights and 11589  
remedies available under the laws of the state for the enforcement 11590  
of the payments required under and any other agreements made in, 11591  
the bond proceedings. The bond proceedings, either expressly or by 11592  
reference to other bond proceedings thereby approved or otherwise 11593  
applicable, also may provide for: the mandatory or optional 11594  
redemption of the bonds prior to their stated maturity; 11595  
limitations on the issuance of additional bonds by the ~~commission~~ 11596  
division; the investment of moneys in the improvement fund and any 11597  
special funds, without regard to Chapter 131. or 135. of the 11598  
Revised Code, but subject to any provisions of ~~Chapter 4981.~~ 11599  
sections 5501.57 to 5501.661 of the Revised Code, and the bond 11600  
proceedings with respect thereto; a maximum rate of interest that 11601  
bonds with a floating rate interest structure may bear, without 11602  
regard to section 9.95 of the Revised Code; any restrictions not 11603  
inconsistent with ~~this chapter~~ sections 5501.57 to 5501.661 of the 11604  
Revised Code on the amount and terms of and security for the 11605  
repayment for loans made to qualifying subdivisions, local or 11606  
regional transportation authorities, or other persons from the 11607

improvement fund; and any other term, condition, or provision of 11608  
or with respect to the bonds which may be included in the bond 11609  
proceedings. 11610

(H) The revenues and any special funds pledged to the payment 11611  
of debt service on bonds pursuant to the bond proceedings for such 11612  
bonds and thereafter received by the ~~commission~~ division or by an 11613  
agent on behalf of the ~~commission~~ division are immediately subject 11614  
to the lien of such pledge without any physical delivery thereof 11615  
or further act. The lien of any such pledge is valid and binding 11616  
against all parties having claims of any kind against the 11617  
~~commission~~ division or against any person, qualifying subdivision, 11618  
or local or regional transportation authority or municipal 11619  
corporation that is an absolute obligor with respect to such 11620  
bonds, irrespective of whether such parties have notice thereof, 11621  
and shall create a perfected security interest for all purposes of 11622  
Chapter 1309. of the Revised Code, without the necessity for 11623  
separation or delivery of funds or for the filing or recording of 11624  
the bond proceedings by which such pledge is created, or any 11625  
certificate, statement, or other document with respect thereto; 11626  
and the pledge of such pledged receipts and special funds is 11627  
effective and the moneys therefrom and thereof may be applied to 11628  
the purposes for which pledged without necessity for any act of 11629  
appropriation. Every pledge, and every covenant and agreement made 11630  
in the bond proceedings with respect thereto, may therein be 11631  
extended to the benefit of the owners and holders of the bonds 11632  
authorized to be issued under this section and to any trustee or 11633  
paying agent for such owners and holders for further security of 11634  
the payment of the debt service on such bonds. 11635

(I) ~~Each duty of the commission and of its members,~~ 11636  
~~directors, or officers and each duty of any other governmental~~ 11637  
~~agency and its officials, members, or employees undertaken~~ 11638  
~~pursuant to the bond proceedings or in any participation agreement~~ 11639

~~is hereby established as a duty of the commission or of such 11640  
qualifying subdivision or local or regional transportation 11641  
authority or governmental agency and of each such member, officer, 11642  
official, or employee having authority to perform such duty, 11643  
specifically enjoined by law resulting from an office, trust, or 11644  
station within the meaning of section 2731.01 of the Revised Code. 11645  
The persons who are at the time the members, directors, officers, 11646  
or employees of the commission are not liable in their personal 11647  
capacities on any bonds issued by the commission or under any of 11648  
the bond proceedings with respect thereto. 11649~~

~~(J)~~ Bonds issued under this section are lawful investments of 11650  
banks, savings and loan associations, deposit guarantee 11651  
associations, trust companies, trustees, fiduciaries, insurance 11652  
companies, including domestic for life and domestic not for life, 11653  
trustees or other officers having charge of sinking and bond 11654  
retirement funds or other funds of the state and of political 11655  
subdivisions and taxing districts of the state, the commissioners 11656  
of the sinking fund of the state, the industrial commission, the 11657  
state teachers retirement system, the public employees retirement 11658  
system, the school employees retirement system, and the Ohio 11659  
police and fire pension fund, notwithstanding any other provisions 11660  
of the Revised Code or rules adopted by any state agency with 11661  
respect to investments by them, and are also acceptable as 11662  
security for the deposit of public moneys. For the purpose of 11663  
causing bonds issued by the ~~commission~~ division to be eligible for 11664  
investment of interim moneys of the state or any subdivision of 11665  
the state under section 135.14 of the Revised Code, but solely for 11666  
that purpose, bonds issued by the ~~commission~~ division shall be 11667  
deemed to be bonds or other obligations of this state for purposes 11668  
of division (B)(4) of section 135.14 of the Revised Code. 11669

~~(K)~~(J) The bonds issued by the ~~commission~~ division, the 11670  
transfer thereof, and the income therefrom, including any profit 11671



made on the sale thereof, shall at all times be free from taxation 11672  
within the state. 11673

~~(L)~~(K) Any bonds which recite that they are issued pursuant 11674  
to this section, which comply on their face with such section, 11675  
which are issued for one or more permitted bond purposes, and for 11676  
which the ~~commission~~ division has been paid in full, shall in any 11677  
action or proceeding involving their validity be conclusively 11678  
deemed to have been issued, sold, executed, and delivered in 11679  
conformity with law and shall be incontestable unless such action 11680  
or proceeding is begun prior to the delivery of such bonds to the 11681  
original purchaser or purchasers thereof. 11682

~~(M)~~(L) In the event that the sum of all reserves pledged to 11683  
the payment of such bonds shall be less than the minimum reserve 11684  
requirements established in any ~~resolution or resolutions~~ 11685  
~~authorizing~~ determination by the director to authorize the 11686  
issuance of such bonds, the ~~chairperson of the commission~~ director 11687  
shall certify, on or before the first day of December of each 11688  
year, the amount of such deficiency to the governor for inclusion, 11689  
if the governor shall so elect, of the amount of such deficiency 11690  
in the budget to be submitted to the next session of the general 11691  
assembly for appropriation to the commission to be pledged for 11692  
payment of such bonds or notes. The general assembly shall not be 11693  
required to make any appropriations so requested, and the amount 11694  
of such deficiencies ~~do~~ does not constitute a debt or liability of 11695  
the state. 11696

~~(N)~~(M) All property of the ~~commission~~ division is exempt from 11697  
levy and sale by virtue of an execution and no execution or other 11698  
judicial process may issue against the property. A judgment 11699  
against the ~~commission~~ division may not be a charge or lien upon 11700  
its property. However, nothing in this section applies to or 11701  
limits the rights of the holder of bonds or notes to pursue a 11702  
remedy for the enforcement of a pledge or lien given by the bank 11703

on its revenues or other money. 11704

~~(O)~~(N) No action to contest the validity of any bonds of the 11705  
~~commission division~~ to be sold at public sale may be brought after 11706  
the fifteenth day following the first publication of notice of the 11707  
sale of the bonds. No action to contest the validity of any bond 11708  
sale under ~~this chapter~~ sections 5501.57 to 5501.661 of the 11709  
Revised Code may be brought after the fifth day following the bond 11710  
sale. 11711

~~(P)~~(O) If bonds are sold at private sale, the ~~commission~~ 11712  
division may publish notice of the execution of the contract of 11713  
sale of the bonds one time in a newspaper published and of general 11714  
circulation in the city of Columbus. If notice is published as 11715  
permitted in this division, no action to contest the validity of 11716  
such bonds or notes sold at private sale may be brought after the 11717  
fifteenth day following the publication of notice of the execution 11718  
of the contract of sale pertaining to the bonds. 11719

~~(O)~~(P) If an action challenging the bonds of the commission 11720  
is not brought within the time prescribed by division ~~(O)~~(N) or 11721  
~~(P)~~(O) of this section, whichever is applicable, all bonds of the 11722  
~~commission division~~ shall be conclusively presumed to be fully 11723  
authorized and issued under the laws of the state, and a person or 11724  
a qualified entity is estopped from questioning their 11725  
authorization, sale, issuance, execution, or delivery by the 11726  
~~commission division~~. 11727

~~(R)~~(O) Insofar as the provisions of this section are 11728  
inconsistent with the provisions of any other law, general, 11729  
special, or local, the provisions of ~~this chapter~~ sections 5501.57 11730  
to 5501.661 of the Revised Code shall be controlling. 11731

**Sec. 4981.16 5501.645.** The ~~Ohio rail development commission~~ 11732  
division of freight may make the following determinations in 11733  
connection with any issuance of its bonds: 11734

(A) The number, location, and other characteristics of projects, including to the extent reasonably possible, assurance that the projects to be financed by bonds will create or preserve jobs and employment opportunities or improve the economic welfare of the people of the state;

(B) Eligibility requirements, including requirements for credit worthiness, for projects for which loans are made from proceeds of the bonds. In determining eligibility requirements the issuer shall take into consideration all of the following factors:

(1) The length of time any borrower has been engaged in rail service;

(2) The net income or net worth of any borrower;

(3) The availability or feasibility of alternative financing methods for any borrower;

(C) The type and amount of collateral, security, or credit enhancement to be provided to assure repayment of loans or of bonds;

(D) The amounts and types of insurance coverage required on projects and loans;

(E) Any other matters relating to the exercise of the powers or duties of the issuer under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the Revised Code.

**Sec. ~~4981.17~~ 5501.646.** (A) In the discretion of the ~~Ohio rail development commission~~ division of freight, the bonds may be secured by a trust agreement or indenture of mortgage between the issuer and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this state but authorized to exercise trust powers within this state.

(B) Any such trust agreement or indenture of mortgage may contain the resolution or ordinance authorizing the issuance of

the bonds and other provisions that are customary or appropriate 11765  
in an agreement or indenture of such type, including, but not 11766  
limited to: 11767

(1) A pledge of the rentals, revenues, and other income, 11768  
charges, and moneys out of which the principal of and interest on 11769  
the bonds shall be payable and a mortgage of all or any part of 11770  
the pledged facilities, including any enlargements of and 11771  
additions to such pledged facilities thereafter made; 11772

(2) Maintenance of each pledge, trust agreement, and 11773  
indenture of mortgage made for the security of any of the bonds 11774  
until the issuer has fully paid the principal of and interest on 11775  
the bonds, or provision therefor has been made, for the security 11776  
of which the pledge has been made and the trust agreement or 11777  
indenture of mortgage has been given; 11778

(3) In the event of default in any payments required to be 11779  
made by the bond proceedings or any other agreement of the issuer 11780  
made as a part of the contract under which the bonds were issued, 11781  
enforcement of such payments or agreement by mandamus, the 11782  
appointment of a receiver in equity, or if a mortgage has been 11783  
given, the foreclosure of such mortgage or any combination of the 11784  
foregoing; 11785

(4) The rights and remedies of the bondholders and of the 11786  
trustee and provisions for protecting and enforcing them, 11787  
including limitations on rights of individual bondholders; 11788

(5) Such other provisions as the trustee, the original 11789  
purchaser of the bonds, and the issuer agree upon. 11790

**Sec. ~~4981.18~~ 5501.647.** (A) Any holder of bonds issued 11791  
pursuant to sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the 11792  
Revised Code or a trustee under a trust agreement or indenture of 11793  
mortgage entered into pursuant to section ~~4981.17~~ 5501.646 of the 11794

Revised Code, except to the extent that their rights are 11795  
restricted by the bond proceedings or by the terms of the bonds, 11796  
may by any suitable form of legal proceedings, protect and enforce 11797  
any rights under the laws of this state or granted by the bond 11798  
proceedings. Such rights include the right to compel the 11799  
performance of all duties of the ~~Ohio rail development commission~~ 11800  
division of freight required by sections ~~4981.11 to 4981.26~~ 11801  
5501.57 to 5501.661 of the Revised Code or the bond proceedings; 11802  
to enjoin unlawful activities; and in the event of default with 11803  
respect to the payment of any principal of and interest on any 11804  
bond or in the performance of any covenant or agreement on the 11805  
part of the issuer in the resolution, ordinance, trust agreement, 11806  
or indenture, to apply to a court having jurisdiction of the cause 11807  
to appoint a receiver to administer and operate the pledged 11808  
facilities, the rentals, revenues, and other income, charges, and 11809  
moneys of which are pledged to the payment of principal of and 11810  
interest on such bonds or which are the subject of the covenant or 11811  
agreement, with full power to pay, and to provide for payment of, 11812  
principal of and interest on such bonds, and with such powers, 11813  
subject to the direction of the court, as are accorded receivers 11814  
in general equity cases, excluding any power to pledge additional 11815  
rentals, revenues, or other income, charges, or moneys of the 11816  
issuer, including those derived from taxation, to the payment of 11817  
such principal and interest; and to foreclose the mortgage on the 11818  
pledged facilities in the same manner as for real estate of 11819  
private corporations. 11820

(B) No law heretofore or hereafter enacted providing for a 11821  
moratorium, postponement, or restraint upon the rights or remedies 11822  
of a mortgagee or secured party to enforce a security interest, 11823  
whether by foreclosure, collection or taking possession, judicial 11824  
or other sale or disposition, or by any other means, shall apply 11825  
to a security interest in all or any part of pledged facilities or 11826  
in any way restrict, preclude, or otherwise impair the rights or 11827

remedies of the holders of bonds issued under sections ~~4981.11 to~~ 11828  
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code or of any insurer, 11829  
guarantor, or provider of a letter of credit or other credit 11830  
facility or security enhancement arrangement pertaining to loans 11831  
made or bonds issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11832  
5501.661 of the Revised Code. The provisions of this division may 11833  
be included as a covenant in any agreement with the holders of 11834  
bonds or any insurer, guarantor, or provider of a letter of credit 11835  
or other credit facility or security enhancement arrangement 11836  
pertaining to loans made or bonds issued under sections ~~4981.11 to~~ 11837  
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code. 11838

**Sec. ~~4981.19~~ 5501.648.** All bonds issued under sections 11839  
~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the Revised Code are 11840  
lawful investments of banks, societies for savings, savings and 11841  
loan associations, deposit guarantee associations, trust 11842  
companies, trustees, fiduciaries, insurance companies, including 11843  
domestic for life and domestic not for life, trustees or other 11844  
officers having charge of sinking and bond retirement or other 11845  
special funds of political subdivisions and taxing districts of 11846  
this state, the commissioners of the sinking fund of the state, 11847  
the administrator of workers' compensation, the state teachers 11848  
retirement system, the public employees retirement system, the 11849  
school employees retirement system, and the Ohio police and fire 11850  
pension fund, notwithstanding any other provision of the Revised 11851  
Code or rules adopted pursuant thereto by any governmental agency 11852  
of the state with respect to investments by them, and are 11853  
acceptable as security for the deposit of public moneys. 11854

**Sec. ~~4981.22~~ 5501.649.** The ~~Ohio rail development commission~~ 11855  
division of freight may issue refunding bonds to refund any bonds 11856  
it previously issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11857  
5501.661 of the Revised Code, for any of the following purposes: 11858

(A) Refunding bonds which have matured or are about to mature 11859  
when the rentals, revenues, and other income, charges, and moneys 11860  
pledged for the payment of such bonds are insufficient to pay 11861  
bonds which have matured or are about to mature or to make 11862  
payments to other funds required by the bond proceedings; 11863

(B) Refunding any bonds as an incident to providing funds for 11864  
reconstructing, enlarging, improving, or providing additional 11865  
furnishings or equipment for the pledged facilities as to bonds 11866  
originally issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11867  
5501.661 of the Revised Code; 11868

(C) Refunding all of the outstanding bonds of any issue, both 11869  
matured and unmatured, when the rentals, revenues, or other 11870  
income, charges, or moneys pledged for the payment of such bonds 11871  
are insufficient to pay bonds which have matured or are about to 11872  
mature or to make payments to other funds required by the bond 11873  
proceedings, if such outstanding bonds can be retired by call, at 11874  
maturity, or with the consent of the holders thereof, whether from 11875  
the proceeds of the sale of the refunding bonds or by exchange for 11876  
the refunding bonds, provided that the principal amount of 11877  
refunding bonds shall not exceed in amount the aggregate of the 11878  
par value of the bonds to be retired, any redemption premium, past 11879  
due and future interest to the date of maturity or proposed 11880  
redemption that cannot otherwise be paid, and funds, if any, to 11881  
reconstruct, enlarge, improve, furnish, or equip, or any 11882  
combination thereof, the pledged facilities as to bonds originally 11883  
issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of 11884  
the Revised Code; 11885

(D) Refunding any bonds of the issuer previously issued when 11886  
the refunding bonds will bear interest at a lower rate than the 11887  
bonds to be refunded, or when the interest cost of the refunding 11888  
bonds computed to absolute maturity will be less than the interest 11889  
cost of the bonds to be refunded, or when the average life of the 11890

refunding bonds will be greater than the remaining average life of 11891  
the bonds to be refunded. 11892

Refunding bonds issued pursuant to this section shall mature 11893  
not later than thirty years from date of issue. Except as provided 11894  
in this section, the terms of the issuance and sale of refunding 11895  
bonds shall be as provided in sections ~~4981.11 to 4981.26~~ 5501.57 11896  
to 5501.661 of the Revised Code for an original issue of bonds. 11897

**Sec. ~~4981.28~~ 5501.65.** (A) The general assembly hereby finds 11898  
and declares that it is in the public interest for private 11899  
corporations or organizations to participate in the providing of 11900  
rail service through the financing, design, construction, 11901  
reconstruction, operation, and maintenance by private persons of 11902  
all or part of a rail system, whether as system owners, or lessees 11903  
from the ~~Ohio rail development commission, or agents for the~~ 11904  
~~commission~~ division of freight. 11905

(B) To the extent that any provisions of sections ~~4981.28 to~~ 11906  
~~4981.34~~ 5501.65 to 5501.661 of the Revised Code conflict with any 11907  
state or local statute, regulation, or ordinance, the provisions 11908  
of sections ~~4981.28 to 4981.34~~ 5501.65 to 5501.661 of the Revised 11909  
Code are controlling. 11910

**Sec. ~~4981.29~~ 5501.651.** (A) In addition to the powers 11911  
contained in section ~~4981.14~~ 5501.582 of the Revised Code, the 11912  
~~Ohio rail development commission~~ division of freight may do all of 11913  
the following: 11914

(1) Notwithstanding division (A) of section ~~4981.04~~ 5501.60 11915  
of the Revised Code, adopt a plan for private participation in the 11916  
financing, design, construction, and operation of all or part of a 11917  
rail system; 11918

(2) Grant franchises for terms of up to fifty years and enter 11919  
into franchise agreements with private corporations or 11920



organizations in connection therewith. A franchise may be awarded 11921  
for the entire rail system or for a designated portion of the 11922  
system, such as a corridor. 11923

(3) Use, close, relocate, or alter the grade of existing 11924  
streets or highways or facilities of public utilities, and 11925  
otherwise ensure compatibility of operation of public facilities 11926  
with a franchise, whether in connection with the exercise of the 11927  
~~commission's~~ division's power to appropriate property or 11928  
otherwise; 11929

(4) Consult with and receive services from other state 11930  
agencies and political subdivisions in connection with the 11931  
planning, financing, construction, and operation of the rail 11932  
system; 11933

(5) In accordance with Chapter 163. of the Revised Code, ~~and~~ 11934  
~~subject to the approval of the director of transportation,~~ 11935  
appropriate at a franchisee's expense real property that it may 11936  
transfer to the franchisee, if the franchisee previously has made 11937  
reasonable efforts to obtain the property in question through 11938  
good-faith negotiations; 11939

(6) Make proceeds of bonds issued pursuant to section ~~4981.15~~ 11940  
5501.644 of the Revised Code available for financing of all or 11941  
part of a privately operated rail system, and serve as the issuer 11942  
of bonds to fund loans it may make to private corporations and 11943  
organizations under sections ~~4981.01 to 4981.26~~ 5501.57 to 11944  
5501.661 of the Revised Code; 11945

(7) Preserve and defend the confidentiality of trade secrets 11946  
and proprietary information received from private corporations or 11947  
organizations; 11948

(8) Enter into any indemnification agreements that are 11949  
necessary to reimburse a franchisee for any injuries or losses 11950  
suffered by any person and for which the franchisee is liable and 11951

must pay money damages, if the injuries or losses are of such a nature that, if the ~~commission~~ division were the responsible party instead of the franchisee, the ~~commission~~ division would not be liable for the injuries or losses due to any immunity it enjoys under the laws of this state.

(B) The ~~commission~~ division shall not regulate the rates or fares charged by a franchisee or the return on investment received by a franchisee, provided the rates are not discriminatory and overall return is not unreasonable. The ~~commission~~ division shall not regulate operations of a franchisee so long as the franchisee operates in accordance with all applicable safety standards.

**Sec. ~~4981.30~~ 5501.652.** (A) The ~~Ohio rail development~~ commission division of freight, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend and rescind, rules governing the process whereby a private corporation or organization may apply to the ~~commission~~ division for a franchise for all or part of a rail system. The rules also shall establish the financial and technical criteria upon which a franchise is awarded. The criteria may include all of the following:

(1) The qualifications of each applicant, including the familiarity of the applicant with the transportation needs and resources of the state and the applicant's prior involvement and experience with respect to the development of rail service in this state;

(2) The level of transport services offered;

(3) The technology proposed;

(4) The timetable for construction;

(5) The construction, operation, and management plans;

(6) The financial plan and the applicant's financial ability to provide reliable service;

(7) Whether the proposed rail system will meet all applicable state and federal safety requirements;	11982 11983
(8) Any legislative changes that may be necessary in order to implement the applicant's proposal;	11984 11985
(9) Any plans and studies prepared for the <del>commission</del> <u>division</u> ;	11986 11987
(10) The projected ability of each applicant's proposed revenue sources to meet projected capital and operating funding requirements.	11988 11989 11990
(B) The <del>commission</del> <u>division</u> may solicit letters of intent from private corporations or organizations interested in applying for a franchise, and may require that a nonrefundable fee be submitted with the letter of intent. Any such fee may be applied against costs the <del>commission</del> <u>division</u> incurs in evaluating applications and for subsequent administration of a franchise.	11991 11992 11993 11994 11995 11996
(C) The <del>commission</del> <u>division</u> may request proposals to be delivered for a franchise to construct, operate, and maintain the rail system or a portion thereof.	11997 11998 11999
(D) All applications for a franchise shall address the items contained in divisions (A)(1) to (11) of section <del>4981.04</del> <u>5501.60</u> of the Revised Code.	12000 12001 12002
(E) The <del>commission</del> <u>division</u> shall notify all prospective bidders for a franchise that any private corporation or organization that is awarded a franchise with respect to the 3-C corridor shall be obligated to reimburse the <del>commission</del> <u>division</u> for amounts payable by the <del>commission</del> <u>division</u> , up to a maximum of one million five hundred thousand dollars, arising out of commitments of the <del>commission</del> <u>division</u> in connection with the preparation of the plan under section <del>4981.04</del> <u>5501.60</u> of the Revised Code, and out of other pre-existing contractual arrangements of the <del>commission</del> <u>division</u> with respect to the 3-C	12003 12004 12005 12006 12007 12008 12009 12010 12011 12012

corridor. 12013

(F) The ~~commission~~ division may award a franchise for the 12014  
rail system or a portion of the system to the applicant the 12015  
~~commission~~ division determines is best qualified, in accordance 12016  
with standards for evaluation of applicants established by rule 12017  
and previously announced. 12018

**Sec. ~~4981.31~~ 5501.653.** (A) The award by the ~~Ohio rail~~ 12019  
~~development commission~~ division of freight of a franchise for all 12020  
or part of a rail system shall be the sole license required for a 12021  
franchisee to exercise all specified franchise powers and enjoy 12022  
all specified franchise rights. The franchise shall be for a term 12023  
of not less than thirty-five, but not more than fifty years from 12024  
the date of commencement of actual service operations. With the 12025  
approval of the general assembly, the ~~commission~~ division may 12026  
extend a franchise beyond the time period specified in the 12027  
original franchise award, on terms mutually agreeable to the 12028  
franchisee and the ~~commission~~ division. If the ~~commission~~ division 12029  
does not grant an extension, any portion of the rail system owned 12030  
by the franchisee shall revert to the state upon expiration of the 12031  
franchise. 12032

(B) In the absence of a material default by a franchisee 12033  
under the franchise agreement, any termination by the ~~commission~~ 12034  
division of a franchise prior to the expiration of its stated 12035  
terms shall be deemed to be either an impairment of contract by 12036  
the state or the equivalent of the commencement of an 12037  
appropriation action by the state, as the franchisee may elect, 12038  
and shall entitle the franchisee to full compensation for its 12039  
loss, including reimbursement of all costs incurred in the 12040  
development of the franchise. Any terms of the franchise agreement 12041  
designed to protect the reasonable expectations of persons 12042  
providing financing for the portion of the system comprising the 12043

franchise shall not be affected by any proposed franchise 12044  
termination, and any termination based upon an alleged material 12045  
default in performance by the franchisee is subject to the hearing 12046  
and appeal provisions of Chapter 119. of the Revised Code. 12047

(C) The franchise agreement may authorize the franchisee to 12048  
plan, design, finance, construct, operate, and maintain its 12049  
designated portion of the rail system and any ancillary system 12050  
facilities. 12051

(D) The franchise agreement shall require the franchisee to 12052  
construct, operate, and maintain the rail system in accordance 12053  
with the franchise agreement. All minimum technical standards for 12054  
the design, construction, and operation of the portion of the 12055  
system comprising the franchise shall be included in the franchise 12056  
agreement or incorporated by reference. The conditions of the 12057  
franchise agreement relating to the actual operation of the 12058  
trains, including train speed, capacity, construction and 12059  
maintenance standards, environmental enhancement and protection, 12060  
safety, and noise levels, supersede any conflicting rule, 12061  
ordinance, resolution, standard, or charter provision of any 12062  
agency or political subdivision of the state. 12063

(E) Provision may be included in the franchise agreement for 12064  
a development and construction schedule, subject to extension for 12065  
events beyond the control of the franchisee and changes in 12066  
applicable state and federal law. 12067

(F) The franchise agreement shall obligate the ~~commission~~ 12068  
division, upon request of the franchisee, to assist in obtaining 12069  
permits and licenses necessary for the construction and operation 12070  
of the rail system and ancillary facilities. 12071

(G) If a franchisee develops and either transfers its portion 12072  
of the rail system to the ~~commission~~ division and then leases that 12073  
portion from the ~~commission~~ division, or leases its portion to the 12074

~~commission~~ division and continues to operate that portion of the 12075  
rail system, the state shall indemnify the franchisee against 12076  
claims that, if made against the ~~commission~~ division or the state, 12077  
would be subject to a defense of sovereign immunity. 12078

(H) In the franchise agreement, the ~~commission~~ division may 12079  
furnish the franchisee with reasonable assurances that the state 12080  
will not take any action that would have the effect of depriving 12081  
the franchisee of the anticipated economic benefits of franchise 12082  
operation, including the award of franchises subsequent to the 12083  
award of the 3-C corridor franchise which have such effect, and 12084  
that the ~~commission~~ division will take such reasonable actions to 12085  
dissuade other agencies of the state from taking actions that 12086  
might have an adverse economic or regulatory impact on the 12087  
franchisee. 12088

(I) If more than one franchise is awarded, the franchisees 12089  
shall bear all costs necessary for the interconnection of their 12090  
respective franchises, which costs shall be allocated equitably by 12091  
the ~~commission~~ division. 12092

(J) After a franchise is awarded, the terms under which it is 12093  
awarded may be modified only by written agreement of the parties, 12094  
after observation of notice and comment procedures initially 12095  
agreed to by the ~~commission~~ division and the franchisee. 12096

(K) The ~~commission~~ division shall cooperate with the 12097  
environmental protection agency in the franchise procurement 12098  
review and award process. In consultation with the agency, the 12099  
~~commission~~ division shall adopt or amend reasonable procedural 12100  
rules in order to simplify and expedite the process by which the 12101  
franchisee applies for and obtains required state permits. 12102

(L) The ~~commission~~ division shall assist franchisees in 12103  
meeting environmental requirements, including, if requested by a 12104  
franchisee, serving as the lead agency in connection with 12105

environmental impact analysis requirements. 12106

**Sec. ~~4981.32~~ 5501.654.** (A) A franchise agreement shall 12107  
authorize the franchisee to do all of the following: 12108

