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Representative Grossman

Cosponsors: Representatives Smith, R., Cera, Sears, Scherer, Green, Perales, Burkley, Sprague, Reece, Amstutz, Anielski, Antonio, Baker, Barnes, Blessing, Boose, Brenner, Brown, Buchy, Celebrezze, Conditt, Derickson, Dever, DeVitis, Dovilla, Driehaus, Duffey, Gerberry, Ginter, Hackett, Hambley, Henne, Hill, Huffman, Johnson, T., Koehler, Kraus, Kunze, Leland, Maag, 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

A B I L L

To amend sections 125.834, 126.06, 127.14, 1547.15,	1
1548.07, 4501.03, 4501.04, 4501.044, 4501.045,	2
4501.06, 4501.11, 4501.26, 4501.34, 4503.102,	3
4503.103, 4503.233, 4503.26, 4505.09, 4505.14,	4
4506.01, 4506.03, 4506.05, 4506.06, 4506.07,	5
4506.071, 4506.08, 4506.09, 4506.10, 4506.12,	6
4506.13, 4506.15, 4506.16, 4506.17, 4506.20,	7
4506.21, 4507.23, 4508.01, 4508.02, 4508.03,	8
4508.04, 4508.05, 4508.06, 4508.10, 4509.05,	9
4509.101, 4509.81, 4513.263, 4519.63, 4749.07,	10
5501.55, 5501.56, 5502.03, 5502.39, 5502.67,	11
5528.31, 5528.40, 5531.08, 5537.35, 5543.22,	12
5728.08, 5735.23, 5735.26, 5735.291, and 5735.30;	13
to enact sections 4508.11, 5501.08, and 5531.30;	14
and to repeal sections 4501.19, 4501.28, 5502.131,	15
5528.19, 5528.32, 5528.33, 5528.35, 5528.36,	16

5528.38, and 5528.39 of the Revised Code and to 17
amend Section 227.10 of Am. H.B. 497 of the 130th 18
General Assembly to make appropriations for 19
programs related to transportation and public 20
safety for the biennium beginning July 1, 2015, 21
and ending June 30, 2017, and to provide 22
authorization and conditions for the operation of 23
those programs. 24

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

Section 101.01. That sections 125.834, 126.06, 127.14, 25
1547.15, 1548.07, 4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 26
4501.11, 4501.26, 4501.34, 4503.102, 4503.103, 4503.233, 4503.26, 27
4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 28
4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 29
4506.16, 4506.17, 4506.20, 4506.21, 4507.23, 4508.01, 4508.02, 30
4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 4509.05, 4509.101, 31
4509.81, 4513.263, 4519.63, 4749.07, 5501.55, 5501.56, 5502.03, 32
5502.39, 5502.67, 5528.31, 5528.40, 5531.08, 5537.35, 5543.22, 33
5728.08, 5735.23, 5735.26, 5735.291, and 5735.30 be amended and 34
sections 4508.11, 5501.08, and 5531.30 of the Revised Code be 35
enacted to read as follows: 36

Sec. 125.834. (A) The department of administrative services 37
shall ensure that all new motor vehicles acquired ~~on and after~~ 38
~~July 1, 2006,~~ by the state for use by state agencies under section 39
125.832 of the Revised Code are capable of using alternative 40
fuels. A state agency that is acquiring new motor vehicles under 41
division (G)(1) of section 125.832 of the Revised Code shall 42
report annually, in a manner prescribed by the director of 43
administrative services, the number of new motor vehicles acquired 44
by the state agency and the number of those motor vehicles that 45

are capable of using alternative fuel. 46

(B) The department shall not purchase or lease, or authorize 47
the purchase or lease by a state agency of, any motor vehicles 48
that are incapable of using alternative fuels, unless one or more 49
of the following apply: 50

(1) The department or state agency is unable to acquire or 51
operate motor vehicles within the cost limitations described in 52
rules adopted under division (D) of this section. 53

(2) The use of alternative fuels would not meet the energy 54
conservation and exhaust emissions criteria described in rules 55
adopted under division (D) of this section. 56

(3) An emergency exists or exigent circumstances exist, as 57
determined by the department of administrative services. 58

(C) ~~Not later than ninety days after October 12, 2006, all~~ 59
All motor vehicles owned or leased by the state that are capable 60
of using an alternative fuel shall use an alternative fuel if the 61
fuel is reasonably available at a reasonable price. ~~Subject to~~ 62
~~division (D) of this section, motor vehicles owned or leased by~~ 63
~~the state shall use at least sixty thousand gallons of E85 blend~~ 64
~~fuel per calendar year by January 1, 2007, with an increase of~~ 65
~~five thousand gallons per calendar year each calendar year~~ 66
~~thereafter, and at least one million gallons of blended biodiesel~~ 67
~~per calendar year by January 1, 2007, with an increase of one~~ 68
~~hundred thousand gallons per calendar year each calendar year~~ 69
~~thereafter.~~ The director of administrative services, under Chapter 70
119. of the Revised Code, shall adopt rules to implement the fuel 71
use requirement of this division, and the directors and heads of 72
all state departments and agencies shall issue a directive to all 73
state employees who use state motor vehicles informing them of the 74
fuel use requirement. The directive shall instruct state employees 75
to purchase alternative fuels at retail fuel facilities whenever 76

possible. 77

As used in this division, "motor vehicle" has the same 78
meaning as in section 125.831 of the Revised Code and also 79
includes all on-road and off-road vehicles powered by diesel fuel, 80
regardless of gross vehicle weight. 81