(1) Acquire and dispose of real and personal property and 12109  
request the ~~Ohio rail development commission~~ division of freight 12110  
to appropriate real property for sale to the franchisee in 12111  
accordance with division (A)(5) of section ~~4981.29~~ 5501.651 of the 12112  
Revised Code; 12113

(2) Plan, design, finance, construct, reconstruct, improve, 12114  
operate, and maintain its portion of the rail system and any 12115  
ancillary system facilities; 12116

(3) Set and charge rates and fares for the use of its portion 12117  
of the rail system, and retain all revenues in excess of debt 12118  
service and operating expenses up to an agreed return on 12119  
investment; 12120

(4) Subject to applicable permit requirements, construct and 12121  
operate the rail system over or under canals, navigable 12122  
watercourses, and existing transportation and public utility 12123  
rights-of-way; 12124

(5) Classify users according to reasonable categories for the 12125  
assessment of fares, including peak and off-peak time periods; 12126

(6) Make and enforce reasonable regulations regarding usage 12127  
and safety of that portion of the rail system comprising its 12128  
franchise; 12129

(7) Engage in any other business in addition to that of 12130  
operator of its portion of the rail system, including the purchase 12131  
and sale of real estate and ownership and operation of ancillary 12132  
system facilities; 12133

(8) Establish and fund accounts, including reasonable 12134  
reserves for contingencies, maintenance, and replacement, in order 12135

to ensure the availability of funds to meet future obligations of the franchisee; 12136  
12137

(9) Take all other actions it determines necessary and appropriate in the operation of the franchise, so long as those actions comply with the franchise agreement and with applicable state and federal statutes, rules, and regulations. 12138  
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(B) The franchisee shall do all of the following: 12142

(1) Use best efforts to arrange financing for the construction and operation of that portion of the rail system that comprises its franchise, and pledge assets and revenue as may be necessary to secure repayment of obligations; 12143  
12144  
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(2) Maintain and file with the ~~commission~~ division a schedule of rates and fares, and file and maintain a statement that those rates and fares apply uniformly to all users of the rail system within reasonable categories; 12147  
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(3) Construct, maintain, and insure the rail system in accordance with standards agreed with the ~~commission~~ division, and permit access for inspection by the ~~commission~~ division. Construction may be performed in stages pursuant to a schedule or program approved by the ~~commission~~ division. 12151  
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(4) Enlarge or expand its portion of the rail system from time to time, as reflected in initial plans for the franchise and as appropriate to meet market requirements; 12156  
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12158

(5) Operate the rail system in accordance with applicable legal requirements and any additional reasonable operating and safety standards the ~~commission~~ division approves, or as otherwise may be required by applicable state or federal requirements; 12159  
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12161  
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(6) Contract with state, county, or municipal law enforcement agencies, or enter into other arrangements acceptable to the ~~commission~~ division, to provide law enforcement on and around the 12163  
12164  
12165



franchisee's portion of the rail system. 12166

(C) Any instrument by which real property is acquired 12167  
pursuant to this section shall identify the agency of the state 12168  
that has the use and benefit of the real property as specified in 12169  
section 5301.012 of the Revised Code. 12170

**Sec. ~~4981.33~~ 5501.655.** (A) The ~~Ohio rail development~~ 12171  
~~commission~~ division of freight shall review all plans and 12172  
specifications of a franchisee for its portion of a rail system to 12173  
ensure that the plans and specifications conform to ~~commission~~ 12174  
division standards, and shall inspect and approve the construction 12175  
of all portions of the rail system. The ~~commission~~ division shall 12176  
assume responsibility for and indemnify any franchisee for 12177  
third-party claims arising out of franchisee design and 12178  
construction activities performed without fault that have been 12179  
reviewed and approved by the ~~commission~~ division. 12180

(B) The ~~commission~~ division shall monitor maintenance 12181  
practices of a franchisee or its operator to secure and maintain 12182  
safety and efficiency in the operation of those portions of the 12183  
rail system operated by the franchisee. 12184

(C) All rules adopted by the ~~commission~~ division affecting 12185  
the rail system or franchises shall be adopted in accordance with 12186  
Chapter 119. of the Revised Code. 12187

(D) The ~~commission~~ division shall not regulate rates and 12188  
fares a franchisee charges for its portion of the rail system. 12189

(E) The ~~commission~~ division may require a franchisee to 12190  
furnish to the ~~commission~~ division data sufficient to enable it to 12191  
verify the franchisee's compliance with all terms of its franchise 12192  
agreement. 12193

(F) Except for rules adopted by the ~~commission~~ division or 12194  
the franchisee pursuant to sections ~~4981.28 to 4981.34~~ 5501.65 to 12195

5501.661 of the Revised Code, the laws of this state relating to 12196  
rail carriers apply to all portions of the rail system, and the 12197  
powers of arrest of law enforcement officers on and around any 12198  
portion of the rail system are the same there as elsewhere in the 12199  
state. 12200

**Sec. ~~4981.34~~ 5501.656.** (A) On behalf of a franchisee and 12201  
pursuant to section ~~4981.15~~ 5501.644 of the Revised Code, the ~~Ohio~~ 12202  
~~rail development commission~~ division of freight may issue bonds 12203  
for loans to finance development and construction of a 12204  
franchisee's portion of a rail system. Any bonds issued pursuant 12205  
to this section do not, and shall state that they do not, 12206  
represent or constitute a debt or pledge of the faith and credit 12207  
of the state, nor do such bonds grant to the bondholders or 12208  
noteholders any right to have the general assembly levy any taxes 12209  
or appropriate any funds for the payment of the principal or 12210  
interest thereon. Such bonds shall be payable solely from the loan 12211  
repayments the ~~commission~~ division receives from the franchisee to 12212  
which the loan was made. The loan repayments shall be made from 12213  
revenues that the franchisee receives from the operation of its 12214  
portion of the rail system and that shall be pledged to repay the 12215  
~~commission~~ division, or from such other credit sources as the 12216  
franchisee may arrange. 12217

(B) The portion of the rail system awarded to a franchisee, 12218  
any elements thereof, or the land upon which a franchise is 12219  
situated may be owned by the franchisee or owned by the ~~commission~~ 12220  
division and leased to the franchisee for the term of the 12221  
franchise. 12222

(C) The rail system may be financed partially by the 12223  
~~commission~~ division and partially by franchisees. With respect to 12224  
that portion of the rail system financed by the ~~commission~~ 12225  
division, the ~~commission~~ division may utilize all of the bonding 12226

and financial authority contained in sections ~~4981.01 to 4981.26~~ 12227  
~~5501.57 to 5501.661~~ of the Revised Code and also may seek to 12228  
obtain state funding or federal financing on behalf of the rail 12229  
system. ~~Commission~~ Division financing, credit support, and 12230  
financial assistance may not be commingled with private financing 12231  
obtained by the franchisee, and any moneys of the ~~commission~~ 12232  
division to be expended by the ~~commission~~ division to finance a 12233  
portion of a rail system shall be kept in accounts that are 12234  
separate and apart from and not a part of the accounts in which 12235  
are kept any moneys to be expended by a franchisee to finance its 12236  
portion of a rail system. 12237

(D) The franchisee may arrange financing and refinancing of 12238  
the system through any combination of debt, equity, and public 12239  
sources available to it that it determines in its sole discretion. 12240  
A franchisee shall not be precluded from utilizing any type of 12241  
public or private assistance available to it in connection with 12242  
the development of its franchise. A franchisee shall furnish the 12243  
~~commission~~ division all relevant and necessary information with 12244  
respect to financing terms to enable the ~~commission~~ division to 12245  
exercise its oversight responsibilities with respect to the 12246  
franchisee's reasonable return on its investment. 12247

(E) When requested by a franchisee, the ~~commission~~ division 12248  
shall seek from the office of budget and management an allotment 12249  
of proceeds from the issuance of private activity bonds. The 12250  
~~commission~~ division shall distribute those proceeds to franchisees 12251  
in such proportions and amounts as it determines in its 12252  
discretion. 12253

(F)(1) The ~~commission~~ division may levy and collect special 12254  
assessments upon all parcels of real property, other than real 12255  
property owned by a railroad corporation, in the immediate 12256  
vicinity of any rail system station or terminal of the ~~commission~~ 12257  
division or a franchisee, including, without limitation, parcels 12258

that abut, are adjacent or contiguous to, or otherwise increase in 12259  
value due to the existence of, the station or terminal. An 12260  
assessment levied under this division shall be for the purpose of 12261  
enabling the ~~commission~~ division to collect a portion of the 12262  
increase in the true value in money of any such parcel of property 12263  
subsequent to the commencement of operation of a rail system 12264  
station or terminal. All assessments shall be applied, directly or 12265  
indirectly, to the development and financing of the portion of the 12266  
rail system of which the station or terminal is a part. 12267

(2) Upon written request of the ~~commission~~ division, the 12268  
county auditor of a county in which a rail system station or 12269  
terminal commences operation shall assess each parcel of real 12270  
property that is located in the immediate vicinity of the station 12271  
or terminal and that the ~~commission~~ division has reasonable cause 12272  
to believe has increased in true value in money because of the 12273  
existence of the station or terminal. The county auditor shall 12274  
utilize appropriate assessment techniques specified in rules 12275  
adopted by the tax commissioner pursuant to Chapter 5713. of the 12276  
Revised Code to determine the increase in true value, if any, of 12277  
the real property. Any increase shall be measured by comparing the 12278  
true value of the real property in the year in which the 12279  
~~commission adopted the resolution designating~~ division designated 12280  
the location of the station or terminal, as reflected on the tax 12281  
list for that year, with the highest true value of the real 12282  
property as of the month in which rail system operations commenced 12283  
at the station or terminal. The county auditor shall then 12284  
determine what percentage of the true value increase, if any, is 12285  
directly attributable to the existence of and commencement of 12286  
operations at the station or terminal. The county auditor shall 12287  
convert the percentage increase to an amount certain, and certify 12288  
the results of the assessments to the ~~commission~~ division. Within 12289  
thirty days after receipt of the certified results, the ~~commission~~ 12290  
division shall reimburse the county auditor for the actual cost to 12291

the auditor of making the assessments. 12292

(3) In no case shall any special assessment levied by the 12293  
~~commission~~ division upon a parcel of real property exceed twenty 12294  
per cent of the increase in the true value of the property that 12295  
the county auditor certifies to the ~~commission~~ division as being 12296  
directly attributable to the existence of and commencement of 12297  
operations at the station or terminal. A special assessment shall 12298  
constitute a lien against the property and shall be added to the 12299  
tax list and duplicate for collection. Payments on the special 12300  
assessment shall be made semiannually at the same time as real 12301  
property taxes are required to be paid, but upon written request 12302  
of the owner of the real property assessed, the county auditor may 12303  
permit the owner to pay the assessment in equal installments over 12304  
a period of not longer than ten years. 12305

(4) An owner of real property upon which a special assessment 12306  
is levied under this section may file a petition in the court of 12307  
common pleas of the county in which the real property is located 12308  
challenging any aspect of the assessment, including the fact of 12309  
the special assessment itself or the amount. The filing of such a 12310  
petition shall stay the collection of any part of the special 12311  
assessment, and collection shall not commence until a decision on 12312  
the merits is rendered by the court. 12313

(G) Nothing in this section shall be construed as limiting 12314  
the power of the ~~commission~~ division to issue bonds pursuant to 12315  
section ~~4981.15~~ 5501.644 of the Revised Code for the purposes 12316  
stated in that section. 12317

**Sec. ~~4981.09~~ 5501.66.** There is hereby created in the state 12318  
treasury the rail development fund. The fund shall consist of such 12319  
moneys as may be provided by law, including moneys received from 12320  
the sale, transfer, or lease of any rail property pursuant to 12321  
section ~~4981.08~~ 5501.612 of the Revised Code. Moneys in the fund 12322

shall be used for the purpose of acquiring, rehabilitating, or 12323  
developing rail property or service, or for participation in the 12324  
acquisition of rail property with the federal government, 12325  
municipal corporations, townships, counties, or other governmental 12326  
agencies. For the purpose of acquiring such rail property, the 12327  
~~Ohio rail development commission~~ division of freight may obtain 12328  
acquisition loans from the federal government or from any other 12329  
source. 12330

The fund shall also be used to promote, plan, design, 12331  
construct, operate, and maintain passenger and freight rail 12332  
transportation systems, and may be used to pay the administrative 12333  
costs of the ~~Ohio rail development commission~~ division of freight 12334  
associated with conducting any authorized rail program, and for 12335  
any purpose authorized by sections ~~4981.03~~ and 5501.56 and 12336  
5501.581 of the Revised Code. The fund shall not be used to 12337  
provide loan guarantees. 12338

**Sec. ~~4981.091~~ 5501.661.** There is hereby created in the state 12339  
treasury the federal rail fund. The fund shall consist of money 12340  
received pursuant to section ~~4981.08~~ 5501.612 of the Revised Code 12341  
and such other money as may be provided by law. The fund shall be 12342  
used to acquire, rehabilitate, or develop rail property or 12343  
service; to participate in the acquisition of rail property with 12344  
the federal government, municipal corporations, townships, 12345  
counties, or other governmental agencies; and to promote, plan, 12346  
design, construct, operate, and maintain passenger and freight 12347  
rail transportation systems. The fund also may be used to pay the 12348  
administrative costs of the ~~Ohio rail development commission~~ 12349  
division of freight associated with conducting any authorized rail 12350  
program, and for any purpose authorized by sections ~~4981.03~~ and 12351  
5501.56 and 5501.581 of the Revised Code. The fund shall not be 12352  
used to provide loan guarantees. Investment earnings on moneys 12353  
credited to the fund shall be retained by the fund. 12354

In acquiring rail property, the ~~Ohio rail development~~ 12355  
~~commission~~ division of freight may obtain acquisition loans from 12356  
the federal government or from any other source. 12357

**Sec. 5502.03.** (A) There is hereby created in the department 12358  
of public safety a division of homeland security. 12359

(B) The division shall do all of the following: 12360

(1) Coordinate all homeland security activities of all state 12361  
agencies and be the liaison between state agencies and local 12362  
entities for the purposes of communicating homeland security 12363  
funding and policy initiatives; 12364

(2) Collect, analyze, maintain, and disseminate information 12365  
to support local, state, and federal law enforcement agencies, 12366  
other government agencies, and private organizations in detecting, 12367  
deterring, preventing, preparing for, responding to, and 12368  
recovering from threatened or actual terrorist events. This 12369  
information is not a public record pursuant to section 149.43 of 12370  
the Revised Code. 12371

(3) Coordinate efforts of state and local governments and 12372  
private organizations to enhance the security and protection of 12373  
critical infrastructure, including casino facilities, and key 12374  
assets in this state; 12375

(4) Develop and coordinate policies, protocols, and 12376  
strategies that may be used to prevent, detect, prepare for, 12377  
respond to, and recover from terrorist acts or threats; 12378

(5) Develop, update, and coordinate the implementation of an 12379  
Ohio homeland security strategic plan that will guide state and 12380  
local governments in the achievement of homeland security in this 12381  
state. 12382

(C) The director of public safety shall appoint an executive 12383  
director, who shall be head of the division of homeland security 12384

and who regularly shall advise the governor and the director on 12385  
matters pertaining to homeland security. The executive director 12386  
shall serve at the pleasure of the director of public safety. To 12387  
carry out the duties assigned under this section, the executive 12388  
director, subject to the direction and control of the director of 12389  
public safety, may appoint and maintain necessary staff and may 12390  
enter into any necessary agreements. 12391

(D) Except as otherwise provided by law, nothing in this 12392  
section shall be construed to give the director of public safety 12393  
or the executive director of the division of homeland security 12394  
authority over the incident management structure or 12395  
responsibilities of local emergency response personnel. 12396

~~(E) There is hereby created in the state treasury the 12397  
homeland security fund. The fund shall consist of sixty cents of 12398  
each fee collected under sections 4501.34, 4503.26, 4506.08, and 12399  
4509.05 of the Revised Code as specified in those sections, plus 12400  
on and after October 1, 2009, sixty cents of each fee collected 12401  
under sections 4505.14 and 4519.63 of the Revised Code as 12402  
specified in those sections. The fund shall be used to pay the 12403  
expenses of administering the law relative to the powers and 12404  
duties of the executive director of the division of homeland 12405  
security, except that the director of budget and management may 12406  
transfer excess money from the homeland security fund to the state 12407  
highway safety fund if the director of public safety determines 12408  
that the amount of money in the homeland security fund exceeds the 12409  
amount required to cover such costs incurred by the division of 12410  
homeland security and requests the director of budget and 12411  
management to make the transfer. 12412~~

**Sec. 5502.39.** There is hereby created in the state treasury 12413  
the emergency management agency service and reimbursement fund. 12414  
The fund shall consist of ~~one dollar and twenty five cents of each~~ 12415



~~fee collected under sections 4501.34, 4503.26, 4506.08, and 12416~~  
~~4509.05 of the Revised Code as specified in those sections, plus 12417~~  
~~on and after October 1, 2009, one dollar and twenty five cents of 12418~~  
~~each fee collected under sections 4505.14 and 4519.63 of the 12419~~  
~~Revised Code as specified in those sections, and the money 12420~~  
collected under sections 5502.21 to 5502.38 of the Revised Code. 12421  
All money in the fund shall be used to pay the costs of 12422  
administering programs of the emergency management agency, ~~except 12423~~  
~~that the director of budget and management may transfer excess 12424~~  
~~money from the emergency management agency service and 12425~~  
~~reimbursement fund to the state highway safety fund if the 12426~~  
~~director of public safety determines that the amount of money in 12427~~  
~~the emergency management agency service and reimbursement fund 12428~~  
~~exceeds the amount required to cover such costs incurred by the 12429~~  
~~emergency management agency and requests the director of budget 12430~~  
and management to make the transfer. 12431

**Sec. 5502.67.** There is hereby created in the state treasury 12432  
the justice program services fund. The fund shall consist of the 12433  
court costs designated for the fund pursuant to section 2949.094 12434  
of the Revised Code, ~~twenty five cents of each fee collected under 12435~~  
~~sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised 12436~~  
~~Code as specified in those sections, plus on and after October 1, 12437~~  
~~2009, twenty five cents of each fee collected under sections 12438~~  
~~4505.14 and 4519.63 of the Revised Code as specified in those 12439~~  
~~sections, and all money collected by the division of criminal 12440~~  
justice services for nonfederal purposes, including subscription 12441  
fees for participating in the Ohio incident-based reporting system 12442  
under division (C) of section 5502.62 of the Revised Code, unless 12443  
otherwise designated by law. The justice program services fund 12444  
shall be used to pay costs of administering the operations of the 12445  
division of criminal justice services, ~~except that the director of 12446~~

~~budget and management may transfer excess money from the justice 12447  
program services fund to the state highway safety fund if the 12448  
director of public safety determines that the amount of money in 12449  
the justice program services fund exceeds the amount required to 12450  
cover such costs incurred by the office of criminal justice 12451  
services and requests the director of budget and management to 12452  
make the transfer. 12453~~

**Sec. 5512.05.** In performing its duty to develop the project 12454  
selection process, and list of projects, the transportation review 12455  
advisory council ~~shall~~ may conduct ~~no more than six~~ public 12456  
hearings ~~per year~~ at various locations around the state. At the 12457  
hearings, the council shall accept public comment related to the 12458  
project selection process, and on the merits of major new 12459  
transportation projects. Members of the council shall attend the 12460  
hearings in person. 12461

**Sec. 5512.07.** (A) There is hereby created the transportation 12462  
review advisory council. No member of the general assembly shall 12463  
be a member of the council. The council shall consist of nine 12464  
members, one of whom is the director of transportation. Six 12465  
members shall be appointed by the governor with the advice and 12466  
consent of the senate. One member shall be appointed by the 12467  
speaker of the house of representatives and one member shall be 12468  
appointed by the president of the senate. In making their 12469  
appointments, the governor, the speaker of the house of 12470  
representatives, and the president of the senate shall consult 12471  
with each other so that of the total number of eight appointed 12472  
members, at least two are affiliated with the major political 12473  
party not represented by the governor. In making the governor's 12474  
appointments, the governor shall appoint persons who reside in 12475  
different geographic areas of the state. Within ninety days after 12476  
June 30, 1997, the governor, speaker, and president shall make the 12477

initial appointments to the council. 12478

Appointed members shall have no conflict of interest with the 12479  
position. For purposes of this section, "conflict of interest" 12480  
means taking any action that violates any provision of Chapter 12481  
102. or 2921. of the Revised Code. 12482

Each of the members the governor appoints shall have 12483  
experience ~~either~~ in the area of transportation ~~or in that of,~~ 12484  
business or economic development, or rail economic development. 12485

One such member shall be selected from a list of five names 12486  
provided by the Ohio public expenditure council. 12487

(B) Of the governor's initial appointments made to the 12488  
council, one shall be for a term ending one year after June 30, 12489  
1997, one shall be for a term ending two years after June 30, 12490  
1997, one shall be for a term ending four years after June 30, 12491  
1997, and one shall be for a term ending five years after June 30, 12492  
1997. Within ninety days after September 16, 1998, the governor 12493  
shall make two appointments to the council. Of these appointments, 12494  
one shall be for a term ending June 30, 2001, and one shall be for 12495  
a term ending June 30, 2002. The speaker's and president's initial 12496  
appointments made to the council shall be for a term ending three 12497  
years after June 30, 1997. Thereafter, all terms of office, 12498  
including the terms for those persons who are appointed to succeed 12499  
the persons whose appointments are made within ninety days after 12500  
September 16, 1998, shall be for five years, with each term ending 12501  
on the same day of the same month as did the term that it 12502  
succeeds. Each member shall hold office from the date of 12503  
appointment until the end of the term for which the member was 12504  
appointed. Members may be reappointed. Vacancies shall be filled 12505  
in the manner provided for original appointments. Any member 12506  
appointed to fill another member's unexpired term shall hold 12507  
office for the remainder of that unexpired term. A member shall 12508  
continue in office subsequent to the expiration of the member's 12509

term until the member's successor takes office. 12510

(C) The director of transportation is the chairperson of the 12511  
council. 12512

Sec. 5516.15. Any fees or fines collected under this chapter 12513  
shall be deposited into the state treasury to the credit of the 12514  
highway operating fund created in section 5735.291 of the Revised 12515  
Code to be used by the director of transportation solely for 12516  
purposes of enforcing and administering the requirements 12517  
established under this chapter. 12518

**Sec. 5519.01.** If the director of transportation is unable to 12519  
purchase property for any purpose related to highways, roads, or 12520  
bridges authorized by Chapters 5501., 5503., 5511., 5513., 5515., 12521  
5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 12522  
5531., 5533., and 5535. of the Revised Code, or, ~~if the Ohio rail 12523~~  
~~development commission is unable to purchase property for any 12524~~  
purpose necessary for the implementation of rail service under 12525  
~~Chapter 4981. sections 5501.57 to 5501.661~~ of the Revised Code, 12526  
the director shall issue, ~~or the commission shall enter on the 12527~~  
~~records of the commission,~~ a finding that it is necessary, for the 12528  
public convenience and welfare, to appropriate such property as 12529  
the director ~~or commission~~ considers needed for such purposes. The 12530  
finding shall contain a definite, accurate, and detailed 12531  
description of the property, and the name and place of residence, 12532  
if known or with reasonable diligence ascertainable, of the owner 12533  
of the property appropriated. ~~The commission shall submit to the 12534~~  
~~director a copy of its record finding that the appropriation of 12535~~  
~~property is necessary. The commission shall not proceed with the 12536~~  
~~appropriation unless it is first approved by the director. 12537~~

The director ~~or commission~~, in such finding, shall fix what 12538  
the director ~~or commission~~ considers to be the value of such 12539

property appropriated, together with damages to the residue, and 12540  
deposit the value thereof, together with the damages, with the 12541  
probate court or the court of common pleas of the county within 12542  
which the property, or a part thereof, is situated. The power to 12543  
appropriate property for any purpose authorized by such chapters 12544  
shall be exercised in the manner provided in sections 163.01 to 12545  
163.22 of the Revised Code. 12546

Any instrument by which real property is acquired pursuant to 12547  
this section shall identify the agency of the state that has the 12548  
use and benefit of the real property as specified in section 12549  
5301.012 of the Revised Code. 12550

**Sec. 5528.31.** Notes as used in section 5528.30 and this 12551  
section of the Revised Code includes notes issued in anticipation 12552  
of the issuance of bonds, which notes may be renewed from time to 12553  
time, and which renewal notes and bonds issued to fund other 12554  
obligations, shall not be counted against the aggregate principal 12555  
amount of highway obligations which may be issued in any calendar 12556  
year or which may be outstanding at any one time under authority 12557  
of Section 2i of Article VIII, Ohio Constitution. 12558

If notes are issued in anticipation of bonds, the 12559  
commissioners of the sinking fund shall issue bonds to retire such 12560  
notes at their maturity unless the commissioners have provided for 12561  
such retirement from the proceeds of renewal notes issued in 12562  
anticipation of bonds, ~~or moneys to be available on the maturity~~ 12563  
~~date in the highway obligations bond retirement fund created by~~ 12564  
~~section 5528.32 of the Revised Code, or both. So long as any notes~~ 12565  
~~are outstanding and while any bonds are outstanding there shall be~~ 12566  
~~paid annually into the highway obligations bond retirement fund~~ 12567  
~~from the excises, taxes, and fees authorized for payment of~~ 12568  
~~highway obligations at least two and one half per cent of the~~ 12569  
~~total amount of such notes or bonds and such amounts paid with~~ 12570

~~respect to such notes or bonds in anticipation of which such notes 12571  
have been issued shall be used only for the payment of principal 12572  
of such notes or of bonds in anticipation of which such notes have 12573  
been issued, and such amounts paid with respect to bonds for which 12574  
anticipatory notes have not been issued shall be used only for the 12575  
payment of principal of bonds, but provided that such annual 12576  
payments shall be fixed so that the total amount thereof shall be 12577  
sufficient to provide for the retirement of such notes or bonds 12578  
within a period of thirty years from the date the debt was 12579  
originally contracted. For the purpose only of determining the 12580  
amounts and times of such payments into such bond retirement fund 12581  
while such notes or bonds are outstanding the commissioners of the 12582  
sinking fund in its resolution authorizing the issuance of such 12583  
notes or bonds shall set forth a schedule of annual payments and 12584  
the annual payment dates the first of which shall be no later than 12585  
eighteen months after the date of issuance of such notes or bonds, 12586  
and the annual payments shall be fixed in such schedule so that 12587  
each annual payment is at least two and one half per cent of the 12588  
total amount of such bonds or notes and so that the the total 12589  
amount of such annual payments shall be sufficient to provide for 12590  
the retirement of such notes or bonds within a period of thirty 12591  
years from the date the debt was originally contracted. 12592~~

**Sec. 5528.40.** Upon the payment in full of all interest, 12593  
principal, and charges for the retirement of all highway 12594  
obligations issued pursuant to Section 2i of Article VIII, Ohio 12595  
Constitution, and sections 5528.30 and 5528.31 of the Revised 12596  
Code, the commissioners of the sinking fund shall make a 12597  
certification of such fact to the clerk of the senate, the clerk 12598  
of the house of representatives, and the treasurer of state. 12599

~~Upon receipt of such certification the treasurer of state 12600  
shall transfer all moneys then remaining to the credit of the 12601  
highway obligations bond retirement fund, created by section 12602~~

~~5528.32 of the Revised Code, to the highway operating fund.~~ 12603

**Sec. 5531.08.** (A) In order to expedite a highway project 12604  
involving the expenditure of federal and state funds and to 12605  
utilize all privileges provided by the "Intermodal Surface 12606  
Transportation Efficiency Act of 1991," 105 Stat. 1914, 49 12607  
U.S.C.A. 101, the director of transportation may designate a 12608  
project team for the purposes of certifying design review and 12609  
performing field and office inspections and cost estimates, on 12610  
behalf of the federal highway administration. 12611

(B)(1) Upon a written determination by the director that it 12612  
would be in the best interests of the traveling public, the 12613  
director, upon the written request of a county, township, or 12614  
municipal corporation, may utilize moneys in the highway operating 12615  
fund created by section 5735.291 of the Revised Code to pay that 12616  
portion of the construction cost of a highway project which the 12617  
county, township, or municipal corporation normally would be 12618  
required to pay. 12619

(2) The director shall not utilize moneys in the highway 12620  
operating fund for a highway project in the manner described in 12621  
division (B)(1) of this section unless all of the following apply: 12622

(a) The preliminary engineering design of the project is 12623  
complete, all necessary rights-of-way have been obtained, and all 12624  
federal, state, and local environmental studies and permits have 12625  
been performed or obtained; 12626

(b) The director of transportation has submitted the proposed 12627  
project to the director of development for an evaluation of the 12628  
potential economic benefit to the area. The county, township, or 12629  
municipal corporation certifies to the director of development 12630  
that the project will create not less than five permanent living 12631  
wage jobs. This requirement shall be fulfilled during the 12632  
three-year period following the completion date of the project, 12633

and the county, township, or municipal corporation may define the 12634  
geographic area within which the jobs will be created. 12635

(c) The quotient resulting from the division of the total 12636  
amount of moneys utilized to cover the portion of the construction 12637  
cost of the highway project that a county, township, or municipal 12638  
corporation would normally be required to pay, divided by the 12639  
number of permanent living wage jobs certified to the director of 12640  
development by the county, township, or municipal corporation 12641  
pursuant to division (B)(2)(b) of this section is less than or 12642  
equal to ten thousand dollars. 12643

(C) Upon a written determination by the director of 12644  
transportation that it would be in the best interests of the 12645  
traveling public, the director, upon the written request of a 12646  
county, township, or municipal corporation, may declare a waiver 12647  
of that portion of the ~~construction~~ cost of a highway project 12648  
which the county, township, or municipal corporation normally 12649  
would be required to pay. 12650

~~The director shall not declare a waiver described in this 12651  
division for a highway project unless, prior to the declaration, 12652  
the preliminary engineering design of the project is complete, all 12653  
necessary rights of way have been obtained, and all federal, 12654  
state, and local environmental studies and permits have been 12655  
performed or obtained. 12656~~

(D) The director of development shall do all of the 12657  
following: 12658

(1) Review all requests submitted by a county, township, or 12659  
municipal corporation to the director of transportation pursuant 12660  
to division (B) of this section for the expenditure of moneys from 12661  
the highway operating fund; 12662

(2) Submit ~~its~~ findings and recommendations to the director 12663  
of transportation upon completion of the review process; 12664



(3) Monitor the results of a highway project for which moneys 12665  
in the highway operating fund are utilized in order to ascertain 12666  
whether the number of permanent living wage jobs certified to the 12667  
director of transportation pursuant to division (B)(2)(b) of this 12668  
section actually are created as a result of the highway project 12669  
within the three-year period following the completion of the 12670  
project, and submit reports relating to this subject to the 12671  
director as necessary. 12672

(E) The director of transportation may award eligible federal 12673  
funds or state general revenue funds to local units of government, 12674  
including regional transit authorities providing public 12675  
transportation service and metropolitan planning organizations. 12676  
These funds may be used for such purposes as alleviating traffic 12677  
congestion or improving air quality in nonattainment areas of the 12678  
state as defined by the "Clean Air Act of 1990," 104 Stat. 2399, 12679  
42 U.S.C.A. 7401. The funds also may be used to acquire or 12680  
construct park-and-ride facilities, to purchase traffic devices to 12681  
improve vehicular flow, and for other travel demand management 12682  
activities that meet the mandates of the Clean Air Act in 12683  
nonattainment areas of the state. 12684

(F) As used in this section, "living wage job" means an 12685  
employment position paying an annual average gross wage amount per 12686  
full-time person of not less than twenty thousand dollars per 12687  
year. 12688

Sec. 5531.30. (A)(1) The director of transportation may enter 12689  
into agreements and cooperate with the United States department of 12690  
transportation, or any other appropriate federal agency as 12691  
provided in 23 U.S.C. 325 to 327 and as authorized under the 12692  
"Moving Ahead for Progress in the 21st Century Act (MAP-21)," 126 12693  
Stat. 405 (2012); the "Safe, Accountable, Flexible, Efficient 12694  
Transportation Equity Act: A Legacy for Users (SAFETEA-LU)," 119 12695

Stat. 1144 (2005); and the "National Environmental Policy Act of 12696  
1969," 83 Stat. 852 (1970). Pursuant to such an agreement the 12697  
director may assume certain responsibilities of the secretary of 12698  
the United States department of transportation, and take any other 12699  
actions required by any such agreement or by such federal laws. 12700

(2) The director may adopt any rules necessary to implement 12701  
an agreement pursuant to division (A) of this section and carry 12702  
out any duties imposed under such an agreement. 12703

(3) The director may make expenditures of money in connection 12704  
with an agreement authorized under division (A)(1) of this section 12705  
from any funds of the department of transportation that are 12706  
available to the director. 12707

(B) Notwithstanding Chapter 2743. of the Revised Code, this 12708  
state hereby waives its immunity from civil liability, including 12709  
the immunity from suit in a federal court under the eleventh 12710  
amendment to the United States Constitution, and consents to the 12711  
jurisdiction of the federal courts over its civil liability with 12712  
regard to the compliance, discharge, or enforcement of the 12713  
responsibilities assumed under division (A) of this section in 12714  
accordance with the same procedural and substantive requirements 12715  
applicable to a suit against a federal agency. Division (B) of 12716  
this section applies only to actions that are authorized under 12717  
division (A) of this section and does not create liability that 12718  
exceeds the liability created under 23 U.S.C. 325 to 327. 12719

**Sec. 5533.261.** That portion of the road known as interstate 12720  
route six hundred seventy, running in an easterly and westerly 12721  
direction, through the municipal corporation of Columbus in 12722  
Franklin county, between fourth street and interstate route 12723  
seventy, shall be known as the "Dana G. 'Buck' Rinehart Memorial 12724  
Highway." 12725

The director of transportation may erect suitable markers 12726  
along the highway indicating its name. 12727

~~Sec. 5534.04. That portion of the road known as interstate~~ 12728  
~~route seventy six, commencing at the intersection of that road and~~ 12729  
~~interstate route eighty and proceeding in a southeasterly~~ 12730  
~~direction to the intersection of that road and state route eleven~~ 12731  
~~in Mahoning county~~ In addition to any other name prescribed in the 12732  
Revised Code or otherwise, that portion of the road known as 12733  
interstate route number eighty, commencing at the interchange of 12734  
that interstate route and interstate route number seventy-six and 12735  
proceeding in an easterly direction to the interchange of 12736  
interstate route eighty and interstate route number six hundred 12737  
eighty, within Mahoning county only, shall be known as the "Marine 12738  
Sergeant James Prommersberger and Army Second Lieutenant Charles 12739  
W. Brown Memorial Highway." 12740

The director of transportation may erect suitable markers 12741  
along the highway indicating its name. 12742

~~Sec. 5537.16. (A) The~~ Subject to division (C) of this 12743  
section, the Ohio turnpike and infrastructure commission may adopt 12744  
such bylaws and rules as it considers advisable for the control 12745  
and regulation of traffic on any turnpike project, for the 12746  
protection and preservation of property under its jurisdiction and 12747  
control, for the maintenance and preservation of good order within 12748  
the property under its control, and for the purpose of 12749  
establishing owner or operator liability for failure to comply 12750  
with toll collection rules. The rules of the commission with 12751  
respect to the speed, use of special engine brakes, axle loads, 12752  
vehicle loads, and vehicle dimensions of vehicles on turnpike 12753  
projects, including the issuance of a special permit by the 12754  
commission to allow the operation on any turnpike project of a 12755  
motor vehicle transporting two or fewer steel coils, shall apply 12756

notwithstanding sections 4511.21 to 4511.24, 4513.34, and Chapter 12757  
5577. of the Revised Code. Such bylaws and rules shall be 12758  
published in a newspaper of general circulation in Franklin 12759  
county, and in such other manner as the commission prescribes. 12760

(B) Such rules shall provide that public police officers 12761  
shall be afforded ready access, while in the performance of their 12762  
official duty, to all property under the jurisdiction of the 12763  
commission and without the payment of tolls. 12764

(C)(1) It is prima facie lawful for operators of any motor 12765  
vehicle to operate the vehicle at a speed not exceeding 12766  
seventy-five miles per hour at all times on all rural portions of 12767  
a turnpike project. 12768

(2) No person shall operate a motor vehicle at a speed 12769  
exceeding seventy-five miles per hour upon a turnpike project as 12770  
provided in division (C)(1) of this section. 12771

(3)(a) If the commission determines that the speed limit of 12772  
seventy-five miles per hour at a location on a rural portion of a 12773  
turnpike project established in division (C)(1) of this section is 12774  
greater than is reasonable and safe under the conditions found to 12775  
exist at the location, the commission by rule may establish a 12776  
reasonable and safe prima facie speed limit of less than 12777  
seventy-five miles per hour at that location. The commission shall 12778  
erect signs at the location giving notice of the altered speed 12779  
limit. 12780

(b) No person shall operate a motor vehicle at a speed 12781  
exceeding a speed limit established by the commission pursuant to 12782  
division (C)(3)(a) of this section. 12783

(4) As used in division (C)(1) of this section, "rural" has 12784  
the same meaning as in division (N) of section 4511.21 of the 12785  
Revised Code. 12786

(D) No person shall violate any such bylaws or rules of the 12787

commission. 12788

~~(D)~~(E)(1) All fines collected for the violation of applicable 12789  
laws of the state and the bylaws and rules of the commission or 12790  
moneys arising from bonds forfeited for such violation shall be 12791  
disposed of in accordance with section 5503.04 of the Revised 12792  
Code. 12793

(2) All fees or charges assessed by the commission against an 12794  
owner or operator of a vehicle as a civil violation for failure to 12795  
comply with toll collection or toll evasion rules shall be 12796  
revenues of the commission. 12797

**Sec. 5537.35.** (A) The Ohio turnpike commission shall display 12798  
the following flags at each ~~rest area~~ service facility that is 12799  
along the turnpike: 12800

(1) The flag of the United States; 12801

(2) The flag of Ohio; 12802

(3) The flag that depicts the profile of a prisoner of war 12803  
against the background of a prisoner of war camp watchtower, 12804  
commonly known as the POW/MIA flag. 12805

(B) In purchasing flags to comply with division (A) of this 12806  
section, the turnpike commission shall, to the maximum extent 12807  
possible, conform to the preference requirements of sections 12808  
125.09 and 125.11 of the Revised Code and all rules adopted under 12809  
those sections to ensure the purchase and use of products made in 12810  
Ohio and the United States. 12811

**Sec. 5537.99.** (A) Except as provided in division (B) of this 12812  
section, whoever violates division (C)(2), (3)(b), or (D) of 12813  
section 5537.16 of the Revised Code is guilty of a minor 12814  
misdemeanor on a first offense; on each subsequent offense such 12815  
person is guilty of a misdemeanor of the fourth degree. 12816

(B)(1) Whoever violates division ~~(C)~~(D) of section 5537.16 of 12817  
the Revised Code when the violation is a civil violation for 12818  
failure to comply with toll collection rules is subject to a fee 12819  
or charge established by the commission by rule. 12820

(2) Whoever violates division ~~(C)~~(D) of section 5537.16 of 12821  
the Revised Code in regard to allowable axle or vehicle loads 12822  
shall be fined in accordance with division (A) of section 5577.99 12823  
of the Revised Code. 12824

**Sec. 5543.22.** Notwithstanding sections 153.65 to 153.71 of 12825  
the Revised Code, a county engineer may combine the design and 12826  
construction elements of a bridge, highway, or safety project into 12827  
a single contract, but only if the cost of the project as bid does 12828  
not exceed ~~one~~ five million ~~five hundred thousand~~ dollars. 12829

When required to use competitive bidding, the county engineer 12830  
shall award a design-build contract in accordance with sections 12831  
307.86 to 307.92 of the Revised Code. In lieu of the requirement 12832  
for plans, the county engineer shall prepare and distribute a 12833  
scope of work document upon which bidders shall base their bids. 12834

A county engineer may request the director of transportation 12835  
to review and comment on the scope of work document or the 12836  
construction plans for conformance with state and federal 12837  
requirements. If so requested, the director shall review and 12838  
comment on the document or plans. 12839

**Sec. 5577.044.** (A) Notwithstanding sections 5577.02 and 12840  
5577.04 of the Revised Code, a vehicle fueled solely by compressed 12841  
natural gas or liquid natural gas may exceed by not more than two 12842  
thousand pounds the gross vehicle weight provisions of sections 12843  
5577.01 to 5577.09 of the Revised Code or the axle load limits of 12844  
those sections. 12845

(B) If a vehicle described in division (A) of this section 12846

exceeds the weight provisions of sections 5577.01 to 5577.09 of 12847  
the Revised Code by more than the allowance provided for in 12848  
division (A) of this section, both of the following apply: 12849

(1) The applicable penalty prescribed in section 5577.99 of 12850  
the Revised Code; 12851

(2) The civil liability imposed by section 5577.12 of the 12852  
Revised Code. 12853

(C) Division (A) of this section does not apply to the 12854  
operation of a vehicle on either of the following: 12855

(1) A highway that is part of the interstate system; 12856

(2) A highway, road, or bridge that is subject to reduced 12857  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 12858  
5577.09, or 5591.42 of the Revised Code. 12859

**Sec. 5705.19.** This section does not apply to school 12860  
districts, county school financing districts, or lake facilities 12861  
authorities. 12862

The taxing authority of any subdivision at any time and in 12863  
any year, by vote of two-thirds of all the members of the taxing 12864  
authority, may declare by resolution and certify the resolution to 12865  
the board of elections not less than ninety days before the 12866  
election upon which it will be voted that the amount of taxes that 12867  
may be raised within the ten-mill limitation will be insufficient 12868  
to provide for the necessary requirements of the subdivision and 12869  
that it is necessary to levy a tax in excess of that limitation 12870  
for any of the following purposes: 12871

(A) For current expenses of the subdivision, except that the 12872  
total levy for current expenses of a detention facility district 12873  
or district organized under section 2151.65 of the Revised Code 12874  
shall not exceed two mills and that the total levy for current 12875  
expenses of a combined district organized under sections 2151.65 12876

and 2152.41 of the Revised Code shall not exceed four mills;	12877
(B) For the payment of debt charges on certain described	12878
bonds, notes, or certificates of indebtedness of the subdivision	12879
issued subsequent to January 1, 1925;	12880
(C) For the debt charges on all bonds, notes, and	12881
certificates of indebtedness issued and authorized to be issued	12882
prior to January 1, 1925;	12883
(D) For a public library of, or supported by, the subdivision	12884
under whatever law organized or authorized to be supported;	12885
(E) For a municipal university, not to exceed two mills over	12886
the limitation of one mill prescribed in section 3349.13 of the	12887
Revised Code;	12888
(F) For the construction or acquisition of any specific	12889
permanent improvement or class of improvements that the taxing	12890
authority of the subdivision may include in a single bond issue;	12891
(G) For the general construction, reconstruction,	12892
resurfacing, and repair of streets, roads, and bridges in	12893
municipal corporations, counties, or townships;	12894
(H) For parks and recreational purposes;	12895
(I) For the purpose of providing and maintaining fire	12896
apparatus, appliances, buildings, or sites therefor, or sources of	12897
water supply and materials therefor, or the establishment and	12898
maintenance of lines of fire alarm telegraph, or the payment of	12899
firefighting companies or permanent, part-time, or volunteer	12900
firefighting, emergency medical service, administrative, or	12901
communications personnel to operate the same, including the	12902
payment of any employer contributions required for such personnel	12903
under section 145.48 or 742.34 of the Revised Code, or the	12904
purchase of ambulance equipment, or the provision of ambulance,	12905
paramedic, or other emergency medical services operated by a fire	12906



department or firefighting company;	12907
(J) For the purpose of providing and maintaining motor	12908
vehicles, communications, other equipment, buildings, and sites	12909
for such buildings used directly in the operation of a police	12910
department, or the payment of salaries of permanent or part-time	12911
police, communications, or administrative personnel to operate the	12912
same, including the payment of any employer contributions required	12913
for such personnel under section 145.48 or 742.33 of the Revised	12914
Code, or the payment of the costs incurred by townships as a	12915
result of contracts made with other political subdivisions in	12916
order to obtain police protection, or the provision of ambulance	12917
or emergency medical services operated by a police department;	12918
(K) For the maintenance and operation of a county home or	12919
detention facility;	12920
(L) For community mental retardation and developmental	12921
disabilities programs and services pursuant to Chapter 5126. of	12922
the Revised Code, except that the procedure for such levies shall	12923
be as provided in section 5705.222 of the Revised Code;	12924
(M) For regional planning;	12925
(N) For a county's share of the cost of maintaining and	12926
operating schools, district detention facilities, forestry camps,	12927
or other facilities, or any combination thereof, established under	12928
section 2151.65 or 2152.41 of the Revised Code or both of those	12929
sections;	12930
(O) For providing for flood defense, providing and	12931
maintaining a flood wall or pumps, and other purposes to prevent	12932
floods;	12933
(P) For maintaining and operating sewage disposal plants and	12934
facilities;	12935
(Q) For the purpose of purchasing, acquiring, constructing,	12936

enlarging, improving, equipping, repairing, maintaining, or	12937
operating, or any combination of the foregoing, a county transit	12938
system pursuant to sections 306.01 to 306.13 of the Revised Code,	12939
or of making any payment to a board of county commissioners	12940
operating a transit system or a county transit board pursuant to	12941
section 306.06 of the Revised Code;	12942
(R) For the subdivision's share of the cost of acquiring or	12943
constructing any schools, forestry camps, detention facilities, or	12944
other facilities, or any combination thereof, under section	12945
2151.65 or 2152.41 of the Revised Code or both of those sections;	12946
(S) For the prevention, control, and abatement of air	12947
pollution;	12948
(T) For maintaining and operating cemeteries;	12949
(U) For providing ambulance service, emergency medical	12950
service, or both;	12951
(V) For providing for the collection and disposal of garbage	12952
or refuse, including yard waste;	12953
(W) For the payment of the police officer employers'	12954
contribution or the firefighter employers' contribution required	12955
under sections 742.33 and 742.34 of the Revised Code;	12956
(X) For the construction and maintenance of a drainage	12957
improvement pursuant to section 6131.52 of the Revised Code;	12958
(Y) For providing or maintaining senior citizens services or	12959
facilities as authorized by section 307.694, 307.85, 505.70, or	12960
505.706 or division (EE) of section 717.01 of the Revised Code;	12961
(Z) For the provision and maintenance of zoological park	12962
services and facilities as authorized under section 307.76 of the	12963
Revised Code;	12964
(AA) For the maintenance and operation of a free public	12965
museum of art, science, or history;	12966

(BB) For the establishment and operation of a 9-1-1 system,	12967
as defined in section 128.01 of the Revised Code;	12968
(CC) For the purpose of acquiring, rehabilitating, or	12969
developing rail property or rail service. As used in this	12970
division, "rail property" and "rail service" have the same	12971
meanings as in section <del>4981.01</del> <u>5501.57</u> of the Revised Code. This	12972
division applies only to a county, township, or municipal	12973
corporation.	12974
(DD) For the purpose of acquiring property for, constructing,	12975
operating, and maintaining community centers as provided for in	12976
section 755.16 of the Revised Code;	12977
(EE) For the creation and operation of an office or joint	12978
office of economic development, for any economic development	12979
purpose of the office, and to otherwise provide for the	12980
establishment and operation of a program of economic development	12981
pursuant to sections 307.07 and 307.64 of the Revised Code, or to	12982
the extent that the expenses of a county land reutilization	12983
corporation organized under Chapter 1724. of the Revised Code are	12984
found by the board of county commissioners to constitute the	12985
promotion of economic development, for the payment of such	12986
operations and expenses;	12987
(FF) For the purpose of acquiring, establishing,	12988
constructing, improving, equipping, maintaining, or operating, or	12989
any combination of the foregoing, a township airport, landing	12990
field, or other air navigation facility pursuant to section 505.15	12991
of the Revised Code;	12992
(GG) For the payment of costs incurred by a township as a	12993
result of a contract made with a county pursuant to section	12994
505.263 of the Revised Code in order to pay all or any part of the	12995
cost of constructing, maintaining, repairing, or operating a water	12996
supply improvement;	12997

(HH) For a board of township trustees to acquire, other than 12998  
by appropriation, an ownership interest in land, water, or 12999  
wetlands, or to restore or maintain land, water, or wetlands in 13000  
which the board has an ownership interest, not for purposes of 13001  
recreation, but for the purposes of protecting and preserving the 13002  
natural, scenic, open, or wooded condition of the land, water, or 13003  
wetlands against modification or encroachment resulting from 13004  
occupation, development, or other use, which may be styled as 13005  
protecting or preserving "greenspace" in the resolution, notice of 13006  
election, or ballot form. Except as otherwise provided in this 13007  
division, land is not acquired for purposes of recreation, even if 13008  
the land is used for recreational purposes, so long as no 13009  
building, structure, or fixture used for recreational purposes is 13010  
permanently attached or affixed to the land. Except as otherwise 13011  
provided in this division, land that previously has been acquired 13012  
in a township for these greenspace purposes may subsequently be 13013  
used for recreational purposes if the board of township trustees 13014  
adopts a resolution approving that use and no building, structure, 13015  
or fixture used for recreational purposes is permanently attached 13016  
or affixed to the land. The authorization to use greenspace land 13017  
for recreational use does not apply to land located in a township 13018  
that had a population, at the time it passed its first greenspace 13019  
levy, of more than thirty-eight thousand within a county that had 13020  
a population, at that time, of at least eight hundred sixty 13021  
thousand. 13022

(II) For the support by a county of a crime victim assistance 13023  
program that is provided and maintained by a county agency or a 13024  
private, nonprofit corporation or association under section 307.62 13025  
of the Revised Code; 13026

(JJ) For any or all of the purposes set forth in divisions 13027  
(I) and (J) of this section. This division applies only to a 13028  
township. 13029

(KK) For a countywide public safety communications system	13030
under section 307.63 of the Revised Code. This division applies	13031
only to counties.	13032
(LL) For the support by a county of criminal justice services	13033
under section 307.45 of the Revised Code;	13034
(MM) For the purpose of maintaining and operating a jail or	13035
other detention facility as defined in section 2921.01 of the	13036
Revised Code;	13037
(NN) For purchasing, maintaining, or improving, or any	13038
combination of the foregoing, real estate on which to hold, and	13039
the operating expenses of, agricultural fairs operated by a county	13040
agricultural society or independent agricultural society under	13041
Chapter 1711. of the Revised Code. This division applies only to a	13042
county.	13043
(OO) For constructing, rehabilitating, repairing, or	13044
maintaining sidewalks, walkways, trails, bicycle pathways, or	13045
similar improvements, or acquiring ownership interests in land	13046
necessary for the foregoing improvements;	13047
(PP) For both of the purposes set forth in divisions (G) and	13048
(OO) of this section.	13049
(QQ) For both of the purposes set forth in divisions (H) and	13050
(HH) of this section. This division applies only to a township.	13051
(RR) For the legislative authority of a municipal	13052
corporation, board of county commissioners of a county, or board	13053
of township trustees of a township to acquire agricultural	13054
easements, as defined in section 5301.67 of the Revised Code, and	13055
to supervise and enforce the easements.	13056
(SS) For both of the purposes set forth in divisions (BB) and	13057
(KK) of this section. This division applies only to a county.	13058
(TT) For the maintenance and operation of a facility that is	13059

organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 13060  
13061

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 13062  
13063  
13064  
13065  
13066

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code; 13067  
13068  
13069

(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county. 13070  
13071  
13072  
13073

(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation; 13074  
13075  
13076  
13077  
13078

(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division applies only to a county. 13079  
13080  
13081

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted. 13082  
13083  
13084  
13085  
13086  
13087  
13088

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in 13089  
13090

rate, and the number of years during which the increase in rate 13091  
shall be in effect, which may or may not include a levy upon the 13092  
duplicate of the current year. The number of years may be any 13093  
number not exceeding five, except as follows: 13094

(1) When the additional rate is for the payment of debt 13095  
charges, the increased rate shall be for the life of the 13096  
indebtedness. 13097

(2) When the additional rate is for any of the following, the 13098  
increased rate shall be for a continuing period of time: 13099

(a) For the current expenses for a detention facility 13100  
district, a district organized under section 2151.65 of the 13101  
Revised Code, or a combined district organized under sections 13102  
2151.65 and 2152.41 of the Revised Code; 13103

(b) For providing a county's share of the cost of maintaining 13104  
and operating schools, district detention facilities, forestry 13105  
camps, or other facilities, or any combination thereof, 13106  
established under section 2151.65 or 2152.41 of the Revised Code 13107  
or under both of those sections. 13108

(3) When the additional rate is for either of the following, 13109  
the increased rate may be for a continuing period of time: 13110

(a) For the purposes set forth in division (I), (J), (U), or 13111  
(KK) of this section; 13112

(b) For the maintenance and operation of a joint recreation 13113  
district. 13114

(4) When the increase is for the purpose or purposes set 13115  
forth in division (D), (G), (H), (Z), (CC), or (PP) of this 13116  
section, the tax levy may be for any specified number of years or 13117  
for a continuing period of time, as set forth in the resolution. 13118

A levy for one of the purposes set forth in division (G), 13119  
(I), (J), or (U) of this section may be reduced pursuant to 13120

section 5705.261 or 5705.31 of the Revised Code. A levy for one of 13121  
the purposes set forth in division (G), (I), (J), or (U) of this 13122  
section may also be terminated or permanently reduced by the 13123  
taxing authority if it adopts a resolution stating that the 13124  
continuance of the levy is unnecessary and the levy shall be 13125  
terminated or that the millage is excessive and the levy shall be 13126  
decreased by a designated amount. 13127

A resolution of a detention facility district, a district 13128  
organized under section 2151.65 of the Revised Code, or a combined 13129  
district organized under both sections 2151.65 and 2152.41 of the 13130  
Revised Code may include both current expenses and other purposes, 13131  
provided that the resolution shall apportion the annual rate of 13132  
levy between the current expenses and the other purpose or 13133  
purposes. The apportionment need not be the same for each year of 13134  
the levy, but the respective portions of the rate actually levied 13135  
each year for the current expenses and the other purpose or 13136  
purposes shall be limited by the apportionment. 13137

Whenever a board of county commissioners, acting either as 13138  
the taxing authority of its county or as the taxing authority of a 13139  
sewer district or subdistrict created under Chapter 6117. of the 13140  
Revised Code, by resolution declares it necessary to levy a tax in 13141  
excess of the ten-mill limitation for the purpose of constructing, 13142  
improving, or extending sewage disposal plants or sewage systems, 13143  
the tax may be in effect for any number of years not exceeding 13144  
twenty, and the proceeds of the tax, notwithstanding the general 13145  
provisions of this section, may be used to pay debt charges on any 13146  
obligations issued and outstanding on behalf of the subdivision 13147  
for the purposes enumerated in this paragraph, provided that any 13148  
such obligations have been specifically described in the 13149  
resolution. 13150

A resolution adopted by the legislative authority of a 13151  
municipal corporation that is for the purpose in division (XX) of 13152



this section may be combined with the purpose provided in section 13153  
306.55 of the Revised Code, by vote of two-thirds of all members 13154  
of the legislative authority. The legislative authority may 13155  
certify the resolution to the board of elections as a combined 13156  
question. The question appearing on the ballot shall be as 13157  
provided in section 5705.252 of the Revised Code. 13158

The resolution shall go into immediate effect upon its 13159  
passage, and no publication of the resolution is necessary other 13160  
than that provided for in the notice of election. 13161

When the electors of a subdivision or, in the case of a 13162  
qualifying library levy for the support of a library association 13163  
or private corporation, the electors of the association library 13164  
district, have approved a tax levy under this section, the taxing 13165  
authority of the subdivision may anticipate a fraction of the 13166  
proceeds of the levy and issue anticipation notes in accordance 13167  
with section 5705.191 or 5705.193 of the Revised Code. 13168

**Sec. 5728.08.** Except as provided in section 5728.03 of the 13169  
Revised Code and except as otherwise provided in division (A) of 13170  
section 5728.06 of the Revised Code, whoever is liable for the 13171  
payment of the tax levied by section 5728.06 of the Revised Code, 13172  
on or before the last day of each January, April, July, and 13173  
October, shall file with the tax commissioner, on forms prescribed 13174  
by the commissioner, a fuel use tax return and make payment of the 13175  
full amount of the tax due for the operation of each commercial 13176  
car and commercial tractor for the preceding three calendar 13177  
months. 13178

The commissioner shall immediately forward to the treasurer 13179  
of state all money received from the tax levied by section 5728.06 13180  
of the Revised Code. 13181

The treasurer of state shall place to the credit of the tax 13182  
refund fund created by section 5703.052 of the Revised Code, out 13183

of receipts from the taxes levied by section 5728.06 of the Revised Code, amounts equal to the refund certified by the tax commissioner pursuant to section 5728.061 of the Revised Code. Receipts from the tax shall be used by the commissioner to defray expenses incurred by the department of taxation in administering sections 5728.01 to 5728.14 of the Revised Code.

All moneys received in the state treasury from taxes levied by section 5728.06 of the Revised Code and fees assessed under section 5728.03 of the Revised Code that are not required to be placed to the credit of the tax refund fund as provided by this section ~~shall~~, during each calendar year, shall be credited to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.17 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year and during the following calendar year. ~~From the date of the receipt of the certification required by section 5528.17 of the Revised Code by the treasurer of state until the thirty first day of December of the calendar year in which the certification is made, all moneys received in the state treasury from taxes levied under section 5728.06 of the Revised Code and fees assessed under section 5728.03 of the Revised Code that are not required to be placed to the credit of the tax refund fund as provided by this section shall be credited to the highway obligations bond retirement fund created by section 5528.32 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.38 of the Revised Code, that there are sufficient moneys to the credit of~~

~~the highway obligations bond retirement fund to meet in full all~~ 13217  
~~payments of interest, principal, and charges for the retirement of~~ 13218  
~~bonds and other obligations issued pursuant to Section 2i of~~ 13219  
~~Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31~~ 13220  
~~of the Revised Code due and payable during the current calendar~~ 13221  
~~year and during the following calendar year. From the date of the~~ 13222  
~~receipt of the certification required by section 5528.38 of the~~ 13223  
~~Revised Code by the treasurer of state until the thirty first day~~ 13224  
~~of December of the calendar year in which the certification is~~ 13225  
~~made, all~~ All moneys received in the state treasury from taxes 13226  
levied under section 5728.06 of the Revised Code and fees assessed 13227  
under section 5728.03 of the Revised Code that are not required to 13228  
be placed to the credit of the tax refund fund as provided by this 13229  
section shall be credited to the highway operating fund created by 13230  
section 5735.291 of the Revised Code, except as provided by the 13231  
following paragraph of this section. 13232

From the date of the receipt by the treasurer of state of 13233  
~~certifications~~ certification from the commissioners of the sinking 13234  
fund, as required by ~~sections~~ section 5528.18 and ~~5528.39~~ of the 13235  
Revised Code, certifying that the moneys to the credit of the 13236  
highway improvement bond retirement fund are sufficient to meet in 13237  
full all payments of interest, principal, and charges for the 13238  
retirement of all bonds and other obligations that may be issued 13239  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 13240  
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 13241  
~~credit of the highway obligations bond retirement fund are~~ 13242  
~~sufficient to meet in full all payments of interest, principal,~~ 13243  
~~and charges for the retirement of all obligations issued pursuant~~ 13244  
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 13245  
~~5528.30 and 5528.31 of the Revised Code, all moneys received in~~ 13246  
the state treasury from the taxes levied under section 5728.06 and 13247  
fees assessed under section 5728.03 of the Revised Code that are 13248  
not required to be placed to the credit of the tax refund fund as 13249

provided by this section, shall be deposited to the credit of the 13250  
highway operating fund. 13251

**Sec. 5735.23.** (A) Out of receipts from the tax levied by 13252  
section 5735.05 of the Revised Code, the treasurer of state shall 13253  
place to the credit of the tax refund fund established by section 13254  
5703.052 of the Revised Code amounts equal to the refunds 13255  
certified by the tax commissioner pursuant to sections 5735.13, 13256  
5735.14, 5735.141, and 5735.142 of the Revised Code. The treasurer 13257  
of state shall then transfer the amount required by section 13258  
5735.051 of the Revised Code to the waterways safety fund, the 13259  
amount required by section 4907.472 of the Revised Code to the 13260  
grade crossing protection fund, and the amount required by section 13261  
5735.053 of the Revised Code to the motor fuel tax administration 13262  
fund. 13263

(B) Except as provided in division (D) of this section, each 13264  
month the balance of the receipts from the tax levied by section 13265  
5735.05 of the Revised Code shall be credited, ~~after receipt by~~ 13266  
~~the treasurer of state of certification from the commissioners of~~ 13267  
~~the sinking fund, as required by section 5528.35 of the Revised~~ 13268  
~~Code, that there are sufficient moneys to the credit of the~~ 13269  
~~highway obligations bond retirement fund to meet in full all~~ 13270  
~~payments of interest, principal, and charges for the retirement of~~ 13271  
~~highway obligations issued pursuant to Section 2i of Article VIII,~~ 13272  
~~Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised~~ 13273  
~~Code due and payable during the current calendar year, as follows:~~ 13274

(1) To the state and local government highway distribution 13275  
fund, which is hereby created in the state treasury, an amount 13276  
that is the same percentage of the balance to be credited as that 13277  
portion of the tax per gallon determined under division (B)(2)(a) 13278  
of section 5735.06 of the Revised Code is of the total tax per 13279  
gallon determined under divisions (B)(2)(a) and (b) of that 13280

section. 13281

(2) After making the distribution to the state and local 13282  
government highway distribution fund, the remainder shall be 13283  
credited as follows: 13284

(a) Thirty per cent to the gasoline excise tax fund for 13285  
distribution pursuant to division (A)(1) of section 5735.27 of the 13286  
Revised Code; 13287

(b) Twenty-five per cent to the gasoline excise tax fund for 13288  
distribution pursuant to division (A)(3) of section 5735.27 of the 13289  
Revised Code; 13290

(c) Except as provided in division (D) of this section, 13291  
forty-five per cent to the highway operating fund for distribution 13292  
pursuant to division (B)(1) of section 5735.27 of the Revised 13293  
Code. 13294

(C) From the balance in the state and local government 13295  
highway distribution fund on the last day of each month there 13296  
shall be paid the following amounts: 13297

(1) To the local transportation improvement program fund 13298  
created by section 164.14 of the Revised Code, an amount equal to 13299  
a fraction of the balance in the state and local government 13300  
highway distribution fund, the numerator of which fraction is one 13301  
and the denominator of which fraction is that portion of the tax 13302  
per gallon determined under division (B)(2)(a) of section 5735.06 13303  
of the Revised Code; 13304

(2) An amount equal to five cents multiplied by the number of 13305  
gallons of motor fuel sold at stations operated by the Ohio 13306  
turnpike and infrastructure commission, such gallonage to be 13307  
certified by the commission to the treasurer of state not later 13308  
than the last day of the month following. The funds paid to the 13309  
commission pursuant to this section shall be expended for the 13310  
construction, reconstruction, maintenance, and repair of turnpike 13311

projects, except that the funds may not be expended for the 13312  
construction of new interchanges. The funds also may be expended 13313  
for the construction, reconstruction, maintenance, and repair of 13314  
those portions of connecting public roads that serve existing 13315  
interchanges and are determined by the commission and the director 13316  
of transportation to be necessary for the safe merging of traffic 13317  
between the turnpike and those public roads. 13318

The remainder of the balance shall be distributed as follows 13319  
on the fifteenth day of the following month: 13320

(a) Ten and seven-tenths per cent shall be paid to municipal 13321  
corporations for distribution pursuant to division (A)(1) of 13322  
section 5735.27 of the Revised Code and may be used for any 13323  
purpose for which payments received under that division may be 13324  
used. Through July 15, 2005, the sum of two hundred forty-eight 13325  
thousand six hundred twenty-five dollars shall be monthly 13326  
subtracted from the amount so computed and credited to the highway 13327  
operating fund. Beginning August 15, 2005, the sum of seven 13328  
hundred forty-five thousand eight hundred seventy-five dollars 13329  
shall be monthly subtracted from the amount so computed and 13330  
credited to the highway operating fund. 13331

(b) Five per cent shall be paid to townships for distribution 13332  
pursuant to division (A)(5) of section 5735.27 of the Revised Code 13333  
and may be used for any purpose for which payments received under 13334  
that division may be used. Through July 15, 2005, the sum of 13335  
eighty-seven thousand seven hundred fifty dollars shall be monthly 13336  
subtracted from the amount so computed and credited to the highway 13337  
operating fund. Beginning August 15, 2005, the sum of two hundred 13338  
sixty-three thousand two hundred fifty dollars shall be monthly 13339  
subtracted from the amount so computed and credited to the highway 13340  
operating fund. 13341

(c) Nine and three-tenths per cent shall be paid to counties 13342  
for distribution pursuant to division (A)(3) of section 5735.27 of 13343

the Revised Code and may be used for any purpose for which 13344  
payments received under that division may be used. Through July 13345  
15, 2005, the sum of two hundred forty-eight thousand six hundred 13346  
twenty-five dollars shall be monthly subtracted from the amount so 13347  
computed and credited to the highway operating fund. Beginning 13348  
August 15, 2005, the sum of seven hundred forty-five thousand 13349  
eight hundred seventy-five dollars shall be monthly subtracted 13350  
from the amount so computed and credited to the highway operating 13351  
fund. 13352

(d) Except as provided in division (D) of this section, the 13353  
balance shall be transferred to the highway operating fund and 13354  
used for the purposes set forth in division (B)(1) of section 13355  
5735.27 of the Revised Code. 13356

(D) Monthly from September to February of each fiscal year, 13357  
an amount equal to one-sixth of the amount certified in July of 13358  
that year by the treasurer of state pursuant to division (Q) of 13359  
section 151.01 of the Revised Code shall, from amounts required to 13360  
be credited or transferred to the highway operating fund pursuant 13361  
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 13362  
transferred to the highway capital improvement bond service fund 13363  
created in section 151.06 of the Revised Code. If, in any of those 13364  
months, the amount available to be credited or transferred to the 13365  
bond service fund is less than one-sixth of the amount so 13366  
certified, the shortfall shall be added to the amount due the next 13367  
succeeding month. Any amount still due at the end of the six-month 13368  
period shall be credited or transferred as the money becomes 13369  
available, until such time as the office of budget and management 13370  
receives certification from the treasurer of state or the 13371  
treasurer of state's designee that sufficient money has been 13372  
credited or transferred to the bond service fund to meet in full 13373  
all payments of debt service and financing costs due during the 13374  
fiscal year from that fund. 13375

**Sec. 5735.26.** The treasurer of state shall place to the 13376  
credit of the tax refund fund created by section 5703.052 of the 13377  
Revised Code, out of receipts from the tax levied by section 13378  
5735.25 of the Revised Code, amounts equal to the refunds 13379  
certified by the tax commissioner pursuant to sections 5735.142 13380  
and 5735.25 of the Revised Code, which shall be paid from such 13381  
fund. The treasurer of state shall then transfer the amount 13382  
required by section 5735.051 of the Revised Code to the waterways 13383  
safety fund and the amount required by section 5735.053 of the 13384  
Revised Code to the motor fuel tax administration fund. 13385

The balance of taxes collected under section 5735.25 of the 13386  
Revised Code shall be credited as follows, after the credits to 13387  
the tax refund fund and the transfers to the waterways safety fund 13388  
and motor fuel tax administration fund, and after receipt by the 13389  
treasurer of state of ~~certifications~~ certification from the 13390  
commissioners of the sinking fund certifying, as required by 13391  
~~sections~~ section 5528.15 and ~~5528.35~~ of the Revised Code, there 13392  
are sufficient moneys to the credit of the highway improvement 13393  
bond retirement fund to meet in full all payments of interest, 13394  
principal, and charges for the retirement of bonds and other 13395  
obligations issued pursuant to Section 2g of Article VIII, Ohio 13396  
Constitution, and sections 5528.10 and 5528.11 of the Revised Code 13397  
due and payable during the current calendar year, ~~and that there~~ 13398  
~~are sufficient moneys to the credit of the highway obligations~~ 13399  
~~bond retirement fund to meet in full all payments of interest,~~ 13400  
~~principal, and charges for the retirement of highway obligations~~ 13401  
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 13402  
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 13403  
~~payable during the current calendar year:~~ 13404

(A) Sixty-seven and one-half per cent to the highway 13405  
operating fund for distribution pursuant to division (B)(2) of 13406  
section 5735.27 of the Revised Code; 13407



(B) Seven and one-half per cent to the gasoline excise tax 13408  
fund for distribution pursuant to division (A)(2) of such section; 13409

(C) Seven and one-half per cent to the gasoline excise tax 13410  
fund for distribution pursuant to division (A)(4) of such section; 13411

(D) Seventeen and one-half per cent to the gasoline excise 13412  
tax fund for distribution pursuant to division (A)(5) of such 13413  
section. 13414

**Sec. 5735.291.** (A) The treasurer of state shall place to the 13415  
credit of the tax refund fund created by section 5703.052 of the 13416  
Revised Code, out of receipts from the tax levied by section 13417  
5735.29 of the Revised Code, amounts equal to the refunds 13418  
certified by the tax commissioner pursuant to sections 5735.142 13419  
and 5735.29 of the Revised Code. The refunds provided for by 13420  
sections 5735.142 and 5735.29 of the Revised Code shall be paid 13421  
from such fund. The treasurer of state shall then transfer the 13422  
amount required by section 5735.051 of the Revised Code to the 13423  
waterways safety fund and the amount required by section 5735.053 13424  
of the Revised Code to the motor fuel tax administration fund. 13425

The specified portion of the balance of taxes collected under 13426  
section 5735.29 of the Revised Code, after the credits to the tax 13427  
refund fund and the transfers to the waterways safety fund and the 13428  
motor fuel tax administration fund, shall be credited to the 13429  
gasoline excise tax fund. Subject to division (B) of this section, 13430  
forty-two and eighty-six hundredths per cent of the specified 13431  
portion shall be distributed among the municipal corporations 13432  
within the state in accordance with division (A)(2) of section 13433  
5735.27 of the Revised Code, thirty-seven and fourteen hundredths 13434  
per cent of the specified portion shall be distributed among the 13435  
counties within the state in accordance with division (A)(3) of 13436  
section 5735.27 of the Revised Code, and twenty per cent of the 13437  
specified portion shall be combined with twenty per cent of any 13438

amounts transferred from the highway operating fund to the 13439  
gasoline excise tax fund through biennial appropriations acts of 13440  
the general assembly pursuant to the planned phase-in of a new 13441  
source of funding for the state highway patrol, and shall be 13442  
distributed among the townships within the state in accordance 13443  
with division (A)(5)(b) of section 5735.27 of the Revised Code. 13444  
Subject to division (B) of this section, the remainder of the tax 13445  
levied by section 5735.29 of the Revised Code after receipt by the 13446  
treasurer of state of certifications from the commissioners of the 13447  
sinking fund certifying, as required by ~~sections~~ section 5528.15 13448  
~~and 5528.35~~ of the Revised Code, that there are sufficient moneys 13449  
to the credit of the highway improvement bond retirement fund 13450  
created by section 5528.12 of the Revised Code to meet in full all 13451  
payments of interest, principal, and charges for the retirement of 13452  
bonds and other obligations issued pursuant to Section 2g of 13453  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 13454  
of the Revised Code due and payable during the current calendar 13455  
year, ~~and that there are sufficient moneys to the credit of the~~ 13456  
~~highway obligations bond retirement fund created by section~~ 13457  
~~5528.32 of the Revised Code to meet in full all payments of~~ 13458  
~~interest, principal, and charges for the retirement of highway~~ 13459  
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 13460  
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 13461  
~~due and payable during the current calendar year, shall be~~ 13462  
credited to the highway operating fund, which is hereby created in 13463  
the state treasury and shall be used solely for the purposes 13464  
enumerated in ~~section~~ sections 5516.15 and 5735.29 of the Revised 13465  
Code. All investment earnings of the fund shall be credited to the 13466  
fund. 13467

(B)(1) Effective August 15, 2003, prior to the distribution 13468  
from the gasoline excise tax fund to municipal corporations of the 13469  
forty-two and eighty-six hundredths per cent of the specified 13470  
portion as provided in division (A) of this section, the 13471

department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(2) Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to counties of the thirty-seven and fourteen hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(3) Effective August 15, 2003, prior to crediting any revenue resulting from the tax levied by section 5735.29 of the Revised Code to the highway operating fund, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(C) As used in this section, "specified portion" means all of the following:

(1) Until August 15, 2003, none of the taxes collected under section 5735.29 of the Revised Code;

(2) Effective August 15, 2003, one-eighth of the balance of taxes collected under section 5735.29 of the Revised Code, after the credits to the tax refund fund and the transfers to the waterways safety fund and the motor fuel tax administration fund;

(3) Effective August 15, 2004, one-sixth of the balance of taxes described in division (C)(2) of this section;

(4) Effective August 15, 2005, three-sixteenths of the balance of taxes described in division (C)(2) of this section.

**Sec. 5735.30.** (A) For the purpose of providing funds to pay 13503  
the state's share of the cost of constructing and reconstructing 13504  
highways and eliminating railway grade crossings on the major 13505  
thoroughfares of the state highway system and urban extensions 13506  
thereof, to pay that portion of the construction cost of a highway 13507  
project which a county, township, or municipal corporation 13508  
normally would be required to pay, but which the director of 13509  
transportation, pursuant to division (B) of section 5531.08 of the 13510  
Revised Code, determines instead will be paid from moneys in the 13511  
highway operating fund, to pay the interest, principal, and 13512  
charges on bonds and other obligations issued pursuant to Section 13513  
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 13514  
5528.11 of the Revised Code, to pay the interest, principal, and 13515  
charges on highway obligations issued pursuant to Section 2i of 13516  
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 13517  
of the Revised Code, to provide revenues for the purposes of 13518  
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 13519  
expenses of the department of taxation incident to the 13520  
administration of the motor fuel laws, a motor fuel excise tax is 13521  
hereby imposed on all motor fuel dealers upon their receipt of 13522  
motor fuel within the state, at the rate of one cent on each 13523  
gallon so received, to be reported, computed, paid, collected, 13524  
administered, enforced, refunded, and subject to the same 13525  
exemptions and penalties as provided in this chapter of the 13526  
Revised Code. 13527

The tax imposed by this section shall be in addition to the 13528  
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 13529  
Revised Code. 13530

(B) The treasurer of state shall place to the credit of the 13531  
tax refund fund created by section 5703.052 of the Revised Code, 13532  
out of receipts from the tax levied by this section, amounts equal 13533  
to the refunds certified by the tax commissioner pursuant to this 13534

section. The refund provided for by division (A) of this section 13535  
shall be paid from such fund. The treasurer shall then transfer 13536  
the amount required by section 5735.051 of the Revised Code to the 13537  
waterways safety fund and the amount required by section 5735.053 13538  
of the Revised Code to the motor fuel tax administration fund. The 13539  
balance of taxes for which the liability has become fixed prior to 13540  
July 1, 1955, under this section, after the credit to the tax 13541  
refund fund, shall be credited to the highway operating fund. 13542

(C)(1) The moneys derived from the tax levied by this 13543  
section, after the credit and transfers required by division (B) 13544  
of this section, ~~shall~~, during each calendar year, shall be 13545  
credited to the highway improvement bond retirement fund created 13546  
by section 5528.12 of the Revised Code, until the commissioners of 13547  
the sinking fund certify to the treasurer of state, as required by 13548  
section 5528.17 of the Revised Code, that there are sufficient 13549  
moneys to the credit of the highway improvement bond retirement 13550  
fund to meet in full all payments of interest, principal, and 13551  
charges for the retirement of bonds and other obligations issued 13552  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 13553  
sections 5528.10 and 5528.11 of the Revised Code due and payable 13554  
during the current calendar year and during the next succeeding 13555  
calendar year. ~~From the date of the receipt of the certification~~ 13556  
~~required by section 5528.17 of the Revised Code by the treasurer~~ 13557  
~~of state until the thirty first day of December of the calendar~~ 13558  
~~year in which such certification is made, all moneys received in~~ 13559  
~~the state treasury from the tax levied by this section, after the~~ 13560  
~~credit and transfers required by division (B) of this section,~~ 13561  
~~shall be credited to the highway obligations bond retirement fund~~ 13562  
~~created by section 5528.32 of the Revised Code, until the~~ 13563  
~~commissioners of the sinking fund certify to the treasurer of~~ 13564  
~~state, as required by section 5528.38 of the Revised Code, that~~ 13565  
~~there are sufficient moneys to the credit of the highway~~ 13566  
~~obligations bond retirement fund to meet in full all payments of~~ 13567

~~interest, principal, and charges for the retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year and during the next succeeding calendar year.~~

(2) ~~From the date of the receipt of the certification required by section 5528.38 of the Revised Code by the treasurer of state until the thirty first day of December of the calendar year in which such certification is made, all All moneys received in the state treasury from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway operating fund, except as provided in division (C)(3) of this section.~~

(3) From the date of the receipt by the treasurer of state of ~~certifications~~ certification from the commissioners of the sinking fund, as required by ~~sections~~ section 5528.18 ~~and 5528.39~~ of the Revised Code, certifying that the moneys to the credit of the highway improvement bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all bonds and other obligations which may be issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, ~~and to the credit of the highway obligations bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code,~~ the moneys derived from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway operating fund.

**Sec. 5739.02.** For the purpose of providing revenue with which

to meet the needs of the state, for the use of the general revenue 13599  
fund of the state, for the purpose of securing a thorough and 13600  
efficient system of common schools throughout the state, for the 13601  
purpose of affording revenues, in addition to those from general 13602  
property taxes, permitted under constitutional limitations, and 13603  
from other sources, for the support of local governmental 13604  
functions, and for the purpose of reimbursing the state for the 13605  
expense of administering this chapter, an excise tax is hereby 13606  
levied on each retail sale made in this state. 13607

(A)(1) The tax shall be collected as provided in section 13608  
5739.025 of the Revised Code. The rate of the tax shall be five 13609  
and three-fourths per cent. The tax applies and is collectible 13610  
when the sale is made, regardless of the time when the price is 13611  
paid or delivered. 13612

(2) In the case of the lease or rental, with a fixed term of 13613  
more than thirty days or an indefinite term with a minimum period 13614  
of more than thirty days, of any motor vehicles designed by the 13615  
manufacturer to carry a load of not more than one ton, watercraft, 13616  
outboard motor, or aircraft, or of any tangible personal property, 13617  
other than motor vehicles designed by the manufacturer to carry a 13618  
load of more than one ton, to be used by the lessee or renter 13619  
primarily for business purposes, the tax shall be collected by the 13620  
vendor at the time the lease or rental is consummated and shall be 13621  
calculated by the vendor on the basis of the total amount to be 13622  
paid by the lessee or renter under the lease agreement. If the 13623  
total amount of the consideration for the lease or rental includes 13624  
amounts that are not calculated at the time the lease or rental is 13625  
executed, the tax shall be calculated and collected by the vendor 13626  
at the time such amounts are billed to the lessee or renter. In 13627  
the case of an open-end lease or rental, the tax shall be 13628  
calculated by the vendor on the basis of the total amount to be 13629  
paid during the initial fixed term of the lease or rental, and for 13630

each subsequent renewal period as it comes due. As used in this 13631  
division, "motor vehicle" has the same meaning as in section 13632  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 13633  
unit attached to the watercraft. 13634

A lease with a renewal clause and a termination penalty or 13635  
similar provision that applies if the renewal clause is not 13636  
exercised is presumed to be a sham transaction. In such a case, 13637  
the tax shall be calculated and paid on the basis of the entire 13638  
length of the lease period, including any renewal periods, until 13639  
the termination penalty or similar provision no longer applies. 13640  
The taxpayer shall bear the burden, by a preponderance of the 13641  
evidence, that the transaction or series of transactions is not a 13642  
sham transaction. 13643

(3) Except as provided in division (A)(2) of this section, in 13644  
the case of a sale, the price of which consists in whole or in 13645  
part of the lease or rental of tangible personal property, the tax 13646  
shall be measured by the installments of that lease or rental. 13647

(4) In the case of a sale of a physical fitness facility 13648  
service or recreation and sports club service, the price of which 13649  
consists in whole or in part of a membership for the receipt of 13650  
the benefit of the service, the tax applicable to the sale shall 13651  
be measured by the installments thereof. 13652

(B) The tax does not apply to the following: 13653

(1) Sales to the state or any of its political subdivisions, 13654  
or to any other state or its political subdivisions if the laws of 13655  
that state exempt from taxation sales made to this state and its 13656  
political subdivisions; 13657

(2) Sales of food for human consumption off the premises 13658  
where sold; 13659

(3) Sales of food sold to students only in a cafeteria, 13660  
dormitory, fraternity, or sorority maintained in a private, 13661



public, or parochial school, college, or university;	13662
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	13663 13664
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	13665 13666 13667 13668
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	13669 13670 13671 13672 13673 13674 13675 13676 13677 13678
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;	13679 13680 13681 13682 13683 13684
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;	13685 13686 13687 13688 13689 13690 13691
(9)(a) Sales of services or tangible personal property, other	13692

than motor vehicles, mobile homes, and manufactured homes, by 13693  
churches, organizations exempt from taxation under section 13694  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 13695  
organizations operated exclusively for charitable purposes as 13696  
defined in division (B)(12) of this section, provided that the 13697  
number of days on which such tangible personal property or 13698  
services, other than items never subject to the tax, are sold does 13699  
not exceed six in any calendar year, except as otherwise provided 13700  
in division (B)(9)(b) of this section. If the number of days on 13701  
which such sales are made exceeds six in any calendar year, the 13702  
church or organization shall be considered to be engaged in 13703  
business and all subsequent sales by it shall be subject to the 13704  
tax. In counting the number of days, all sales by groups within a 13705  
church or within an organization shall be considered to be sales 13706  
of that church or organization. 13707

(b) The limitation on the number of days on which tax-exempt 13708  
sales may be made by a church or organization under division 13709  
(B)(9)(a) of this section does not apply to sales made by student 13710  
clubs and other groups of students of a primary or secondary 13711  
school, or a parent-teacher association, booster group, or similar 13712  
organization that raises money to support or fund curricular or 13713  
extracurricular activities of a primary or secondary school. 13714

(c) Divisions (B)(9)(a) and (b) of this section do not apply 13715  
to sales by a noncommercial educational radio or television 13716  
broadcasting station. 13717

(10) Sales not within the taxing power of this state under 13718  
the Constitution or laws of the United States or the Constitution 13719  
of this state; 13720

(11) Except for transactions that are sales under division 13721  
(B)(3)(r) of section 5739.01 of the Revised Code, the 13722  
transportation of persons or property, unless the transportation 13723  
is by a private investigation and security service; 13724

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 13758  
organization engaged in carrying on research in, or the 13759  
dissemination of, scientific and technological knowledge and 13760  
information primarily for the public. 13761

Nothing in this division shall be deemed to exempt sales to 13762  
any organization for use in the operation or carrying on of a 13763  
trade or business, or sales to a home for the aged for use in the 13764  
operation of independent living facilities as defined in division 13765  
(A) of section 5709.12 of the Revised Code. 13766

(13) Building and construction materials and services sold to 13767  
construction contractors for incorporation into a structure or 13768  
improvement to real property under a construction contract with 13769  
this state or a political subdivision of this state, or with the 13770  
United States government or any of its agencies; building and 13771  
construction materials and services sold to construction 13772  
contractors for incorporation into a structure or improvement to 13773  
real property that are accepted for ownership by this state or any 13774  
of its political subdivisions, or by the United States government 13775  
or any of its agencies at the time of completion of the structures 13776  
or improvements; building and construction materials sold to 13777  
construction contractors for incorporation into a horticulture 13778  
structure or livestock structure for a person engaged in the 13779  
business of horticulture or producing livestock; building 13780  
materials and services sold to a construction contractor for 13781  
incorporation into a house of public worship or religious 13782  
education, or a building used exclusively for charitable purposes 13783  
under a construction contract with an organization whose purpose 13784  
is as described in division (B)(12) of this section; building 13785  
materials and services sold to a construction contractor for 13786  
incorporation into a building under a construction contract with 13787  
an organization exempt from taxation under section 501(c)(3) of 13788  
the Internal Revenue Code of 1986 when the building is to be used 13789

exclusively for the organization's exempt purposes; building and 13790  
construction materials sold for incorporation into the original 13791  
construction of a sports facility under section 307.696 of the 13792  
Revised Code; building and construction materials and services 13793  
sold to a construction contractor for incorporation into real 13794  
property outside this state if such materials and services, when 13795  
sold to a construction contractor in the state in which the real 13796  
property is located for incorporation into real property in that 13797  
state, would be exempt from a tax on sales levied by that state; 13798  
building and construction materials for incorporation into a 13799  
transportation facility pursuant to a public-private agreement 13800  
entered into under sections 5501.70 to 5501.83 of the Revised 13801  
Code; and, until one calendar year after the construction of a 13802  
convention center that qualifies for property tax exemption under 13803  
section 5709.084 of the Revised Code is completed, building and 13804  
construction materials and services sold to a construction 13805  
contractor for incorporation into the real property comprising 13806  
that convention center; 13807

(14) Sales of ships or vessels or rail rolling stock used or 13808  
to be used principally in interstate or foreign commerce, and 13809  
repairs, alterations, fuel, and lubricants for such ships or 13810  
vessels or rail rolling stock; 13811

(15) Sales to persons primarily engaged in any of the 13812  
activities mentioned in division (B)(42)(a), (g), or (h) of this 13813  
section, to persons engaged in making retail sales, or to persons 13814  
who purchase for sale from a manufacturer tangible personal 13815  
property that was produced by the manufacturer in accordance with 13816  
specific designs provided by the purchaser, of packages, including 13817  
material, labels, and parts for packages, and of machinery, 13818  
equipment, and material for use primarily in packaging tangible 13819  
personal property produced for sale, including any machinery, 13820  
equipment, and supplies used to make labels or packages, to 13821

prepare packages or products for labeling, or to label packages or 13822  
products, by or on the order of the person doing the packaging, or 13823  
sold at retail. "Packages" includes bags, baskets, cartons, 13824  
crates, boxes, cans, bottles, bindings, wrappings, and other 13825  
similar devices and containers, but does not include motor 13826  
vehicles or bulk tanks, trailers, or similar devices attached to 13827  
motor vehicles. "Packaging" means placing in a package. Division 13828  
(B)(15) of this section does not apply to persons engaged in 13829  
highway transportation for hire. 13830

(16) Sales of food to persons using supplemental nutrition 13831  
assistance program benefits to purchase the food. As used in this 13832  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 13833  
federal regulations adopted pursuant to the Food and Nutrition Act 13834  
of 2008. 13835

(17) Sales to persons engaged in farming, agriculture, 13836  
horticulture, or floriculture, of tangible personal property for 13837  
use or consumption primarily in the production by farming, 13838  
agriculture, horticulture, or floriculture of other tangible 13839  
personal property for use or consumption primarily in the 13840  
production of tangible personal property for sale by farming, 13841  
agriculture, horticulture, or floriculture; or material and parts 13842  
for incorporation into any such tangible personal property for use 13843  
or consumption in production; and of tangible personal property 13844  
for such use or consumption in the conditioning or holding of 13845  
products produced by and for such use, consumption, or sale by 13846  
persons engaged in farming, agriculture, horticulture, or 13847  
floriculture, except where such property is incorporated into real 13848  
property; 13849

(18) Sales of drugs for a human being that may be dispensed 13850  
only pursuant to a prescription; insulin as recognized in the 13851  
official United States pharmacopoeia; urine and blood testing 13852  
materials when used by diabetics or persons with hypoglycemia to 13853

test for glucose or acetone; hypodermic syringes and needles when 13854  
used by diabetics for insulin injections; epoetin alfa when 13855  
purchased for use in the treatment of persons with medical 13856  
disease; hospital beds when purchased by hospitals, nursing homes, 13857  
or other medical facilities; and medical oxygen and medical 13858  
oxygen-dispensing equipment when purchased by hospitals, nursing 13859  
homes, or other medical facilities; 13860

(19) Sales of prosthetic devices, durable medical equipment 13861  
for home use, or mobility enhancing equipment, when made pursuant 13862  
to a prescription and when such devices or equipment are for use 13863  
by a human being. 13864

(20) Sales of emergency and fire protection vehicles and 13865  
equipment to nonprofit organizations for use solely in providing 13866  
fire protection and emergency services, including trauma care and 13867  
emergency medical services, for political subdivisions of the 13868  
state; 13869

(21) Sales of tangible personal property manufactured in this 13870  
state, if sold by the manufacturer in this state to a retailer for 13871  
use in the retail business of the retailer outside of this state 13872  
and if possession is taken from the manufacturer by the purchaser 13873  
within this state for the sole purpose of immediately removing the 13874  
same from this state in a vehicle owned by the purchaser; 13875

(22) Sales of services provided by the state or any of its 13876  
political subdivisions, agencies, instrumentalities, institutions, 13877  
or authorities, or by governmental entities of the state or any of 13878  
its political subdivisions, agencies, instrumentalities, 13879  
institutions, or authorities; 13880

(23) Sales of motor vehicles to nonresidents of this state 13881  
under the circumstances described in division (B) of section 13882  
5739.029 of the Revised Code; 13883

(24) Sales to persons engaged in the preparation of eggs for 13884

sale of tangible personal property used or consumed directly in 13885  
such preparation, including such tangible personal property used 13886  
for cleaning, sanitizing, preserving, grading, sorting, and 13887  
classifying by size; packages, including material and parts for 13888  
packages, and machinery, equipment, and material for use in 13889  
packaging eggs for sale; and handling and transportation equipment 13890  
and parts therefor, except motor vehicles licensed to operate on 13891  
public highways, used in intraplant or interplant transfers or 13892  
shipment of eggs in the process of preparation for sale, when the 13893  
plant or plants within or between which such transfers or 13894  
shipments occur are operated by the same person. "Packages" 13895  
includes containers, cases, baskets, flats, fillers, filler flats, 13896  
cartons, closure materials, labels, and labeling materials, and 13897  
"packaging" means placing therein. 13898

(25)(a) Sales of water to a consumer for residential use; 13899

(b) Sales of water by a nonprofit corporation engaged 13900  
exclusively in the treatment, distribution, and sale of water to 13901  
consumers, if such water is delivered to consumers through pipes 13902  
or tubing. 13903

(26) Fees charged for inspection or reinspection of motor 13904  
vehicles under section 3704.14 of the Revised Code; 13905

(27) Sales to persons licensed to conduct a food service 13906  
operation pursuant to section 3717.43 of the Revised Code, of 13907  
tangible personal property primarily used directly for the 13908  
following: 13909

(a) To prepare food for human consumption for sale; 13910

(b) To preserve food that has been or will be prepared for 13911  
human consumption for sale by the food service operator, not 13912  
including tangible personal property used to display food for 13913  
selection by the consumer; 13914

(c) To clean tangible personal property used to prepare or 13915



serve food for human consumption for sale.	13916
(28) Sales of animals by nonprofit animal adoption services	13917
or county humane societies;	13918
(29) Sales of services to a corporation described in division	13919
(A) of section 5709.72 of the Revised Code, and sales of tangible	13920
personal property that qualifies for exemption from taxation under	13921
section 5709.72 of the Revised Code;	13922
(30) Sales and installation of agricultural land tile, as	13923
defined in division (B)(5)(a) of section 5739.01 of the Revised	13924
Code;	13925
(31) Sales and erection or installation of portable grain	13926
bins, as defined in division (B)(5)(b) of section 5739.01 of the	13927
Revised Code;	13928
(32) The sale, lease, repair, and maintenance of, parts for,	13929
or items attached to or incorporated in, motor vehicles that are	13930
primarily used for transporting tangible personal property	13931
belonging to others by a person engaged in highway transportation	13932
for hire, except for packages and packaging used for the	13933
transportation of tangible personal property;	13934
(33) Sales to the state headquarters of any veterans'	13935
organization in this state that is either incorporated and issued	13936
a charter by the congress of the United States or is recognized by	13937
the United States veterans administration, for use by the	13938
headquarters;	13939
(34) Sales to a telecommunications service vendor, mobile	13940
telecommunications service vendor, or satellite broadcasting	13941
service vendor of tangible personal property and services used	13942
directly and primarily in transmitting, receiving, switching, or	13943
recording any interactive, one- or two-way electromagnetic	13944
communications, including voice, image, data, and information,	13945
through the use of any medium, including, but not limited to,	13946

poles, wires, cables, switching equipment, computers, and record 13947  
storage devices and media, and component parts for the tangible 13948  
personal property. The exemption provided in this division shall 13949  
be in lieu of all other exemptions under division (B)(42)(a) or 13950  
(n) of this section to which the vendor may otherwise be entitled, 13951  
based upon the use of the thing purchased in providing the 13952  
telecommunications, mobile telecommunications, or satellite 13953  
broadcasting service. 13954

(35)(a) Sales where the purpose of the consumer is to use or 13955  
consume the things transferred in making retail sales and 13956  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 13957  
certificates, or other advertising material that prices and 13958  
describes tangible personal property offered for retail sale. 13959

(b) Sales to direct marketing vendors of preliminary 13960  
materials such as photographs, artwork, and typesetting that will 13961  
be used in printing advertising material; and of printed matter 13962  
that offers free merchandise or chances to win sweepstake prizes 13963  
and that is mailed to potential customers with advertising 13964  
material described in division (B)(35)(a) of this section; 13965

(c) Sales of equipment such as telephones, computers, 13966  
facsimile machines, and similar tangible personal property 13967  
primarily used to accept orders for direct marketing retail sales. 13968

(d) Sales of automatic food vending machines that preserve 13969  
food with a shelf life of forty-five days or less by refrigeration 13970  
and dispense it to the consumer. 13971

For purposes of division (B)(35) of this section, "direct 13972  
marketing" means the method of selling where consumers order 13973  
tangible personal property by United States mail, delivery 13974  
service, or telecommunication and the vendor delivers or ships the 13975  
tangible personal property sold to the consumer from a warehouse, 13976  
catalogue distribution center, or similar fulfillment facility by 13977

means of the United States mail, delivery service, or common carrier.	13978 13979
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	13980 13981 13982
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	13983 13984 13985 13986 13987
(38) Sales to a professional racing team of any of the following:	13988 13989
(a) Motor racing vehicles;	13990
(b) Repair services for motor racing vehicles;	13991
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	13992 13993 13994 13995 13996 13997 13998 13999
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	14000 14001 14002
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission,	14003 14004 14005 14006 14007

or distribution system and that retains its classification as 14008  
tangible personal property after incorporation; fuel or power used 14009  
in the production, transmission, or distribution of electricity; 14010  
energy conversion equipment as defined in section 5727.01 of the 14011  
Revised Code; and tangible personal property and services used in 14012  
the repair and maintenance of the production, transmission, or 14013  
distribution system, including only those motor vehicles as are 14014  
specially designed and equipped for such use. The exemption 14015  
provided in this division shall be in lieu of all other exemptions 14016  
in division (B)(42)(a) or (n) of this section to which a provider 14017  
of electricity may otherwise be entitled based on the use of the 14018  
tangible personal property or service purchased in generating, 14019  
transmitting, or distributing electricity. 14020

(41) Sales to a person providing services under division 14021  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 14022  
personal property and services used directly and primarily in 14023  
providing taxable services under that section. 14024

(42) Sales where the purpose of the purchaser is to do any of 14025  
the following: 14026

(a) To incorporate the thing transferred as a material or a 14027  
part into tangible personal property to be produced for sale by 14028  
manufacturing, assembling, processing, or refining; or to use or 14029  
consume the thing transferred directly in producing tangible 14030  
personal property for sale by mining, including, without 14031  
limitation, the extraction from the earth of all substances that 14032  
are classed geologically as minerals, production of crude oil and 14033  
natural gas, or directly in the rendition of a public utility 14034  
service, except that the sales tax levied by this section shall be 14035  
collected upon all meals, drinks, and food for human consumption 14036  
sold when transporting persons. Persons engaged in rendering 14037  
services in the exploration for, and production of, crude oil and 14038  
natural gas for others are deemed engaged directly in the 14039

exploration for, and production of, crude oil and natural gas.	14040
This paragraph does not exempt from "retail sale" or "sales at	14041
retail" the sale of tangible personal property that is to be	14042
incorporated into a structure or improvement to real property.	14043
(b) To hold the thing transferred as security for the	14044
performance of an obligation of the vendor;	14045
(c) To resell, hold, use, or consume the thing transferred as	14046
evidence of a contract of insurance;	14047
(d) To use or consume the thing directly in commercial	14048
fishing;	14049
(e) To incorporate the thing transferred as a material or a	14050
part into, or to use or consume the thing transferred directly in	14051
the production of, magazines distributed as controlled circulation	14052
publications;	14053
(f) To use or consume the thing transferred in the production	14054
and preparation in suitable condition for market and sale of	14055
printed, imprinted, overprinted, lithographic, multilithic,	14056
blueprinted, photostatic, or other productions or reproductions of	14057
written or graphic matter;	14058
(g) To use the thing transferred, as described in section	14059
5739.011 of the Revised Code, primarily in a manufacturing	14060
operation to produce tangible personal property for sale;	14061
(h) To use the benefit of a warranty, maintenance or service	14062
contract, or similar agreement, as described in division (B)(7) of	14063
section 5739.01 of the Revised Code, to repair or maintain	14064
tangible personal property, if all of the property that is the	14065
subject of the warranty, contract, or agreement would not be	14066
subject to the tax imposed by this section;	14067
(i) To use the thing transferred as qualified research and	14068
development equipment;	14069

(j) To use or consume the thing transferred primarily in 14070  
storing, transporting, mailing, or otherwise handling purchased 14071  
sales inventory in a warehouse, distribution center, or similar 14072  
facility when the inventory is primarily distributed outside this 14073  
state to retail stores of the person who owns or controls the 14074  
warehouse, distribution center, or similar facility, to retail 14075  
stores of an affiliated group of which that person is a member, or 14076  
by means of direct marketing. This division does not apply to 14077  
motor vehicles registered for operation on the public highways. As 14078  
used in this division, "affiliated group" has the same meaning as 14079  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 14080  
"direct marketing" has the same meaning as in division (B)(35) of 14081  
this section. 14082

(k) To use or consume the thing transferred to fulfill a 14083  
contractual obligation incurred by a warrantor pursuant to a 14084  
warranty provided as a part of the price of the tangible personal 14085  
property sold or by a vendor of a warranty, maintenance or service 14086  
contract, or similar agreement the provision of which is defined 14087  
as a sale under division (B)(7) of section 5739.01 of the Revised 14088  
Code including, in the case of such a contractual obligation 14089  
relative to the repair or servicing of a motor vehicle, to provide 14090  
temporary transportation to the owner or lessee of the motor 14091  
vehicle regardless of whether provision of such temporary 14092  
transportation is required by the warranty or contract; 14093

(l) To use or consume the thing transferred in the production 14094  
of a newspaper for distribution to the public; 14095

(m) To use tangible personal property to perform a service 14096  
listed in division (B)(3) of section 5739.01 of the Revised Code, 14097  
if the property is or is to be permanently transferred to the 14098  
consumer of the service as an integral part of the performance of 14099  
the service; 14100

(n) To use or consume the thing transferred primarily in 14101

producing tangible personal property for sale by farming, 14102  
agriculture, horticulture, or floriculture. Persons engaged in 14103  
rendering farming, agriculture, horticulture, or floriculture 14104  
services for others are deemed engaged primarily in farming, 14105  
agriculture, horticulture, or floriculture. This paragraph does 14106  
not exempt from "retail sale" or "sales at retail" the sale of 14107  
tangible personal property that is to be incorporated into a 14108  
structure or improvement to real property. 14109

(o) To use or consume the thing transferred in acquiring, 14110  
formatting, editing, storing, and disseminating data or 14111  
information by electronic publishing. 14112

As used in division (B)(42) of this section, "thing" includes 14113  
all transactions included in divisions (B)(3)(a), (b), and (e) of 14114  
section 5739.01 of the Revised Code. 14115

(43) Sales conducted through a coin operated device that 14116  
activates vacuum equipment or equipment that dispenses water, 14117  
whether or not in combination with soap or other cleaning agents 14118  
or wax, to the consumer for the consumer's use on the premises in 14119  
washing, cleaning, or waxing a motor vehicle, provided no other 14120  
personal property or personal service is provided as part of the 14121  
transaction. 14122

(44) Sales of replacement and modification parts for engines, 14123  
airframes, instruments, and interiors in, and paint for, aircraft 14124  
used primarily in a fractional aircraft ownership program, and 14125  
sales of services for the repair, modification, and maintenance of 14126  
such aircraft, and machinery, equipment, and supplies primarily 14127  
used to provide those services. 14128

(45) Sales of telecommunications service that is used 14129  
directly and primarily to perform the functions of a call center. 14130  
As used in this division, "call center" means any physical 14131  
location where telephone calls are placed or received in high 14132

volume for the purpose of making sales, marketing, customer 141133  
service, technical support, or other specialized business 141134  
activity, and that employs at least fifty individuals that engage 141135  
in call center activities on a full-time basis, or sufficient 141136  
individuals to fill fifty full-time equivalent positions. 141137

(46) Sales by a telecommunications service vendor of 900 141138  
service to a subscriber. This division does not apply to 141139  
information services, as defined in division (FF) of section 141140  
5739.01 of the Revised Code. 141141

(47) Sales of value-added non-voice data service. This 141142  
division does not apply to any similar service that is not 141143  
otherwise a telecommunications service. 141144

(48)(a) Sales of machinery, equipment, and software to a 141145  
qualified direct selling entity for use in a warehouse or 141146  
distribution center primarily for storing, transporting, or 141147  
otherwise handling inventory that is held for sale to independent 141148  
salespersons who operate as direct sellers and that is held 141149  
primarily for distribution outside this state; 141150

(b) As used in division (B)(48)(a) of this section: 141151

(i) "Direct seller" means a person selling consumer products 141152  
to individuals for personal or household use and not from a fixed 141153  
retail location, including selling such product at in-home product 141154  
demonstrations, parties, and other one-on-one selling. 141155

(ii) "Qualified direct selling entity" means an entity 141156  
selling to direct sellers at the time the entity enters into a tax 141157  
credit agreement with the tax credit authority pursuant to section 141158  
122.17 of the Revised Code, provided that the agreement was 141159  
entered into on or after January 1, 2007. Neither contingencies 141160  
relevant to the granting of, nor later developments with respect 141161  
to, the tax credit shall impair the status of the qualified direct 141162  
selling entity under division (B)(48) of this section after 141163



execution of the tax credit agreement by the tax credit authority. 14164

(c) Division (B)(48) of this section is limited to machinery, 14165  
equipment, and software first stored, used, or consumed in this 14166  
state within the period commencing June 24, 2008, and ending on 14167  
the date that is five years after that date. 14168

(49) Sales of materials, parts, equipment, or engines used in 14169  
the repair or maintenance of aircraft or avionics systems of such 14170  
aircraft, and sales of repair, remodeling, replacement, or 14171  
maintenance services in this state performed on aircraft or on an 14172  
aircraft's avionics, engine, or component materials or parts. As 14173  
used in division (B)(49) of this section, "aircraft" means 14174  
aircraft of more than six thousand pounds maximum certified 14175  
takeoff weight or used exclusively in general aviation. 14176

(50) Sales of full flight simulators that are used for pilot 14177  
or flight-crew training, sales of repair or replacement parts or 14178  
components, and sales of repair or maintenance services for such 14179  
full flight simulators. "Full flight simulator" means a replica of 14180  
a specific type, or make, model, and series of aircraft cockpit. 14181  
It includes the assemblage of equipment and computer programs 14182  
necessary to represent aircraft operations in ground and flight 14183  
conditions, a visual system providing an out-of-the-cockpit view, 14184  
and a system that provides cues at least equivalent to those of a 14185  
three-degree-of-freedom motion system, and has the full range of 14186  
capabilities of the systems installed in the device as described 14187  
in appendices A and B of part 60 of chapter 1 of title 14 of the 14188  
Code of Federal Regulations. 14189

(51) Any transfer or lease of tangible personal property 14190  
between the state and JobsOhio in accordance with section 4313.02 14191  
of the Revised Code. 14192

(52)(a) Sales to a qualifying corporation. 14193

(b) As used in division (B)(52) of this section: 14194

(i) "Qualifying corporation" means a nonprofit corporation 14195  
organized in this state that leases from an eligible county land, 14196  
buildings, structures, fixtures, and improvements to the land that 14197  
are part of or used in a public recreational facility used by a 14198  
major league professional athletic team or a class A to class AAA 14199  
minor league affiliate of a major league professional athletic 14200  
team for a significant portion of the team's home schedule, 14201  
provided the following apply: 14202

(I) The facility is leased from the eligible county pursuant 14203  
to a lease that requires substantially all of the revenue from the 14204  
operation of the business or activity conducted by the nonprofit 14205  
corporation at the facility in excess of operating costs, capital 14206  
expenditures, and reserves to be paid to the eligible county at 14207  
least once per calendar year. 14208

(II) Upon dissolution and liquidation of the nonprofit 14209  
corporation, all of its net assets are distributable to the board 14210  
of commissioners of the eligible county from which the corporation 14211  
leases the facility. 14212

(ii) "Eligible county" has the same meaning as in section 14213  
307.695 of the Revised Code. 14214

(53) Sales to or by a cable service provider, video service 14215  
provider, or radio or television broadcast station regulated by 14216  
the federal government of cable service or programming, video 14217  
service or programming, audio service or programming, or 14218  
electronically transferred digital audiovisual or audio work. As 14219  
used in division (B)(53) of this section, "cable service" and 14220  
"cable service provider" have the same meanings as in section 14221  
1332.01 of the Revised Code, and "video service," "video service 14222  
provider," and "video programming" have the same meanings as in 14223  
section 1332.21 of the Revised Code. 14224

(C) For the purpose of the proper administration of this 14225

chapter, and to prevent the evasion of the tax, it is presumed 14226  
that all sales made in this state are subject to the tax until the 14227  
contrary is established. 14228

(D) The levy of this tax on retail sales of recreation and 14229  
sports club service shall not prevent a municipal corporation from 14230  
levying any tax on recreation and sports club dues or on any 14231  
income generated by recreation and sports club dues. 14232

(E) The tax collected by the vendor from the consumer under 14233  
this chapter is not part of the price, but is a tax collection for 14234  
the benefit of the state, and of counties levying an additional 14235  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 14236  
Code and of transit authorities levying an additional sales tax 14237  
pursuant to section 5739.023 of the Revised Code. Except for the 14238  
discount authorized under section 5739.12 of the Revised Code and 14239  
the effects of any rounding pursuant to section 5703.055 of the 14240  
Revised Code, no person other than the state or such a county or 14241  
transit authority shall derive any benefit from the collection or 14242  
payment of the tax levied by this section or section 5739.021, 14243  
5739.023, or 5739.026 of the Revised Code. 14244

**Section 101.02.** That existing sections 122.14, 125.834, 14245  
126.06, 126.11, 127.14, 163.06, 163.09, 163.15, 163.21, 164.05, 14246  
166.25, 307.202, 505.69, 717.01, 1548.07, 2953.36, 2953.61, 14247  
3772.10, 4117.10, 4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 14248  
4501.06, 4501.11, 4501.21, 4501.26, 4501.34, 4503.04, 4503.102, 14249  
4503.103, 4503.11, 4503.182, 4503.21, 4503.22, 4503.233, 4503.26, 14250  
4503.499, 4503.544, 4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 14251  
4506.06, 4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 14252  
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5543.22, 5577.044, 5705.19, 5728.08, 5735.23, 5735.26, 5735.291, 14266  
5735.30, and 5739.02 of the Revised Code are hereby repealed. 14267

**Section 105.01.** That sections 4501.19, 4501.28, 4981.20, 14268  
4981.21, 5502.131, 5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 14269  
5528.38, and 5528.39 of the Revised Code are hereby repealed. 14270

**Section 110.10.** That the versions of sections 4501.01 and 14271  
4507.11 of the Revised Code that are scheduled to take effect 14272  
January 1, 2017, be amended to read as follows: 14273

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 14274  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 14275  
Revised Code, and in the penal laws, except as otherwise provided: 14276

(A) "Vehicles" means everything on wheels or runners, 14277  
including motorized bicycles, but does not mean electric personal 14278  
assistive mobility devices, vehicles that are operated exclusively 14279  
on rails or tracks or from overhead electric trolley wires, and 14280  
vehicles that belong to any police department, municipal fire 14281  
department, or volunteer fire department, or that are used by such 14282  
a department in the discharge of its functions. 14283

(B) "Motor vehicle" means any vehicle, including mobile homes 14284  
and recreational vehicles, that is propelled or drawn by power 14285

other than muscular power or power collected from overhead 14286  
electric trolley wires. "Motor vehicle" does not include utility 14287  
vehicles as defined in division (VV) of this section, under-speed 14288  
vehicles as defined in division (XX) of this section, mini-trucks 14289  
as defined in division (BBB) of this section, motorized bicycles, 14290  
road rollers, traction engines, power shovels, power cranes, and 14291  
other equipment used in construction work and not designed for or 14292  
employed in general highway transportation, well-drilling 14293  
machinery, ditch-digging machinery, farm machinery, and trailers 14294  
that are designed and used exclusively to transport a boat between 14295  
a place of storage and a marina, or in and around a marina, when 14296  
drawn or towed on a public road or highway for a distance of no 14297  
more than ten miles and at a speed of twenty-five miles per hour 14298  
or less. 14299

(C) "Agricultural tractor" and "traction engine" mean any 14300  
self-propelling vehicle that is designed or used for drawing other 14301  
vehicles or wheeled machinery, but has no provisions for carrying 14302  
loads independently of such other vehicles, and that is used 14303  
principally for agricultural purposes. 14304

(D) "Commercial tractor," except as defined in division (C) 14305  
of this section, means any motor vehicle that has motive power and 14306  
either is designed or used for drawing other motor vehicles, or is 14307  
designed or used for drawing another motor vehicle while carrying 14308  
a portion of the other motor vehicle or its load, or both. 14309

(E) "Passenger car" means any motor vehicle that is designed 14310  
and used for carrying not more than nine persons and includes any 14311  
motor vehicle that is designed and used for carrying not more than 14312  
fifteen persons in a ridesharing arrangement. 14313

(F) "Collector's vehicle" means any motor vehicle or 14314  
agricultural tractor or traction engine that is of special 14315  
interest, that has a fair market value of one hundred dollars or 14316  
more, whether operable or not, and that is owned, operated, 14317

collected, preserved, restored, maintained, or used essentially as 14318  
a collector's item, leisure pursuit, or investment, but not as the 14319  
owner's principal means of transportation. "Licensed collector's 14320  
vehicle" means a collector's vehicle, other than an agricultural 14321  
tractor or traction engine, that displays current, valid license 14322  
tags issued under section 4503.45 of the Revised Code, or a 14323  
similar type of motor vehicle that displays current, valid license 14324  
tags issued under substantially equivalent provisions in the laws 14325  
of other states. 14326

(G) "Historical motor vehicle" means any motor vehicle that 14327  
is over twenty-five years old and is owned solely as a collector's 14328  
item and for participation in club activities, exhibitions, tours, 14329  
parades, and similar uses, but that in no event is used for 14330  
general transportation. 14331

(H) "Noncommercial motor vehicle" means any motor vehicle, 14332  
including a farm truck as defined in section 4503.04 of the 14333  
Revised Code, that is designed by the manufacturer to carry a load 14334  
of no more than one ton and is used exclusively for purposes other 14335  
than engaging in business for profit. 14336

(I) "Bus" means any motor vehicle that has motor power and is 14337  
designed and used for carrying more than nine passengers, except 14338  
any motor vehicle that is designed and used for carrying not more 14339  
than fifteen passengers in a ridesharing arrangement. 14340

(J) "Commercial car" or "truck" means any motor vehicle that 14341  
has motor power and is designed and used for carrying merchandise 14342  
or freight, or that is used as a commercial tractor. 14343

(K) "Bicycle" means every device, other than a device that is 14344  
designed solely for use as a play vehicle by a child, that is 14345  
propelled solely by human power upon which a person may ride, and 14346  
that has two or more wheels, any of which is more than fourteen 14347  
inches in diameter. 14348

(L) "Motorized bicycle" or "moped" means any vehicle that 14349  
either has two tandem wheels or one wheel in the front and two 14350  
wheels in the rear, that may be pedaled, and that is equipped with 14351  
a helper motor of not more than fifty cubic centimeters piston 14352  
displacement that produces no more than one brake horsepower and 14353  
is capable of propelling the vehicle at a speed of no greater than 14354  
twenty miles per hour on a level surface. 14355

(M) "Trailer" means any vehicle without motive power that is 14356  
designed or used for carrying property or persons wholly on its 14357  
own structure and for being drawn by a motor vehicle, and includes 14358  
any such vehicle that is formed by or operated as a combination of 14359  
a semitrailer and a vehicle of the dolly type such as that 14360  
commonly known as a trailer dolly, a vehicle used to transport 14361  
agricultural produce or agricultural production materials between 14362  
a local place of storage or supply and the farm when drawn or 14363  
towed on a public road or highway at a speed greater than 14364  
twenty-five miles per hour, and a vehicle that is designed and 14365  
used exclusively to transport a boat between a place of storage 14366  
and a marina, or in and around a marina, when drawn or towed on a 14367  
public road or highway for a distance of more than ten miles or at 14368  
a speed of more than twenty-five miles per hour. "Trailer" does 14369  
not include a manufactured home or travel trailer. 14370

(N) "Noncommercial trailer" means any trailer, except a 14371  
travel trailer or trailer that is used to transport a boat as 14372  
described in division (B) of this section, but, where applicable, 14373  
includes a vehicle that is used to transport a boat as described 14374  
in division (M) of this section, that has a gross weight of no 14375  
more than ten thousand pounds, and that is used exclusively for 14376  
purposes other than engaging in business for a profit, such as the 14377  
transportation of personal items for personal or recreational 14378  
purposes. 14379

(O) "Mobile home" means a building unit or assembly of closed 14380

construction that is fabricated in an off-site facility, is more 14381  
than thirty-five body feet in length or, when erected on site, is 14382  
three hundred twenty or more square feet, is built on a permanent 14383  
chassis, is transportable in one or more sections, and does not 14384  
qualify as a manufactured home as defined in division (C)(4) of 14385  
section 3781.06 of the Revised Code or as an industrialized unit 14386  
as defined in division (C)(3) of section 3781.06 of the Revised 14387  
Code. 14388

(P) "Semitrailer" means any vehicle of the trailer type that 14389  
does not have motive power and is so designed or used with another 14390  
and separate motor vehicle that in operation a part of its own 14391  
weight or that of its load, or both, rests upon and is carried by 14392  
the other vehicle furnishing the motive power for propelling 14393  
itself and the vehicle referred to in this division, and includes, 14394  
for the purpose only of registration and taxation under those 14395  
chapters, any vehicle of the dolly type, such as a trailer dolly, 14396  
that is designed or used for the conversion of a semitrailer into 14397  
a trailer. 14398

(Q) "Recreational vehicle" means a vehicular portable 14399  
structure that meets all of the following conditions: 14400

(1) It is designed for the sole purpose of recreational 14401  
travel. 14402

(2) It is not used for the purpose of engaging in business 14403  
for profit. 14404

(3) It is not used for the purpose of engaging in intrastate 14405  
commerce. 14406

(4) It is not used for the purpose of commerce as defined in 14407  
49 C.F.R. 383.5, as amended. 14408

(5) It is not regulated by the public utilities commission 14409  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 14410



- (6) It is classed as one of the following: 14411
- (a) "Travel trailer" or "house vehicle" means a 14412  
nonselved-propelled recreational vehicle that does not exceed an 14413  
overall length of forty feet, exclusive of bumper and tongue or 14414  
coupling. "Travel trailer" includes a tent-type fold-out camping 14415  
trailer as defined in section 4517.01 of the Revised Code. 14416
- (b) "Motor home" means a self-propelled recreational vehicle 14417  
that has no fifth wheel and is constructed with permanently 14418  
installed facilities for cold storage, cooking and consuming of 14419  
food, and for sleeping. 14420
- (c) "Truck camper" means aonselved-propelled recreational 14421  
vehicle that does not have wheels for road use and is designed to 14422  
be placed upon and attached to a motor vehicle. "Truck camper" 14423  
does not include truck covers that consist of walls and a roof, 14424  
but do not have floors and facilities enabling them to be used as 14425  
a dwelling. 14426
- (d) "Fifth wheel trailer" means a vehicle that is of such 14427  
size and weight as to be movable without a special highway permit, 14428  
that is constructed with a raised forward section that allows a 14429  
bi-level floor plan, and that is designed to be towed by a vehicle 14430  
equipped with a fifth-wheel hitch ordinarily installed in the bed 14431  
of a truck. 14432
- (e) "Park trailer" means a vehicle that is commonly known as 14433  
a park model recreational vehicle, meets the American national 14434  
standard institute standard A119.5 (1988) for park trailers, is 14435  
built on a single chassis, has a gross trailer area of four 14436  
hundred square feet or less when set up, is designed for seasonal 14437  
or temporary living quarters, and may be connected to utilities 14438  
necessary for the operation of installed features and appliances. 14439
- (R) "Pneumatic tires" means tires of rubber and fabric or 14440  
tires of similar material, that are inflated with air. 14441

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 14442  
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 14445  
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(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 produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 14447  
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 14455  
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 14459  
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business is used to dismantle, salvage, or rebuild motor vehicles 14474  
by means of used parts, if such departments are operated for the 14475  
purpose of furthering and assisting in the business of 14476  
manufacturing, selling, displaying, offering for sale, or dealing 14477  
in motor vehicles. Places of business or departments in a place of 14478  
business used to dismantle, salvage, or rebuild motor vehicles by 14479  
means of using used parts are not considered as being maintained 14480  
for the purpose of assisting or furthering the manufacturing, 14481  
selling, displaying, and offering for sale or dealing in motor 14482  
vehicles. 14483

(X) "Operator" includes any person who drives or operates a 14484  
motor vehicle upon the public highways. 14485

(Y) "Chauffeur" means any operator who operates a motor 14486  
vehicle, other than a taxicab, as an employee for hire; or any 14487  
operator whether or not the owner of a motor vehicle, other than a 14488  
taxicab, who operates such vehicle for transporting, for gain, 14489  
compensation, or profit, either persons or property owned by 14490  
another. Any operator of a motor vehicle who is voluntarily 14491  
involved in a ridesharing arrangement is not considered an 14492  
employee for hire or operating such vehicle for gain, 14493  
compensation, or profit. 14494

(Z) "State" includes the territories and federal districts of 14495  
the United States, and the provinces of Canada. 14496

(AA) "Public roads and highways" for vehicles includes all 14497  
public thoroughfares, bridges, and culverts. 14498

(BB) "Manufacturer's number" means the manufacturer's 14499  
original serial number that is affixed to or imprinted upon the 14500  
chassis or other part of the motor vehicle. 14501

(CC) "Motor number" means the manufacturer's original number 14502  
that is affixed to or imprinted upon the engine or motor of the 14503  
vehicle. 14504

(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 distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

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

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

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

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

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

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 14536  
the carrier's tariff, lawfully on file with the United States 14537  
department of transportation, for the purpose of group travel to a 14538  
specified destination or for a particular itinerary, either agreed 14539  
upon in advance or modified by the chartered group after having 14540  
left the place of origin. 14541

(HH) "International registration plan" means a reciprocal 14542  
agreement of member jurisdictions that is endorsed by the American 14543  
association of motor vehicle administrators, and that promotes and 14544  
encourages the fullest possible use of the highway system by 14545  
authorizing apportioned registration of fleets of vehicles and 14546  
recognizing registration of vehicles apportioned in member 14547  
jurisdictions. 14548

(II) "Restricted plate" means a license plate that has a 14549  
restriction of time, geographic area, mileage, or commodity, and 14550  
includes license plates issued to farm trucks under division (J) 14551  
of section 4503.04 of the Revised Code. 14552

(JJ) "Gross vehicle weight," with regard to any commercial 14553  
car, trailer, semitrailer, or bus that is taxed at the rates 14554  
established under section 4503.042 or 4503.65 of the Revised Code, 14555  
means the unladen weight of the vehicle fully equipped plus the 14556  
maximum weight of the load to be carried on the vehicle. 14557

(KK) "Combined gross vehicle weight" with regard to any 14558  
combination of a commercial car, trailer, and semitrailer, that is 14559  
taxed at the rates established under section 4503.042 or 4503.65 14560  
of the Revised Code, means the total unladen weight of the 14561  
combination of vehicles fully equipped plus the maximum weight of 14562  
the load to be carried on that combination of vehicles. 14563

(LL) "Chauffeured limousine" means a motor vehicle that is 14564  
designed to carry nine or fewer passengers and is operated for 14565  
hire pursuant to a prearranged contract for the transportation of 14566

passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

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

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

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

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

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

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

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic

motor vehicle dealers and designates as an electronic motor 14598  
vehicle dealer under that section. 14599

(TT) "Electric personal assistive mobility device" means a 14600  
self-balancing two non-tandem wheeled device that is designed to 14601  
transport only one person, has an electric propulsion system of an 14602  
average of seven hundred fifty watts, and when ridden on a paved 14603  
level surface by an operator who weighs one hundred seventy pounds 14604  
has a maximum speed of less than twenty miles per hour. 14605

(UU) "Limited driving privileges" means the privilege to 14606  
operate a motor vehicle that a court grants under section 4510.021 14607  
of the Revised Code to a person whose driver's or commercial 14608  
driver's license or permit or nonresident operating privilege has 14609  
been suspended. 14610

(VV) "Utility vehicle" means a self-propelled vehicle 14611  
designed with a bed, principally for the purpose of transporting 14612  
material or cargo in connection with construction, agricultural, 14613  
forestry, grounds maintenance, lawn and garden, materials 14614  
handling, or similar activities. 14615

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 14616  
vehicle with an attainable speed in one mile on a paved level 14617  
surface of more than twenty miles per hour but not more than 14618  
twenty-five miles per hour and with a gross vehicle weight rating 14619  
less than three thousand pounds. 14620

(XX) "Under-speed vehicle" means a three- or four-wheeled 14621  
vehicle, including a vehicle commonly known as a golf cart, with 14622  
an attainable speed on a paved level surface of not more than 14623  
twenty miles per hour and with a gross vehicle weight rating less 14624  
than three thousand pounds. 14625

(YY) "Motor-driven cycle or motor scooter" means any vehicle 14626  
designed to travel on not more than three wheels in contact with 14627  
the ground, with a seat for the driver and floor pad for the 14628

driver's feet, and is equipped with a motor with a piston 14629  
displacement between fifty and one hundred fifty cubic centimeters 14630  
piston displacement that produces not more than five brake 14631  
horsepower and is capable of propelling the vehicle at a speed 14632  
greater than twenty miles per hour on a level surface. 14633

(ZZ) "Motorcycle" means a motor vehicle with motive power 14634  
having a seat or saddle for the use of the operator, designed to 14635  
travel on not more than three wheels in contact with the ground, 14636  
and having no occupant compartment top or occupant compartment top 14637  
that can be installed or removed by the user. 14638

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 14639  
motive power having a seat or saddle for the use of the operator, 14640  
designed to travel on not more than three wheels in contact with 14641  
the ground, and having an occupant compartment top or an occupant 14642  
compartment top that ~~can be~~ is installed ~~or removed by the user.~~ 14643

(BBB) "Mini-truck" means a vehicle that has four wheels, is 14644  
propelled by an electric motor with a rated power of seven 14645  
thousand five hundred watts or less or an internal combustion 14646  
engine with a piston displacement capacity of six hundred sixty 14647  
cubic centimeters or less, has a total dry weight of nine hundred 14648  
to two thousand two hundred pounds, contains an enclosed cabin and 14649  
a seat for the vehicle operator, resembles a pickup truck or van 14650  
with a cargo area or bed located at the rear of the vehicle, and 14651  
was not originally manufactured to meet federal motor vehicle 14652  
safety standards. 14653

**Sec. 4507.11.** (A)(1) The registrar of motor vehicles shall 14654  
conduct all necessary examinations of applicants for temporary 14655  
instruction permits, drivers' licenses, motorcycle operators' 14656  
endorsements, or motor-driven cycle or motor scooter endorsements. 14657  
The examination shall include a test of the applicant's knowledge 14658  
of motor vehicle laws, including the laws ~~on~~ governing stopping 14659



for school buses, a test of the applicant's physical fitness to 14660  
drive, and a test of the applicant's ability to understand highway 14661  
traffic control devices. The registrar may conduct the examination 14662  
~~may be conducted~~ in such a manner that applicants who are 14663  
illiterate or limited in their knowledge of the English language 14664  
~~may be~~ are tested by methods that would indicate to the examining 14665  
officer that the applicant has a reasonable knowledge of motor 14666  
vehicle laws and understands highway traffic control devices. ~~An~~ 14667

(2) An applicant for a driver's license shall give an actual 14668  
demonstration of the ability to exercise ordinary and reasonable 14669  
control in the operation of a motor vehicle by driving ~~the same a~~ 14670  
motor vehicle under the supervision of an examining officer; 14671  
however, no applicant for a driver's license shall use a low-speed 14672  
or under-speed vehicle or a mini-truck for the purpose of 14673  
demonstrating ability to exercise ordinary and reasonable control 14674  
over a vehicle. ~~Except~~ The demonstration shall consist of a 14675  
maneuverability test and a road test. The director of public 14676  
safety shall determine the formats of the tests. 14677

(3) Except as provided in division (B) of this section, an 14678  
applicant for a motorcycle operator's endorsement or a restricted 14679  
license that permits only the operation of a motorcycle shall give 14680  
an actual demonstration of the ability to exercise ordinary and 14681  
reasonable control in the operation of a motorcycle by driving ~~the~~ 14682  
~~same a~~ motorcycle under the supervision of an examining officer+ 14683  
~~however.~~ However, no applicant for such an endorsement or 14684  
restricted license shall use a motor-driven cycle or motor scooter 14685  
for the purpose of demonstrating ability to exercise ordinary and 14686  
reasonable control in the operation of a motorcycle. ~~Except~~ 14687

(4) Except as provided in division (B) of this section, an 14688  
applicant for a motor-driven cycle or motor scooter operator's 14689  
endorsement or a restricted license that permits only the 14690  
operation of a motor-driven cycle or motor scooter shall give an 14691

actual demonstration of the ability to exercise ordinary and 14692  
reasonable control in the operation of a motor-driven cycle or 14693  
motor scooter by driving a motor-driven cycle or motor scooter 14694  
under the supervision of an examining officer. ~~Except~~ 14695

(5) ~~Except~~ as provided in section 4507.12 of the Revised 14696  
Code, the registrar shall designate the highway patrol, any law 14697  
enforcement body, or any other employee of the department of 14698  
public safety to supervise and conduct examinations for temporary 14699  
instruction permits, drivers' licenses, and motorcycle operators' 14700  
endorsements and shall provide the necessary rules and forms to 14701  
properly conduct the examinations. The A deputy registrar shall 14702  
forward to the registrar the records of the examinations, together 14703  
with the application for a temporary instruction permit, driver's 14704  
license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 14705  
~~to the registrar by the deputy registrar, and, if.~~ If in the 14706  
opinion of the registrar the applicant is qualified to operate a 14707  
motor vehicle, the registrar shall issue the permit, license, or 14708  
endorsement. 14709

(6) The registrar may authorize the highway patrol, other 14710  
designated law enforcement body, or other designated employee of 14711  
the department of public safety to issue an examiner's driving 14712  
permit to an applicant who has passed the required examination, 14713  
authorizing that applicant to operate a motor vehicle while the 14714  
registrar is completing an investigation relative to that 14715  
applicant's qualifications to receive a temporary instruction 14716  
permit, driver's license, or motorcycle operator's endorsement. 14717  
The applicant shall keep the examiner's driving permit ~~shall be~~ in 14718  
the applicant's immediate possession ~~of the applicant~~ while 14719  
operating a motor vehicle ~~and shall be.~~ The examiner's driving 14720  
permit is effective until final action and notification has been 14721  
given by the registrar, but in no event longer than sixty days 14722  
from its date of issuance. 14723

(B)(1) An applicant for a motorcycle operator's endorsement 14724  
or a restricted license that permits only the operation of a 14725  
motorcycle who presents to the registrar of motor vehicles or a 14726  
deputy registrar a form approved by the director of public safety 14727  
attesting to the applicant's successful completion within the 14728  
preceding sixty days of a course of basic instruction provided by 14729  
the motorcycle safety and education program approved by the 14730  
director pursuant to section 4508.08 of the Revised Code shall not 14731  
be required to give an actual demonstration of the ability to 14732  
operate a motorcycle by driving a motorcycle under the supervision 14733  
of an examining officer, as described in division (A) of this 14734  
section. An applicant for a motor-driven cycle or motor scooter 14735  
operator's endorsement or a restricted license that permits only 14736  
the operation of a motor-driven cycle or motor scooter who 14737  
presents to the registrar of motor vehicles or a deputy registrar 14738  
a form approved by the director of public safety attesting to the 14739  
applicant's successful completion within the preceding sixty days 14740  
of a course of basic instruction provided by the motorcycle safety 14741  
and education program approved by the director pursuant to section 14742  
4508.08 of the Revised Code shall not be required to give an 14743  
actual demonstration of the ability to operate a motor-driven 14744  
cycle or motor scooter by driving a motor-driven cycle or motor 14745  
scooter under the supervision of an examining officer, as 14746  
described in division (A) of this section. Upon presentation of 14747  
the form described in division (B)(1) of this section and 14748  
compliance with all other requirements relating to the issuance of 14749  
a motorcycle operator's endorsement or a restricted license that 14750  
permits only the operation of a motorcycle, the registrar or 14751  
deputy registrar shall issue to the applicant the endorsement or 14752  
restricted license, as the case may be. 14753

(2) A person who has not attained eighteen years of age and 14754  
presents an application for a motorcycle operator's endorsement or 14755  
a restricted license under division (B)(1) of this section also 14756

shall comply with the requirements of section 4507.21 of the Revised Code. 14757  
14758

(C) A person who holds a valid motorcycle endorsement or restricted license that permits only the operation of a motorcycle may operate a motor-driven cycle or motor scooter with that endorsement or restricted license. 14759  
14760  
14761  
14762

**Section 110.11.** That the existing versions of sections 4501.01 and 4507.11 of the Revised Code that are scheduled to take effect January 1, 2017, are hereby repealed. 14763  
14764  
14765

**Section 110.12.** Sections 110.10 and 110.11 of this act take effect January 1, 2017. 14766  
14767

**Section 125.10.** Section 5501.491 of the Revised Code is repealed July 1, 2019. 14768  
14769

**Section 201.10.** Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2016 and the amounts in the second column are for fiscal year 2017. 14770  
14771  
14772  
14773  
14774  
14775

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 14776  
Highway Operating Fund Group 14777  
2120 772426 Highway \$ 3,500,000 \$ 3,500,000 14778  
Infrastructure Bank -  
Federal  
2120 772427 Highway \$ 9,825,000 \$ 9,825,000 14779  
Infrastructure Bank -  
State

2120	772430	Infrastructure Debt Reserve Title 23-49	\$	525,000	\$	525,000	14780
2130	772431	Roadway Infrastructure Bank - State	\$	3,500,000	\$	3,500,000	14781
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000	14782
2130	777477	Aviation Infrastructure Bank - State	\$	2,000,000	\$	2,000,000	14783
7002	770003	Transportation Facilities Lease Rental Bond Payments	\$	10,100,000	\$	12,162,500	14784
7002	771411	Planning and Research - State	\$	20,616,087	\$	23,590,435	14785
7002	771412	Planning and Research - Federal	\$	33,405,195	\$	30,780,847	14786
7002	772421	Highway Construction - State	\$	600,691,058	\$	577,413,383	14787
7002	772422	Highway Construction - Federal	\$	1,006,223,456	\$	1,032,306,620	14788
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	14789
7002	772437	Major New State Infrastructure Bond Debt Service - State	\$	24,802,700	\$	25,859,100	14790
7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$	152,033,800	\$	146,534,600	14791
7002	773431	Highway Maintenance - State	\$	506,200,000	\$	519,400,000	14792
7002	775452	Public Transportation	\$	31,232,549	\$	31,232,549	14793

	- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$ 1,500,000 14794
		- Other			
7002	776462	Grade Crossings -	\$	14,098,000	\$ 14,072,000 14795
		Federal			
7002	777472	Airport Improvements	\$	405,000	\$ 405,000 14796
		- Federal			
7002	777475	Aviation	\$	6,620,899	\$ 6,666,416 14797
		Administration			
7002	779491	Administration -	\$	89,292,626	\$ 92,690,582 14798
		State			
TOTAL HOF Highway Operating					14799
Fund Group			\$	2,597,221,370	\$ 2,614,614,032 14800
Dedicated Purpose Fund Group					14801
4N40	776664	Rail Transportation -	\$	2,875,800	\$ 2,875,800 14802
		Other			
5W90	777615	County Airport	\$	620,000	\$ 620,000 14803
		Maintenance			
TOTAL DPF Dedicated Purpose					14804
Fund Group			\$	3,495,800	\$ 3,495,800 14805
Capital Projects Fund Group					14806
7042	772723	Highway Construction	\$	146,330,382	\$ 166,254,827 14807
		- Bonds			
7045	772428	Highway	\$	131,209,431	\$ 206,053,254 14808
		Infrastructure Bank -			
		Bonds			
TOTAL CPF Capital Projects					14809
Fund Group			\$	277,539,813	\$ 372,308,081 14810
TOTAL ALL BUDGET FUND GROUPS			\$	2,878,256,983	\$ 2,990,417,913 14811
<b>Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND</b>					14812
PAYMENTS					14813

The foregoing appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Transportation under the leases and agreements for facilities made under Chapter 154. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

Should the appropriation in appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, exceed the debt service payments in either fiscal year of the biennium ending June 30, 2017, then the balance may be transferred to appropriation item 772421, Highway Construction - State, 773431, Highway Maintenance - State, or 779491, Administration - State, upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. The transfer shall be reported to the Controlling Board.

**Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES**

(A) Notwithstanding section 5511.06 of the Revised Code, the Director of Transportation shall, in each fiscal year of the biennium ending June 30, 2017, determine portions of the foregoing appropriation item 772421, Highway Construction - State, which shall be used for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

(B) Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772421, Highway Construction - State, \$2,228,000 in each fiscal year shall be used for the construction, reconstruction, or maintenance of park drives or

park roads within the boundaries of metropolitan parks. 14845

(C) The Department of Transportation may use the foregoing 14846  
appropriation item 772421, Highway Construction - State, to 14847  
perform: 14848

(1) Related road work on behalf of the Ohio Expositions 14849  
Commission at the state fairgrounds, including reconstruction or 14850  
maintenance of public access roads and support features to and 14851  
within fairgrounds facilities, as requested by the Commission and 14852  
approved by the Director of Transportation; and 14853

(2) Related road work on behalf of the Ohio History 14854  
Connection, including reconstruction or maintenance of public 14855  
access roads and support features to and within Ohio History 14856  
Connection facilities, as requested by the Ohio History Connection 14857  
and approved by the Director of Transportation. 14858

**Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS** 14859

(A) Of the foregoing appropriation item 772421, Highway 14860  
Construction - State, \$3,500,000 in each fiscal year shall be made 14861  
available for distribution by the Director of Transportation to 14862  
Transportation Improvement Districts that have facilitated funding 14863  
for the cost of a project or projects in conjunction with and 14864  
through other governmental agencies. 14865

(B) A Transportation Improvement District shall submit 14866  
requests for project funding to the Ohio Department of 14867  
Transportation not later than the first day of September in each 14868  
fiscal year. The Ohio Department of Transportation shall notify 14869  
the Transportation Improvement District whether the Department has 14870  
approved or disapproved the project funding request within 90 days 14871  
after the day the request was submitted by the Transportation 14872  
Improvement District. 14873

(C) Any funding provided to a Transportation Improvement 14874



District specified in this section shall not be used for the 14875  
purposes of administrative costs or administrative staffing and 14876  
must be used to fund a specific project or projects within that 14877  
District's area. The total amount of a specific project's cost 14878  
shall not be fully funded by the amount of funds provided under 14879  
this section. The total amount of funding provided for each 14880  
project is limited to 25% of total project costs not to exceed 14881  
\$250,000 per fiscal year. Transportation Improvement Districts 14882  
that are co-sponsoring a specific project may individually apply 14883  
for up to \$250,000 for that project. However, not more than 25% of 14884  
a project's total costs per biennium shall be funded through 14885  
moneys provided under this section. 14886

(D) Funding provided under this section may be used for 14887  
preliminary engineering, detailed design, right-of-way 14888  
acquisition, and construction of the specific project and such 14889  
other project costs that are defined in section 5540.01 of the 14890  
Revised Code and approved by the Director of Transportation. Upon 14891  
receipt of a copy of an invoice for work performed on the specific 14892  
project, the Director of Transportation shall reimburse a 14893  
Transportation Improvement District for the expenditures described 14894  
above, subject to the requirements of this section. 14895

(E) Any Transportation Improvement District that is 14896  
requesting funds under this section shall register with the 14897  
Director of Transportation. The Director of Transportation shall 14898  
register a Transportation Improvement District only if the 14899  
district has a specific, eligible project and may cancel the 14900  
registration of a Transportation Improvement District that is not 14901  
eligible to receive funds under this section. The Director shall 14902  
not provide funds to any Transportation Improvement District under 14903  
this section if the district is not registered. The Director of 14904  
Transportation shall not register a Transportation Improvement 14905  
District and shall cancel the registration of a currently 14906

registered Transportation Improvement District unless at least one 14907  
of the following applies: 14908

(1) The Transportation Improvement District, by a resolution 14909  
or resolutions, designated a project or program of projects and 14910  
facilitated, including in conjunction with and through other 14911  
governmental agencies, funding for costs of a project or program 14912  
of projects in an aggregate amount of not less than \$10,000,000 14913  
within the eight-year period commencing January 1, 2005. 14914

(2) The Transportation Improvement District, by a resolution 14915  
or resolutions, designated a project or program of projects and 14916  
facilitated, including in conjunction with and through other 14917  
governmental agencies, funding for costs of a project or program 14918  
of projects in an aggregate amount of not less than \$15,000,000 14919  
from the commencement date of the project or program of projects. 14920

(3) The Transportation Improvement District has designated, 14921  
by a resolution or resolutions, a project or program of projects 14922  
that has estimated aggregate costs in excess of \$10,000,000 and 14923  
the County Engineer of the county in which the Transportation 14924  
Improvement District is located has attested by a sworn affidavit 14925  
that the costs of the project or program of projects exceeds 14926  
\$10,000,000 and that the Transportation Improvement District is 14927  
facilitating a portion of funding for that project or program of 14928  
projects. 14929

(F) For purposes of this section: 14930

(1) "Project" shall have the same meaning as in division (D) 14931  
of section 5540.01 of the Revised Code. 14932

(2) "Governmental agency" shall have the same meaning as in 14933  
division (B) of section 5540.01 of the Revised Code. 14934

(3) "Cost" shall have the same meaning as in division (C) of 14935  
section 5540.01 of the Revised Code. 14936

**Section 203.50.** ISSUANCE OF BONDS 14937

The Treasurer of State, upon the request of the Director of 14938  
Transportation, is authorized to issue and sell, in accordance 14939  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 14940  
151. and particularly sections 151.01 and 151.06 of the Revised 14941  
Code, obligations, including bonds and notes, in the aggregate 14942  
amount of \$313,000,000 in addition to the original issuance of 14943  
obligations authorized by prior acts of the General Assembly. 14944

The obligations shall be issued and sold from time to time in 14945  
amounts necessary to provide sufficient moneys to the credit of 14946  
the Highway Capital Improvement Fund (Fund 7042) created by 14947  
section 5528.53 of the Revised Code to pay costs charged to the 14948  
fund when due as estimated by the Director of Transportation, 14949  
provided, however, that such obligations shall be issued and sold 14950  
at such time or times so that not more than \$220,000,000 original 14951  
principal amount of obligations, plus the principal amount of 14952  
obligations that in prior fiscal years could have been, but were 14953  
not, issued within the \$220,000,000 limit, may be issued in any 14954  
fiscal year, and not more than \$1,200,000,000 original principal 14955  
amount of such obligations are outstanding at any one time. 14956

**Section 203.60.** TRANSFER OF HIGHWAY OPERATING FUND (FUND 14957  
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 14958  
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 14959  
ADMINISTRATION 14960

The Director of Budget and Management may approve requests 14961  
from the Director of Transportation for transfer of Highway 14962  
Operating Fund (Fund 7002) appropriations for planning and 14963  
research (appropriation items 771411 and 771412), highway 14964  
construction and debt service (appropriation items 772421, 772422, 14965  
772424, 772425, 772437, 772438, and 770003), highway maintenance 14966

(appropriation item 773431), public transportation - federal 14967  
(appropriation item 775452), elderly and disabled special 14968  
equipment (appropriation item 775459), rail grade crossings 14969  
(appropriation item 776462), aviation (appropriation item 777475), 14970  
and administration (appropriation item 779491). The Director of 14971  
Budget and Management may not make transfers out of debt service 14972  
appropriation items unless the Director determines that the 14973  
appropriated amounts exceed the actual and projected debt service 14974  
requirements. Transfers of appropriations may be made upon the 14975  
written request of the Director of Transportation and with the 14976  
approval of the Director of Budget and Management. The transfers 14977  
shall be reported to the Controlling Board at the next regularly 14978  
scheduled meeting of the board. 14979

This transfer authority is intended to provide for emergency 14980  
situations and flexibility to meet unforeseen conditions that 14981  
could arise during the biennium ending June 30, 2017. It also is 14982  
intended to allow the department to optimize the use of available 14983  
resources and adjust to circumstances affecting the obligation and 14984  
expenditure of federal funds. 14985

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 14986  
AVIATION, AND RAIL AND LOCAL TRANSIT 14987

The Director of Budget and Management may approve written 14988  
requests from the Director of Transportation for the transfer of 14989  
appropriations between appropriation items 772422, Highway 14990  
Construction - Federal, 775452, Public Transportation - Federal, 14991  
775454, Public Transportation - Other, 775459, Elderly and 14992  
Disabled Special Equipment, 776475, Federal Rail Administration, 14993  
and 777472, Airport Improvements - Federal. The transfers shall be 14994  
reported to the Controlling Board at its next regularly scheduled 14995  
meeting. 14996

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 14997  
BANK 14998

The Director of Budget and Management may approve requests 14999  
from the Director of Transportation for transfer of appropriations 15000  
and cash of the Infrastructure Bank funds created in section 15001  
5531.09 of the Revised Code, including transfers between fiscal 15002  
years 2016 and 2017. The transfers shall be reported to the 15003  
Controlling Board at its next regularly scheduled meeting. 15004

The Director of Budget and Management may approve requests 15005  
from the Director of Transportation for transfer of appropriations 15006  
and cash from the Highway Operating Fund (Fund 7002) to the 15007  
Infrastructure Bank funds created in section 5531.09 of the 15008  
Revised Code. The Director of Budget and Management may transfer 15009  
from the Infrastructure Bank funds to the Highway Operating Fund 15010  
up to the amounts originally transferred to the Infrastructure 15011  
Bank funds under this section. However, the Director may not make 15012  
transfers between modes or transfers between different funding 15013  
sources. The transfers shall be reported to the Controlling Board 15014  
at its next regularly scheduled meeting. 15015

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 15016

The Director of Budget and Management may approve requests 15017  
from the Director of Transportation for transfer of appropriations 15018  
and cash of the Ohio Toll Fund and any subaccounts created in 15019  
section 5531.14 of the Revised Code, including transfers between 15020  
fiscal years 2016 and 2017. The transfers shall be reported to the 15021  
Controlling Board at its next regularly scheduled meeting. 15022

INCREASING APPROPRIATIONS: STATE FUNDS 15023

In the event that receipts or unexpended balances credited to 15024  
the Highway Operating Fund (Fund 7002) exceed the estimates upon 15025  
which the appropriations have been made in this act, upon the 15026  
request of the Director of Transportation, the Controlling Board 15027  
may increase those appropriations in the manner prescribed in 15028  
section 131.35 of the Revised Code. 15029

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 15030

In the event that receipts or unexpended balances credited to 15031  
the Highway Operating Fund (Fund 7002) or apportionments or 15032  
allocations made available from the federal and local government 15033  
exceed the estimates upon which the appropriations have been made 15034  
in this act, upon the request of the Director of Transportation, 15035  
the Controlling Board may increase those appropriations in the 15036  
manner prescribed in section 131.35 of the Revised Code. 15037

REAPPROPRIATIONS 15038

In each fiscal year of the biennium ending June 30, 2017, the 15039  
Director of Transportation may request that the Director of Budget 15040  
and Management transfer any remaining unencumbered balances of 15041  
prior years' appropriations to the Highway Operating Fund (Fund 15042  
7002), the Highway Capital Improvement Fund (Fund 7042), and the 15043  
Infrastructure Bank funds created in section 5531.09 of the 15044  
Revised Code for the same purpose in the following fiscal year. In 15045  
the request, the Director of Transportation shall identify the 15046  
appropriate fund and appropriation item of the transfer, and the 15047  
requested transfer amount. The Director of Budget and Management 15048  
may request additional information necessary for evaluating the 15049  
transfer request, and the Director of Transportation shall provide 15050  
the requested information to the Director of Budget and 15051  
Management. Based on the information provided by the Director of 15052  
Transportation, the Director of Budget and Management shall 15053  
determine the amount to be transferred by fund and appropriation 15054  
item, and those amounts are hereby reappropriated. The Director of 15055  
Transportation shall report the reappropriations to the 15056  
Controlling Board. 15057

Any balances of prior years' unencumbered appropriations to 15058  
the Highway Operating Fund (Fund 7002), the Highway Capital 15059  
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 15060  
created in section 5531.09 of the Revised Code for which the 15061

Director of Transportation requests reappropriations, and for 15062  
which reappropriations are approved by the Director of Budget and 15063  
Management, are subject to the availability of revenue as 15064  
determined by the Director of Transportation. 15065

**LIQUIDATION OF UNFORESEEN LIABILITIES** 15066

Any appropriation made from the Highway Operating Fund (Fund 15067  
7002) not otherwise restricted by law is available to liquidate 15068  
unforeseen liabilities arising from contractual agreements of 15069  
prior years when the prior year encumbrance is insufficient. 15070

**Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS** 15071

The Director of Transportation may remove snow and ice and 15072  
maintain, repair, improve, or provide lighting upon interstate 15073  
highways that are located within the boundaries of municipal 15074  
corporations, in a manner adequate to meet the requirements of 15075  
federal law. When agreed in writing by the Director of 15076  
Transportation and the legislative authority of a municipal 15077  
corporation and notwithstanding sections 125.01 and 125.11 of the 15078  
Revised Code, the Department of Transportation may reimburse a 15079  
municipal corporation for all or any part of the costs, as 15080  
provided by such agreement, incurred by the municipal corporation 15081  
in maintaining, repairing, lighting, and removing snow and ice 15082  
from the interstate system. 15083

**Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS** 15084

The Director of Transportation may use revenues from the 15085  
state motor vehicle fuel tax to match approved federal grants 15086  
awarded to the Department of Transportation, regional transit 15087  
authorities, or eligible public transportation systems, for public 15088  
transportation highway purposes, or to support local or state 15089  
funded projects for public transportation highway purposes. Public 15090  
transportation highway purposes include: the construction or 15091

repair of high-occupancy vehicle traffic lanes, the acquisition or 15092  
construction of park-and-ride facilities, the acquisition or 15093  
construction of public transportation vehicle loops, the 15094  
construction or repair of bridges used by public transportation 15095  
vehicles or that are the responsibility of a regional transit 15096  
authority or other public transportation system, or other similar 15097  
construction that is designated as an eligible public 15098  
transportation highway purpose. Motor vehicle fuel tax revenues 15099  
may not be used for operating assistance or for the purchase of 15100  
vehicles, equipment, or maintenance facilities. 15101

**Section 203.90.** OHIO BRIDGE PARTNERSHIP PROGRAM 15102

(A) In each fiscal year of the biennium ending June 30, 2017, 15103  
the Director of Transportation shall identify moneys to be used 15104  
for additional funding of the Ohio Bridge Partnership Program 15105  
established in section 5501.491 of the Revised Code. The Director 15106  
shall identify not less than \$10,000,000 in the biennium ending 15107  
June 30, 2017, under this section. The identified amounts are 15108  
hereby appropriated. 15109

(B) Funding identified under Division (A) of this section 15110  
shall be supplemental to the amount of \$120,000,000 previously 15111  
announced by the Department of Transportation for the Ohio Bridge 15112  
Partnership Program in the biennium ending June 30, 2015. 15113

(C) The Director of Transportation may consult with officials 15114  
of political subdivisions in assessing critical needs associated 15115  
with bridges maintained by local government entities. The Director 15116  
shall notify political subdivisions in an appropriate manner of 15117  
the availability of the funding identified under Division (A) of 15118  
this section. 15119

**Section 203.100.** The federal payments made to the state for 15120  
highway infrastructure or for transit agencies under Title XII of 15121



Division A of the American Recovery and Reinvestment Act of 2009 15122  
 shall be deposited to the credit of the Highway Operating Fund 15123  
 (Fund 7002), which is created in section 5735.291 of the Revised 15124  
 Code. 15125

**Section 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 15126

Highway Safety Fund Group 15127

4W40 762321 Operating Expense - \$ 126,201,615 \$ 126,201,615 15128  
 BMV

4W40 762636 Financial \$ 4,785,067 \$ 4,785,067 15129  
 Responsibility  
 Compliance

4W40 762637 Local Immobilization \$ 200,000 \$ 200,000 15130  
 Reimbursement

7036 761321 Operating Expense - \$ 7,449,331 \$ 7,449,331 15131  
 Information and  
 Education

7036 761401 Public Safety \$ 2,435,800 \$ 2,433,200 15132  
 Facilities Lease  
 Rental Bond Payments

7036 764321 Operating Expense - \$ 270,232,602 \$ 270,232,602 15133  
 Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 15134  
 Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 15135  
 Administration

8370 764602 Turnpike Policing \$ 11,553,959 \$ 11,553,959 15136

83C0 764630 Contraband, \$ 622,894 \$ 622,894 15137  
 Forfeiture, and Other

83F0 764657 Law Enforcement \$ 8,500,000 \$ 8,500,000 15138  
 Automated Data System

83G0 764633 OMVI \$ 641,927 \$ 641,927 15139

		Enforcement/Education				
83M0	765624	Operating - EMS	\$	3,601,220	\$	3,601,220 15140
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 15141
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354 15142
8400	764617	Security and	\$	9,514,236	\$	9,514,236 15143
		Investigations				
8400	764626	State Fairgrounds	\$	1,084,559	\$	1,084,559 15144
		Police Force				
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399 15145
		Highway Patrol				
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563 15146
		Education				
8490	762627	Automated Title	\$	16,367,293	\$	16,367,293 15147
		Processing Board				
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000 15148
		Titles				
TOTAL	HSF	Highway Safety Fund Group	\$	477,784,872	\$	477,782,272 15149
		Dedicated Purpose Fund Group				15150
5390	762614	Motor Vehicle Dealers	\$	140,000	\$	140,000 15151
		Board				
5B90	766632	Private Investigator	\$	1,400,000	\$	1,400,000 15152
		and Security Guard				
		Provider				
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000 15153
		and Alcohol				
		Monitoring				
TOTAL	DPF	Dedicated Purpose Fund	\$	3,540,000	\$	3,540,000 15154
		Group				
		Fiduciary Fund Group				15155
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 15156
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000 15157
		Contributions				

TOTAL FID Fiduciary Fund Group	\$	3,600,000	\$	3,600,000	15158
Holding Account Fund Group					15159
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000	15160
Vehicle Receipts					
R052 762623 Security Deposits	\$	350,000	\$	350,000	15161
TOTAL HLD Holding Account Fund	\$	2,235,000	\$	2,235,000	15162
Group					
Federal Fund Group					15163
3DU0 762628 BMV Grants	\$	850,000	\$	850,000	15164
3GR0 764693 Highway Patrol	\$	2,100,000	\$	2,100,000	15165
Justice Contraband					
3GS0 764694 Highway Patrol	\$	21,000	\$	21,000	15166
Treasury Contraband					
3GU0 761610 Information and	\$	300,000	\$	300,000	15167
Education Grant					
3GU0 764608 Fatality Analysis	\$	175,000	\$	175,000	15168
Report System Grant					
3GU0 764610 Highway Safety	\$	2,250,000	\$	2,250,000	15169
Programs Grant					
3GU0 764659 Motor Carrier Safety	\$	5,200,000	\$	5,200,000	15170
Assistance Program					
Grant					
3GU0 765610 Emergency Medical	\$	225,000	\$	225,000	15171
Services Grants					
3GV0 761612 Traffic Safety Action	\$	24,200,000	\$	24,200,000	15172
Plan Grants					
TOTAL FED Federal Fund Group	\$	35,321,000	\$	35,321,000	15173
TOTAL ALL BUDGET FUND GROUPS	\$	522,480,872	\$	522,478,272	15174
MOTOR VEHICLE REGISTRATION					15175
The Director of Public Safety may deposit revenues to meet					15176
the cash needs of the State Bureau of Motor Vehicles Fund (Fund					15177
4W40) established in section 4501.25 of the Revised Code, obtained					15178

under sections 4503.02 and 4504.02 of the Revised Code, less all 15179  
other available cash. Revenue deposited pursuant to this paragraph 15180  
shall support, in part, appropriations for operating expenses and 15181  
defray the cost of manufacturing and distributing license plates 15182  
and license plate stickers and enforcing the law relative to the 15183  
operation and registration of motor vehicles. Notwithstanding 15184  
section 4501.03 of the Revised Code, the revenues shall be paid 15185  
into Fund 4W40 before any revenues obtained pursuant to sections 15186  
4503.02 and 4504.02 of the Revised Code are paid into any other 15187  
fund. The deposit of revenues to meet the aforementioned cash 15188  
needs shall be in approximately equal amounts on a monthly basis 15189  
or as otherwise approved by the Director of Budget and Management 15190  
pursuant to a plan submitted by the Director of Public Safety. 15191

OPERATING EXPENSE - INFORMATION AND EDUCATION 15192

Of the foregoing appropriation item 761321, Operating Expense 15193  
- Information and Education, \$450,000 in each year shall be used 15194  
to purchase portable driving simulators. 15195

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 15196

The foregoing appropriation item 761401, Public Safety 15197  
Facilities Lease Rental Bond Payments, shall be used to meet all 15198  
payments during the period July 1, 2015, through June 30, 2017, by 15199  
the Department of Public Safety under the leases and agreements 15200  
for facilities under Chapters 152. and 154. of the Revised Code. 15201  
The appropriations are the source of funds pledged for bond 15202  
service charges on related obligations issued under Chapters 152. 15203  
and 154. of the Revised Code. 15204

CASH TRANSFERS BETWEEN FUNDS 15205

Upon written request of the Director of Public Safety, the 15206  
Director of Budget and Management may transfer cash between the 15207  
State Bureau of Motor Vehicles Fund (Fund 4W40) and the State 15208  
Highway Safety Fund (Fund 7036). 15209

CASH TRANSFERS - HIGHWAY PATROL	15210
Upon written request of the Director of Public Safety, the	15211
Director of Budget and Management may transfer cash from the State	15212
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0)	15213
or the Highway Safety Salvage and Exchange Highway Patrol Fund	15214
(Fund 8410) to the Security, Investigations and Policing Fund	15215
(Fund 8400).	15216
CASH TRANSFERS TO THE HIGHWAY SAFETY FUND - SHIPLEY UPGRADES	15217
Pursuant to a plan submitted by the Director of Public	15218
Safety, or as otherwise determined by the Director of Budget and	15219
Management, the Director of Budget and Management may make	15220
appropriate cash transfers on a pro-rata basis as approved by the	15221
Director of Budget and Management from other funds used by the	15222
Department of Public Safety, excluding the Public Safety Building	15223
Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) in	15224
order to reimburse expenditures for capital upgrades to the	15225
Shipley Building.	15226
CASH TRANSFERS - FEDERAL FUNDS	15227
Upon written request of the Director of Public Safety, the	15228
Director of Budget and Management may transfer cash from the	15229
Highway Safety Federal Reimbursement Fund (Fund 8310) to the	15230
Highway Safety Federal Reimbursement Fund (Fund 3GU0).	15231
Upon written request of the Director of Public Safety, the	15232
Director of Budget and Management may transfer cash from the	15233
Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund	15234
3GV0).	15235
Upon written request of the Director of Public Safety, the	15236
Director of Budget and Management may transfer cash from the	15237
Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway	15238
Patrol Justice Contraband Fund (Fund 3GR0).	15239

Upon written request of the Director of Public Safety, the 15240  
Director of Budget and Management may transfer cash from the 15241  
Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway 15242  
Patrol Treasury Contraband Fund (Fund 3GS0). 15243

CREDITING OF MONEYS RECEIVED 15244

Beginning July 1, 2015, or as soon as possible thereafter, 15245  
all moneys received pursuant to section 4501.08 of the Revised 15246  
Code may be deposited to the credit of the Highway Safety Federal 15247  
Reimbursement Fund (Fund 3GU0) or to the Highway Safety Federal 15248  
Reimbursement Fund (Fund 8310), as necessary. 15249

Beginning July 1, 2015, or as soon as possible thereafter, 15250  
all moneys received pursuant to section 4501.09 of the Revised 15251  
Code may be deposited to the credit of the Traffic Safety Fund 15252  
(Fund 3GV0) or to the Traffic Safety Fund (Fund 8320), as 15253  
necessary. 15254

Beginning July 1, 2015, or as soon as possible thereafter, 15255  
all moneys received pursuant to section 2981.14 of the Revised 15256  
Code shall be deposited to the credit of the Highway Patrol 15257  
Justice Contraband Fund (Fund 3GR0). 15258

Beginning July 1, 2015, or as soon as possible thereafter, 15259  
all moneys received pursuant to section 2981.14 of the Revised 15260  
Code shall be deposited to the credit of the Highway Patrol 15261  
Treasury Contraband Fund (Fund 3GS0). 15262

COLLECTIVE BARGAINING INCREASES 15263

Notwithstanding division (D) of section 127.14 and division 15264  
(B) of section 131.35 of the Revised Code, except for the General 15265  
Revenue Fund, the Controlling Board may, upon the request of 15266  
either the Director of Budget and Management, or the Department of 15267  
Public Safety with the approval of the Director of Budget and 15268  
Management, authorize expenditures in excess of appropriations and 15269  
transfer appropriations, as necessary, for any fund used by the 15270

Department of Public Safety, to assist in paying the costs of 15271  
increases in employee compensation that have occurred pursuant to 15272  
collective bargaining agreements under Chapter 4117. of the 15273  
Revised Code and, for exempt employees, under section 124.152 of 15274  
the Revised Code. Any money approved for expenditure under this 15275  
paragraph is hereby appropriated. 15276

CASH BALANCE FUND REVIEW 15277

The Director of Public Safety shall review the cash balances 15278  
for each fund in the State Highway Safety Fund Group, and may 15279  
submit a request in writing to the Director of Budget and 15280  
Management to transfer amounts from any fund in the State Highway 15281  
Safety Fund Group to the credit of the State Highway Safety Fund 15282  
(Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 15283  
4W40), as appropriate. Upon receipt of such a request, the 15284  
Director of Budget and Management may make appropriate transfers 15285  
as requested by the Director of Public Safety or as otherwise 15286  
determined by the Director of Budget and Management. 15287

**Section 207.10.** DEV DEVELOPMENT SERVICES AGENCY 15288

Dedicated Purpose Fund Group 15289  
4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 15290  
TOTAL DPF Dedicated Purpose 15291  
Fund Group \$ 15,200,000 \$ 15,200,000 15292  
TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 15293

ROADWORK DEVELOPMENT FUND 15294

The Roadwork Development Fund shall be used for road 15295  
improvements associated with economic development opportunities 15296  
that will retain or attract businesses for Ohio. "Road 15297  
improvements" are improvements to public roadway facilities 15298  
located on, or serving or capable of serving, a project site. 15299

The Department of Transportation, under the direction of the 15300

Development Services Agency, shall provide these funds in 15301  
accordance with all guidelines and requirements established for 15302  
other Development Services Agency programs, including Controlling 15303  
Board review and approval as well as the requirements for usage of 15304  
motor vehicle fuel tax revenue prescribed in Section 5a of Article 15305  
XII, Ohio Constitution. Should the Development Services Agency 15306  
require the assistance of the Department of Transportation to 15307  
bring a project to completion, the Department of Transportation 15308  
shall use its authority under Title 55 of the Revised Code to 15309  
provide such assistance and may enter into contracts on behalf of 15310  
the Development Services Agency. In addition, these funds may be 15311  
used in conjunction with any other state funds appropriated for 15312  
infrastructure improvements. 15313

The Director of Budget and Management, pursuant to a plan 15314  
submitted by the Director of Development Services or as otherwise 15315  
determined by the Director of Budget and Management, shall set a 15316  
cash transfer schedule to meet the cash needs of the Development 15317  
Services Agency Roadwork Development Fund (Fund 4W00), less any 15318  
other available cash. The Director shall transfer to the Roadwork 15319  
Development Fund from the Highway Operating Fund (Fund 7002), 15320  
established in section 5735.291 of the Revised Code, such amounts 15321  
at such times as determined by the transfer schedule. 15322

**Section 209.10. PWC PUBLIC WORKS COMMISSION** 15323

Dedicated Purpose Fund Group				15324
7052	150402	Local Transportation	\$ 289,020 \$ 291,269	15325
		Improvement Program -		
		Operating		
7052	150701	Local Transportation	\$ 56,000,000 \$ 58,000,000	15326
		Improvement Program		
TOTAL DPF Dedicated Purpose				15327
Fund Group				15328
			\$ 56,289,020 \$ 58,291,269	



Capital Projects Fund Group					15329
7038 150321 State Capital	\$	899,507	\$	905,807	15330
Improvements Program					
- Operating Expenses					
TOTAL CPF Capital Projects					15331
Fund Group	\$	899,507	\$	905,807	15332
TOTAL ALL BUDGET FUND GROUPS	\$	57,188,527	\$	59,197,076	15333
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES					15334
The foregoing appropriation item 150321, State Capital					15335
Improvements Program - Operating Expenses, shall be used by the					15336
Ohio Public Works Commission to administer the State Capital					15337
Improvement Program under sections 164.01 to 164.16 of the Revised					15338
Code.					15339
DISTRICT ADMINISTRATION COSTS					15340
The Director of the Public Works Commission is authorized to					15341
create a District Administration Costs Program from proceeds of					15342
the Capital Improvements Fund and Local Transportation Improvement					15343
Program Fund. The program shall be used to provide for the direct					15344
costs of district administration of the nineteen public works					15345
districts. Districts choosing to participate in the program shall					15346
only expend State Capital Improvements Fund moneys for State					15347
Capital Improvements Fund costs and Local Transportation					15348
Improvement Program Fund moneys for Local Transportation					15349
Improvement Program Fund costs. The District Administration Costs					15350
Program account shall not exceed \$1,235,000 per fiscal year. Each					15351
public works district may be eligible for up to \$65,000 per fiscal					15352
year from its district allocation as provided in sections 164.08					15353
and 164.14 of the Revised Code.					15354
The Director, by rule, shall define allowable and					15355
nonallowable costs for the purpose of the District Administration					15356
Costs Program. Nonallowable costs include indirect costs, elected					15357

official salaries and benefits, and project-specific costs. No 15358  
district public works committee may participate in the District 15359  
Administration Costs Program without the approval of those costs 15360  
by the district public works committee under section 164.04 of the 15361  
Revised Code. 15362

REAPPROPRIATIONS 15363

All capital appropriations from the Local Transportation 15364  
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 15365  
129th General Assembly remaining unencumbered as of June 30, 2015, 15366  
are reappropriated for use during the period July 1, 2015, through 15367  
June 30, 2016, for the same purpose. 15368

Notwithstanding division (B) of section 127.14 of the Revised 15369  
Code, all capital appropriations and reappropriations from the 15370  
Local Transportation Improvement Program Fund (Fund 7052) in this 15371  
act remaining unencumbered as of June 30, 2016, are reappropriated 15372  
for use during the period July 1, 2016, through June 30, 2017, for 15373  
the same purposes, subject to the availability of revenue as 15374  
determined by the Director of the Public Works Commission. 15375

TEMPORARY TRANSFERS 15376

Notwithstanding section 127.14 of the Revised Code, the 15377  
Director of the Public Works Commission may request the Director 15378  
of Budget and Management to transfer moneys from the Local 15379  
Transportation Improvement Fund (Fund 7052) to the State Capital 15380  
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 15381  
(Fund 7056). The Director of Budget and Management may approve 15382  
temporary transfers if such transfers are needed for capital 15383  
outlays for which notes or bonds will be issued. Any transfers 15384  
executed under this section shall be reported to the Controlling 15385  
Board by June 30 of the fiscal year in which the transfer 15386  
occurred. 15387

Section 401.10. All items set forth in this section are 15388  
hereby appropriated out of any moneys in the state treasury to the 15389  
credit of the Building Improvement Fund (Fund 5KZ0) that are not 15390  
otherwise appropriated for the biennium ending June 30, 2016: 15391

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 15392

C10035 Building Improvement \$ 1,252,000 15393

TOTAL Department of Administrative Services \$ 1,252,000 15394

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 15396

The appropriations made in this act, excluding those made 15397  
from the State Capital Improvement Fund (Fund 7038) and the State 15398  
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 15399  
or structures, including remodeling and renovations, are limited 15400  
to: 15401

(A) Acquisition of real property or interests in real 15402  
property; 15403

(B) Buildings and structures, which includes construction, 15404  
demolition, complete heating and cooling, lighting and lighting 15405  
fixtures, and all necessary utilities, ventilating, plumbing, 15406  
sprinkling, water, and sewer systems, when such systems are 15407  
authorized or necessary; 15408

(C) Architectural, engineering, and professional services 15409  
expenses directly related to the projects; 15410

(D) Machinery that is a part of structures at the time of 15411  
initial acquisition or construction; 15412

(E) Acquisition, development, and deployment of new computer 15413  
systems, including the redevelopment or integration of existing 15414  
and new computer systems, but excluding regular or ongoing 15415  
maintenance or support agreements; 15416

(F) Equipment that meets all the following criteria: 15417

(1) The equipment is essential in bringing the facility up to its intended use;	15418 15419
(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more;	15420 15421
(3) The equipment has a useful life of five years or more; and	15422 15423
(4) The equipment is necessary for the functioning of the particular facility or project.	15424 15425
Equipment shall not be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation line items for equipment.	15426 15427 15428 15429 15430
<b>Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION</b>	15431
There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code.	15432 15433 15434 15435 15436 15437 15438 15439
Rebate payments shall be approved and vouchered by the Office of Budget and Management.	15440 15441
<b>Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS</b>	15442 15443
The Director of Budget and Management shall initiate and process payments from lease rental payment appropriation items during the period from July 1, 2015, to June 30, 2017, pursuant to	15444 15445 15446

the lease and other agreements relating to bonds or notes issued 15447  
under Section 2i of Article VIII of the Ohio Constitution and 15448  
Chapters 152. and 154. of the Revised Code. Payments shall be made 15449  
upon certification by the Treasurer of State of the dates and 15450  
amounts due on those dates. 15451

**Section 509.20. LEASE AND DEBT SERVICE PAYMENTS** 15452

Certain appropriations are in this act for the purpose of 15453  
lease rental and other payments under leases and agreements 15454  
relating to bonds or notes issued under the Ohio Constitution and 15455  
acts of the General Assembly. If it is determined that additional 15456  
appropriations are necessary for this purpose, such amounts are 15457  
hereby appropriated. 15458

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY** 15459  
**OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND** 15460

Upon the request of the Director of Transportation, the 15461  
Director of Budget and Management may transfer cash from the 15462  
Highway Operating Fund (Fund 7002) to the Highway Capital 15463  
Improvement Fund (Fund 7042) created in section 5528.53 of the 15464  
Revised Code. The Director of Budget and Management may transfer 15465  
cash from Fund 7042 to Fund 7002 up to the amount of cash 15466  
previously transferred to Fund 7042 under this section. 15467

**Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND** 15468

The Director of Budget and Management shall transfer cash in 15469  
equal monthly increments totaling \$165,664,404 in each fiscal year 15470  
of the biennium ending June 30, 2017 from the Highway Operating 15471  
Fund (Fund 7002), created in section 5735.291 of the Revised Code, 15472  
to the Gasoline Excise Tax Fund (Fund 7060) created in division 15473  
(A) of section 5735.27 of the Revised Code. The monthly amounts 15474  
transferred under this section shall be distributed as follows: 15475

42.86 per cent shall be distributed among the municipal 15476  
corporations within the state under division (A)(2) of section 15477  
5735.27 of the Revised Code; 37.14 per cent shall be distributed 15478  
among the counties within the state under division (A)(3) of 15479  
section 5735.27 of the Revised Code; and 20 per cent shall be 15480  
distributed among the townships within the state under division 15481  
(A)(5)(b) of section 5735.27 of the Revised Code. 15482

**Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING** 15483

On July 1, 2015, and on January 1, 2016, or as soon as 15484  
possible thereafter, respectively, the Director of Budget and 15485  
Management shall transfer \$200,000 in cash, for each period, from 15486  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 15487  
General for ODOT Fund (Fund 5FA0). 15488

On July 1, 2016, and on January 1, 2017, or as soon as 15489  
possible thereafter, respectively, the Director of Budget and 15490  
Management shall transfer \$200,000 in cash, for each period, from 15491  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 15492  
General for ODOT Fund (Fund 5FA0). 15493

Should additional amounts be necessary, the Inspector 15494  
General, with the consent of the Director of Budget and 15495  
Management, may seek Controlling Board approval for additional 15496  
transfers of cash and to increase the amount appropriated from 15497  
appropriation item 965603, Deputy Inspector General for ODOT, in 15498  
the amount of the additional cash transfers. 15499

**Section 512.40. ABOLISHMENT OF FUNDS** 15500

On July 1, 2015, or as soon as possible thereafter, the 15501  
Director of Budget and Management shall transfer the cash balance 15502  
in the MARCS Operations Fund (Fund 4W60) to the MARCS 15503  
Administration Fund (Fund 5C20). Upon completion of the transfer, 15504  
Fund 4W60 is abolished. 15505

On July 1, 2015, or as soon as possible thereafter, the 15506  
Highway Obligation Bond Retirement Fund (Fund 7071) is abolished. 15507

On January 1, 2016, or as soon as possible thereafter, the 15508  
Director of Budget and Management shall transfer the cash balance 15509  
in the Financial Responsibility Compliance Fund (Fund 8350) to the 15510  
State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion 15511  
of the transfer, Fund 8350 is abolished. 15512

On January 1, 2016, or as soon as possible thereafter, the 15513  
Director of Budget and Management shall transfer the cash balance 15514  
in the Law Enforcement Reimbursement Fund (Fund 83R0) to the State 15515  
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 15516  
transfer, Fund 83R0 is abolished. 15517

On March 1, 2016, or as soon as possible thereafter, the 15518  
Director of Budget and Management shall transfer the cash balance 15519  
in the Homeland Security Fund (Fund 5DS0) to the State Bureau of 15520  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 15521  
Fund 5DS0 is abolished. 15522

On March 1, 2016, or as soon as possible thereafter, the 15523  
Director of Budget and Management shall transfer the cash balance 15524  
in the Investigations Fund (Fund 5FL0) to the State Bureau of 15525  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 15526  
Fund 5FL0 is abolished. 15527

On March 1, 2016, or as soon as possible thereafter, the 15528  
Director of Budget and Management shall transfer the cash balance 15529  
in the Highway Safety Federal Reimbursement Fund (Fund 8310) to 15530  
the Highway Safety Federal Reimbursement Fund (Fund 3GU0). Upon 15531  
completion of the transfer, Fund 8310 is abolished. 15532

The Director shall cancel any existing encumbrances against 15533  
Fund 8310 appropriation item 761610, Information and Education - 15534  
Federal, and reestablish them against Fund 3GU0 appropriation item 15535  
761610, Information and Education Grant. The reestablished 15536

encumbrance amounts are hereby appropriated. 15537

The Director shall cancel any existing encumbrances against 15538  
Fund 8310 appropriation item 764608, FARS Grant Federal, and 15539  
reestablish them against Fund 3GU0 appropriation item 764608, 15540  
Fatality Analysis Report System Grant. The reestablished 15541  
encumbrance amounts are hereby appropriated. 15542

The Director shall cancel any existing encumbrances against 15543  
Fund 8310 appropriation item 764610, Patrol - Federal, and 15544  
reestablish them against Fund 3GU0 appropriation item 764610, 15545  
Highway Safety Programs Grant. The reestablished encumbrance 15546  
amounts are hereby appropriated. 15547

The Director shall cancel any existing encumbrances against 15548  
Fund 8310 appropriation item 764659, Transportation Enforcement - 15549  
Federal, and reestablish them against Fund 3GU0 appropriation item 15550  
764659, Motor Carrier Safety Assistance Program Grant. The 15551  
reestablished encumbrance amounts are hereby appropriated. 15552

The Director shall cancel any existing encumbrances against 15553  
Fund 8310 appropriation item 765610, EMS - Federal, and 15554  
reestablish them against Fund 3GU0 appropriation item 765610, 15555  
Emergency Medical Services Grants. The reestablished encumbrance 15556  
amounts are hereby appropriated. 15557

The Director shall cancel any existing encumbrances against 15558  
Fund 8310 appropriation item 769610, Investigative Unit Federal 15559  
Reimbursement, and reestablish them against Fund 3GU0 15560  
appropriation item 769610, Investigations Grants - Food Stamps, 15561  
Liquor and Tobacco Laws. The reestablished encumbrance amounts are 15562  
hereby appropriated. 15563

The Director shall cancel any existing encumbrances against 15564  
Fund 8310 appropriation item 769631, Homeland Security - Federal, 15565  
and reestablish them against Fund 3GU0 appropriation item 769631, 15566  
Homeland Security Disaster Grants. The reestablished encumbrance 15567



amounts are hereby appropriated. 15568

On March 1, 2016, or as soon as possible thereafter, the 15569  
Director of Budget and Management shall transfer the cash balance 15570  
in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund 15571  
(Fund 3GV0). Upon completion of the transfer, Fund 8320 is 15572  
abolished. 15573

The Director shall cancel any existing encumbrances against 15574  
Fund 8320 appropriation item 761612, Traffic Safety - Federal, and 15575  
reestablish them against Fund 3GV0 appropriation item 761612, 15576  
Traffic Safety - Federal. The reestablished encumbrance amounts 15577  
are hereby appropriated. 15578

On March 1, 2016, or as soon as possible thereafter, the 15579  
Director of Budget and Management shall transfer the cash balance 15580  
in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the 15581  
Highway Patrol Justice Contraband Fund (Fund 3GR0). Upon 15582  
completion of the transfer, Fund 83J0 is abolished. 15583

The Director shall cancel any existing encumbrances against 15584  
Fund 83J0 appropriation item 764693, Highway Patrol Justice 15585  
Contraband, and reestablish them against Fund 3GR0 appropriation 15586  
item 764693, Highway Patrol Justice Contraband. The reestablished 15587  
encumbrance amounts are hereby appropriated. 15588

On March 1, 2016, or as soon as possible thereafter, the 15589  
Director of Budget and Management shall transfer the cash balance 15590  
in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the 15591  
Highway Patrol Treasury Contraband Fund (Fund 3GS0). Upon 15592  
completion of the transfer, Fund 83T0 is abolished. 15593

The Director shall cancel any existing encumbrances against 15594  
Fund 83T0 appropriation item 764694, Highway Patrol Treasury 15595  
Contraband, and reestablish them against Fund 3GS0 appropriation 15596  
item 764694, Highway Patrol Treasury Contraband. The reestablished 15597  
encumbrance amounts are hereby appropriated. 15598

**Section 521.10.** To the extent permitted by federal law, 15599  
federal money received by the state for fiscal stabilization and 15600  
recovery purposes shall be used in accordance with the preferences 15601  
for products and services made or performed in the United States 15602  
and Ohio established in section 125.09 of the Revised Code. 15603

**Section 610.01.** That Sections 729.10 and 729.11 of Am. Sub. 15604  
H.B. 483 of the 130th General Assembly be amended to read as 15605  
follows: 15606

**Sec. 729.10.** (A)(1) There is hereby created the Criminal 15607  
Justice Recodification Committee, consisting of ~~twenty-one~~ 15608  
twenty-four members. ~~Two~~ Three members shall be members of the 15609  
Senate, appointed by the President of the Senate. Two of those 15610  
members shall be members of the majority party in the Senate and 15611  
one shall be a member of the minority party in the Senate. Three 15612  
members shall be members of the House of Representatives, 15613  
appointed by the Speaker of the House of Representatives. Two of 15614  
those members shall be members of the majority party in the House 15615  
of Representatives and one shall be a member of the minority party 15616  
in the House of Representatives. One member shall be a Justice of 15617  
the Supreme Court, appointed by the Chief Justice of the Supreme 15618  
Court. One member shall be the Director of Rehabilitation and 15619  
Correction or the Director's individual designee. One member shall 15620  
be the Director of Youth Services or the Director's individual 15621  
designee. Three members, not more than two of whom shall be 15622  
members of the same political party, shall be judges jointly 15623  
appointed by the President of the Senate and the Speaker of the 15624  
House of Representatives after consulting with the Chief Justice 15625  
of the Supreme Court, with each judge being a judge of a court of 15626  
appeals, judge of a court of common pleas, judge of a municipal 15627  
court, or judge of a county court. The following twelve members, 15628

not more than seven of whom shall be members of the same political party, shall be jointly appointed by the President of the Senate and the Speaker of the House of Representatives after consulting with the appropriate state associations, if any, that are represented by these members: one sheriff; one peace officer of a municipal corporation or township; three prosecutors, each of whom is a county prosecuting attorney or a full-time city prosecuting attorney; three attorneys whose practice of law primarily involves the representation of criminal defendants; one member of the Ohio State Bar Association; one representative of community corrections programs; one representative of community addiction services providers or community mental health services providers; and one representative of a juvenile justice organization.

All appointed members of the Committee shall be appointed by the specified appointing authority not later than thirty days after the effective date of the amendments to this section. All members of the Committee who are elected officials and whose term of office expires prior to January 1, 2016, shall serve until the expiration of their term of office. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

When the President of the Senate and the Speaker of the House of Representatives make their appointments to the Committee, they shall consider adequate representation by race and gender.

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

(a) "Community addiction services provider" and "community mental health services provider" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Community corrections programs" has the same meaning as in section 5149.30 of the Revised Code.

(B) The Committee initially shall meet not later than sixty

days after the effective date of the amendments to this act 15659  
section. At its initial meeting, the Committee shall organize, 15660  
select a Chairperson and Vice-chairperson and any other necessary 15661  
officers, and adopt rules to govern its proceedings. The Committee 15662  
shall meet as necessary at the call of the Chairperson or on the 15663  
written request of ~~seven~~ eight or more of its members. ~~Eleven~~ 15664  
Thirteen members of the Committee constitute a quorum, and the 15665  
votes of a majority of the quorum present shall be required to 15666  
validate any action of the Committee. All business of the 15667  
Committee shall be conducted in public meetings. 15668

The members of the Committee shall serve without 15669  
compensation, but each member shall be reimbursed for the member's 15670  
actual and necessary expenses incurred in the performance of the 15671  
member's official duties on the Committee. In the absence of the 15672  
Chairperson, the Vice-chairperson shall perform the duties of the 15673  
Chairperson. 15674

(C) The Committee has the same powers as other standing or 15675  
select committees of the General Assembly. The Committee may 15676  
consult with, and seek and obtain research and technical services 15677  
and support from, any individual, organization, association, 15678  
college, or university. All state and local government agencies 15679  
and entities shall cooperate with the Committee in the performance 15680  
of its duties under this section and Section 729.11 of ~~this act~~ 15681  
Am. Sub. H.B. 483 of the 130th General Assembly. 15682

**Sec. 729.11.** (A) The Criminal Justice Recodification 15683  
Committee shall study the existing criminal statutes of this 15684  
state, with the goal of enhancing public safety and the 15685  
administration of criminal justice in Ohio by eliminating 15686  
duplication in those statutes, aligning those statutes with the 15687  
purpose of defining a culpable mental state for all crimes, 15688  
removing or revising crimes included in those statutes for which 15689

no culpable mental state is provided, and other appropriate 15690  
measures. The Committee shall use the results of its study to 15691  
develop and recommend to the General Assembly a comprehensive plan 15692  
for revising the state's Criminal Code that is consistent with 15693  
those specified goals of the study. 15694

(B) Not later than ~~January~~ August 1, 2016, the Criminal 15695  
Justice Recodification Committee shall recommend to the General 15696  
Assembly a comprehensive plan for revising the state's Criminal 15697  
Code that is consistent with the goals of the Committee's study 15698  
that are specified in division (A) of this section. 15699

(C) Upon its submission to the General Assembly pursuant to 15700  
division (B) of this section of its recommendations for a 15701  
comprehensive plan for revising the state's Criminal Code, the 15702  
Criminal Justice Recodification Committee shall cease to exist. 15703

**Section 610.02.** That existing Sections 729.10 and 729.11 of 15704  
Am. Sub. H.B. 483 of the 130th General Assembly are hereby 15705  
repealed. 15706

**Section 610.10.** That Section 227.10 of Am. H.B. 497 of the 15707  
130th General Assembly be amended to read as follows: 15708

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 15709

Administrative Building Fund (Fund 7026) 15710

C76034	EMA Building System and Equipment	\$	526,600	15711
C76039	Clinton County Farmer's and Sportsman's Association	\$	50,000	15712
C76040	Wayne County Emergency Services Infrastructure	\$	589,000	15713
TOTAL Administrative Building Fund		\$	1,165,600	15714

Highway Safety Fund (Fund 7036) 15715

C76000	Platform Scales Improvements	\$	350,000	15716
C76036	Shipley Building Renovations and Improvements	\$	2,250,000	15717
C76037	Cincinnati Consolidated Center Renovations and Improvements	\$	3,500,000	15718
C76038	Brook Park Facility Renovations and Improvements	\$	900,000	15719
<u>C76043</u>	<u>Minor Capital Projects</u>	<u>\$</u>	<u>1,250,000</u>	15720
TOTAL Highway Safety Fund		\$	<del>7,000,000</del>	15721
			<u>8,250,000</u>	
TOTAL ALL FUNDS		\$	<del>8,165,600</del>	15722
			<u>9,415,600</u>	

**Section 610.11.** That existing Section 227.10 of Am. H.B. 497 15724  
of the 130th General Assembly is hereby repealed. 15725

**Section 755.10.** The Director of Transportation may enter into 15726  
agreements as provided in this section with the United States or 15727  
any department or agency of the United States, including, but not 15728  
limited to, the United States Army Corps of Engineers, the United 15729  
States Forest Service, the United States Environmental Protection 15730  
Agency, and the United States Fish and Wildlife Service. An 15731  
agreement entered into pursuant to this section shall be solely 15732  
for the purpose of dedicating staff to the expeditious and timely 15733  
review of environmentally related documents submitted by the 15734  
Director of Transportation, as necessary for the approval of 15735  
federal permits. The agreements may include provisions for advance 15736  
payment by the Director of Transportation for labor and all other 15737  
identifiable costs of the United States or any department or 15738  
agency of the United States providing the services, as may be 15739  
estimated by the United States, or the department or agency of the 15740  
United States. The Director shall submit a request to the 15741  
Controlling Board indicating the amount of the agreement, the 15742

services to be performed by the United States or the department or 15743  
agency of the United States, and the circumstances giving rise to 15744  
the agreement. 15745

**Section 755.20.** (A) As used in this section, "indefinite 15746  
delivery indefinite quantity contract" means a contract for an 15747  
indefinite quantity, within stated limits, of supplies or services 15748  
that will be delivered by the awarded bidder over a defined 15749  
contract period. 15750

(B) The Director of Transportation shall advertise and seek 15751  
bids for, and shall award, indefinite delivery indefinite quantity 15752  
contracts for not more than two projects in fiscal year 2016 and 15753  
for not more than two projects in fiscal year 2017. For purposes 15754  
of entering into indefinite delivery indefinite quantity 15755  
contracts, the Director shall do all of the following: 15756

(1) Prepare bidding documents; 15757

(2) Establish contract forms; 15758

(3) Determine contract terms and conditions, including the 15759  
following: 15760

(a) The maximum overall value of the contract, which may 15761  
include an allowable increase of one hundred thousand dollars or 15762  
five per cent of the advertised contract value, whichever is less; 15763

(b) The duration of the contract, including a time extension 15764  
of up to one year if determined appropriate by the Director; 15765

(c) The defined geographical area to which the contract 15766  
applies, which shall be not greater than the size of one district 15767  
of the Department of Transportation. 15768

(4) Develop and implement a work order process in order to 15769  
provide the awarded bidder adequate notice of requested supplies 15770  
or services, the anticipated quantities of supplies, and work 15771

location information for each work order. 15772

(5) Take any other action necessary to fulfill the duties and 15773  
obligations of the Director under this section. 15774

(C) Section 5525.01 of the Revised Code applies to indefinite 15775  
delivery indefinite quantity contracts. 15776

**Section 755.40.** (A) There is hereby created the Joint 15777  
Legislative Task Force on Department of Transportation Funding. 15778  
The Task Force shall consist of three members of the House Finance 15779  
and Appropriations Committee, one of whom is a member of the 15780  
Minority party, all of whom shall be appointed by the Speaker of 15781  
the House of Representatives; and three members of the Senate 15782  
Transportation Committee, one of whom is a member of the Minority 15783  
party, all of whom shall be appointed by the President of the 15784  
Senate. In making Minority party appointments, the Speaker shall 15785  
consult with the Minority Leader of the House of Representatives, 15786  
and the President shall consult with the Minority Leader of the 15787  
Senate. 15788

If the President of the Senate does not appoint members to 15789  
the Task Force by September 15, 2015, the Speaker of the House of 15790  
Representatives shall appoint the members from the Senate to the 15791  
Task Force. If the Speaker of the House of Representatives does 15792  
not appoint members to the Task Force by September 15, 2015, the 15793  
President of the Senate shall appoint the members from the House 15794  
of Representatives to the Task Force. 15795

(B) The Task Force shall examine the funding needs of the 15796  
Ohio Department of Transportation and shall study specifically the 15797  
issue of the effectiveness of the Ohio motor fuel tax in meeting 15798  
those funding needs. The Task Force also shall study alternative 15799  
methods for funding the construction and maintenance of Ohio's 15800  
roadways and infrastructure. 15801



(C) Not later than December 15, 2016, the Task Force shall 15802  
issue a report containing its findings and recommendations to the 15803  
President of the Senate, the Minority Leader of the Senate, the 15804  
Speaker of the House of Representatives, and the Minority Leader 15805  
of the House of Representatives. At that time, the Task Force 15806  
shall cease to exist. 15807

**Section 755.50.** The General Assembly may create the 15808  
Transportation Oversight Committee on Rural Busing. If created, 15809  
the Committee shall consist of three members of the Senate 15810  
appointed by the President of the Senate, not more than two of 15811  
whom shall be members of the same political party, and three 15812  
members of the House of Representatives appointed by the Speaker 15813  
of the House of Representatives, not more than two of whom shall 15814  
be members of the same political party. In making Minority Party 15815  
appointments, the Speaker shall consult with the Minority Leader 15816  
of the House of Representatives, and the President shall consult 15817  
with the Minority Leader of the Senate. 15818

If created, the Committee shall review rural busing routes 15819  
and study whether the routes sufficiently meet the transportation 15820  
needs of the communities they serve. Not later than December 15, 15821  
2016, the Committee shall submit a report of its findings and 15822  
recommendations to the Governor, the President of the Senate, the 15823  
Minority Leader of the Senate, the Speaker of the House of 15824  
Representatives, and the Minority Leader of the House of 15825  
Representatives. Thereafter, the committee shall cease to exist. 15826

**Section 755.70.** The Department of Transportation shall 15827  
utilize a one-hundred-year service life design standard for new 15828  
bridge construction that is consistent with the recommendations of 15829  
the Design Guide for Bridges for Service Life published in 2013 by 15830  
the Transportation Research Board for purposes of a pilot project 15831  
that shall consist of the construction of not less than five but 15832

not more than eight new bridges. In selecting the bridge locations 15833  
for the pilot project, the Department shall select sites in all 15834  
areas of the state. The counties in which the sites are located 15835  
shall represent a mixture of counties that are urban, rural, and 15836  
suburban in nature. 15837

The Director of Transportation, in accordance with Chapter 15838  
119. of the Revised Code, may adopt rules to implement the pilot 15839  
program. 15840

**Section 755.80.** Not later than December 31, 2015, the 15841  
Director of Transportation shall submit written notice to the 15842  
President of the Senate and the Speaker of the House of 15843  
Representatives identifying the recommended preferred alignment of 15844  
the roadway construction project entitled as "SR 32F - New 15845  
Connector from the Red Bank Road to Bells Lane," that has been 15846  
assigned the project identification number 86462, on the Tier 3 15847  
list of projects of the Transportation Review Advisory Council. 15848

**Section 757.10.** Beginning on July 31, 2015, and on the last 15849  
day of the month for each month thereafter, before making any of 15850  
the distributions specified in sections 5735.23, 5735.26, 15851  
5735.291, and 5735.30 of the Revised Code but after any transfers 15852  
to the tax refund fund as required by those sections and section 15853  
5703.052 of the Revised Code, the Treasurer of State shall deposit 15854  
the first two per cent of the amount of motor fuel tax received 15855  
for the preceding calendar month to the credit of the Highway 15856  
Operating Fund (Fund 7002). 15857

**Section 757.20.** Notwithstanding Chapter 5735. of the Revised 15858  
Code, the following apply for the period of July 1, 2015, through 15859  
June 30, 2017: 15860

(A) For the discount under section 5735.06 of the Revised 15861

Code, if the monthly report is timely filed and the tax is timely 15862  
paid, one per cent of the total number of gallons of motor fuel 15863  
received by the motor fuel dealer within the state during the 15864  
preceding calendar month, less the total number of gallons 15865  
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 15866  
the Revised Code, less one-half of one per cent of the total 15867  
number of gallons of motor fuel that were sold to a retail dealer 15868  
during the preceding calendar month. 15869

(B) For the semiannual periods ending December 31, 2015, June 15870  
30, 2016, December 31, 2016, and June 30, 2017, the refund 15871  
provided to retail dealers under section 5735.141 of the Revised 15872  
Code shall be one-half of one per cent of the Ohio motor fuel 15873  
taxes paid on fuel purchased during those semiannual periods. 15874

**Section 757.30.** The amendment by this act of section 5739.02 15875  
of the Revised Code applies on and after January 1, 2010. 15876  
Notwithstanding division (D) of section 5739.07 of the Revised 15877  
Code, any person that paid taxes imposed under Chapter 5739. or 15878  
5741. on the basis of transactions described in that amendment on 15879  
or after that date may apply for a refund of such taxes in the 15880  
manner prescribed by section 5739.07 of the Revised Code, and the 15881  
Tax Commissioner shall consider the refund application as 15882  
otherwise provided under that section. Notwithstanding section 15883  
5739.13 of the Revised Code, any liability for unpaid taxes on the 15884  
basis of transactions described in that amendment accruing on or 15885  
after that date is hereby abated regardless of whether an 15886  
assessment has been issued under that section, and no assessment 15887  
may be issued on the basis of such taxes. 15888

**Section 801.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO 15889  
APPROPRIATIONS 15890

Law contained in the main operating appropriations act of the 15891

131st General Assembly that is generally applicable to the 15892  
appropriations made in the main operating appropriations act also 15893  
is generally applicable to the appropriations made in this act. 15894

**Section 801.20.** As used in the uncodified law of this act, 15895  
"American Recovery and Reinvestment Act of 2009" means the 15896  
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 15897  
111-5, 123 Stat. 115. 15898

**Section 806.10.** The items of law contained in this act, and 15899  
their applications, are severable. If any item of law contained in 15900  
this act, or if any application of any item of law contained in 15901  
this act, is held invalid, the invalidity does not affect other 15902  
items of law contained in this act and their applications that can 15903  
be given effect without the invalid item or application. 15904

**Section 812.10.** Except as otherwise provided in this act, the 15905  
amendment, enactment, or repeal by this act of a section of law is 15906  
subject to the referendum under Ohio Constitution, Article II, 15907  
Section 1c and therefore takes effect on the ninety-first day 15908  
after this act is filed with the Secretary of State or, if a later 15909  
effective date is specified below, on that date. 15910

**Section 812.20.** In this section, an "appropriation" includes 15911  
another provision of law in this act that relates to the subject 15912  
of the appropriation. 15913

An appropriation of money made in this act is not subject to 15914  
the referendum insofar as a contemplated expenditure authorized 15915  
thereby is wholly to meet a current expense within the meaning of 15916  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 15917  
Revised Code. To that extent, the appropriation takes effect 15918  
immediately when this act becomes law. Conversely, the 15919  
appropriation is subject to the referendum insofar as a 15920

contemplated expenditure authorized thereby is wholly or partly 15921  
not to meet a current expense within the meaning of Ohio 15922  
Constitution, Article II, Section 1d and section 1.471 of the 15923  
Revised Code. To that extent, the appropriation takes effect on 15924  
the ninety-first day after this act is filed with the Secretary of 15925  
State. 15926

**Section 812.30.** The amendment to section 4503.102 of the 15927  
Revised Code contained in Section 101.01 of this act that requires 15928  
the Registrar of Motor Vehicles, for purposes of the centralized 15929  
system of motor vehicle registration, to accept payments via the 15930  
toll-free telephone number established under division (D)(1) of 15931  
section 4503.031 of the Revised Code for renewals made by mail 15932  
shall take effect six months after the effective date of this 15933  
section. 15934

**Section 815.10.** The General Assembly, applying the principle 15935  
stated in division (B) of section 1.52 of the Revised Code that 15936  
amendments are to be harmonized if reasonably capable of 15937  
simultaneous operation, finds that the following sections, 15938  
presented in this act as composites of the sections as amended by 15939  
the acts indicated, are the resulting versions of the sections in 15940  
effect prior to the effective date of the sections as presented in 15941  
this act: 15942

Section 3772.10 of the Revised Code as amended by both Am. 15943  
Sub. H.B. 386 and Am. Sub. S.B. 337 of the 129th General Assembly. 15944

Section 4501.21 of the Revised Code as amended by Am. Sub. 15945  
H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the 15946  
130th General Assembly. 15947

Section 4503.102 of the Revised Code as amended by both H.B. 15948  
13 and Am. Sub. H.B. 119 of the 127th General Assembly. 15949

Section 4506.09 of the Revised Code as amended by both Am. 15950

Sub. H.B. 51 and Am. Sub. H.B. 98 of the 130th General Assembly.	15951
Section 4507.11 of the Revised Code, that is effective until	15952
January 1, 2017, as amended by both S.B. 271 and Am. Sub. H.B. 600	15953
of the 123rd General Assembly.	15954
Section 4507.21 of the Revised Code as amended by both Am.	15955
Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly.	15956
Section 4508.02 of the Revised Code as amended by both Sub.	15957
H.B. 99 and Am. Sub. H.B. 487 of the 129th General Assembly.	15958
<b>Section 815.20.</b> The amendments made by Sub. S.B. 114 of the	15959
129th General Assembly to sections 4501.01, 4503.04, 4503.21,	15960
4503.22, 4503.544, and 4511.53 are scheduled to take effect	15961
January 1, 2017. The purpose of the changes to those sections	15962
under this act is to accelerate and modify the amendments made to	15963
those sections by Sub. S.B. 114 of the 129th General Assembly	15964
pertaining to cab-enclosed motorcycles. Those amendments	15965
pertaining to cab-enclosed motorcycles shall take effect on the	15966
effective date of this act. This act does not modify the	15967
amendments made to those sections by Sub. S.B. 114 of the 129th	15968
General Assembly that do not pertain to cab-enclosed motorcycles	15969
and those amendments continue to take effect January 1, 2017.	15970