(D) The director of administrative services shall adopt and 82
may amend, under Chapter 119. of the Revised Code, rules that 83
include both of the following: 84

(1) Requirements for state agencies in the procurement of 85
alternative fuels and motor vehicles capable of using alternative 86
fuels, and cost limitations for the acquisition and operation of 87
such vehicles; 88

(2) Energy conservation and exhaust emissions criteria for 89
motor vehicles capable of using alternative fuels. 90

Sec. 126.06. The total operating fund consists of all funds 91
in the state treasury except the auto registration distribution 92
fund, local motor vehicle license tax fund, development bond 93
retirement fund, facilities establishment fund, gasoline excise 94
tax fund, higher education improvement fund, highway improvement 95
bond retirement fund, ~~highway obligations bond retirement fund,~~ 96
highway capital improvement fund, improvements bond retirement 97
fund, mental health facilities improvement fund, parks and 98
recreation improvement fund, public improvements bond retirement 99
fund, school district income tax fund, state agency facilities 100
improvement fund, state and local government highway distribution 101
fund, state highway safety fund, Vietnam conflict compensation 102
fund, any other fund determined by the director of budget and 103
management to be a bond fund or bond retirement fund, and such 104
portion of the highway operating fund as is determined by the 105
director of budget and management and the director of 106
transportation to be restricted by Section 5a of Article XII, Ohio 107

Constitution. 108

When determining the availability of money in the total 109
operating fund to pay claims chargeable to a fund contained within 110
the total operating fund, the director of budget and management 111
shall use the same procedures and criteria the director employs in 112
determining the availability of money in a fund contained within 113
the total operating fund. The director may establish limits on the 114
negative cash balance of the general revenue fund within the total 115
operating fund, but in no case shall the negative cash balance of 116
the general revenue fund exceed ten per cent of the total revenue 117
of the general revenue fund in the preceding fiscal year. 118

Sec. 127.14. The controlling board may, at the request of any 119
state agency or the director of budget and management, authorize, 120
with respect to the provisions of any appropriation act: 121
122

(A) Transfers of all or part of an appropriation within but 123
not between state agencies, except such transfers as the director 124
of budget and management is authorized by law to make, provided 125
that no transfer shall be made by the director for the purpose of 126
effecting new or changed levels of program service not authorized 127
by the general assembly; 128

(B) Transfers of all or part of an appropriation from one 129
fiscal year to another; 130

(C) Transfers of all or part of an appropriation within or 131
between state agencies made necessary by administrative 132
reorganization or by the abolition of an agency or part of an 133
agency; 134

(D) Transfers of all or part of cash balances in excess of 135
needs from any fund of the state to the general revenue fund or to 136
such other fund of the state to which the money would have been 137

credited in the absence of the fund from which the transfers are	138
authorized to be made, except that the controlling board may not	139
authorize such transfers from the accrued leave liability fund,	140
auto registration distribution fund, local motor vehicle license	141
tax fund, budget stabilization fund, building improvement fund,	142
development bond retirement fund, facilities establishment fund,	143
gasoline excise tax fund, general revenue fund, higher education	144
improvement fund, highway improvement bond retirement fund,	145
highway obligations bond retirement fund , highway capital	146
improvement fund, highway operating fund, horse racing tax fund,	147
improvements bond retirement fund, public library fund, liquor	148
control fund, local government fund, local transportation	149
improvement program fund, medicaid reserve fund, mental health	150
facilities improvement fund, Ohio fairs fund, parks and recreation	151
improvement fund, public improvements bond retirement fund, school	152
district income tax fund, state agency facilities improvement	153
fund, state and local government highway distribution fund, state	154
highway safety fund, state lottery fund, undivided liquor permit	155
fund, Vietnam conflict compensation bond retirement fund,	156
volunteer fire fighters' dependents fund, waterways safety fund,	157
wildlife fund, workers' compensation fund, or any fund not	158
specified in this division that the director of budget and	159
management determines to be a bond fund or bond retirement fund;	160
(E) Transfers of all or part of those appropriations included	161
in the emergency purposes account of the controlling board;	162
(F) Temporary transfers of all or part of an appropriation or	163
other moneys into and between existing funds, or new funds, as may	164
be established by law when needed for capital outlays for which	165
notes or bonds will be issued;	166
(G) Transfer or release of all or part of an appropriation to	167
a state agency requiring controlling board approval of such	168
transfer or release as provided by law;	169

(H) Temporary transfer of funds included in the emergency 170
purposes appropriation of the controlling board. Such temporary 171
transfers may be made subject to conditions specified by the 172
controlling board at the time temporary transfers are authorized. 173
No transfers shall be made under this division for the purpose of 174
effecting new or changed levels of program service not authorized 175
by the general assembly. 176

As used in this section, "request" means an application by a 177
state agency or the director of budget and management seeking some 178
action by the controlling board. 179

When authorizing the transfer of all or part of an 180
appropriation under this section, the controlling board may 181
authorize the transfer to an existing appropriation item and the 182
creation of and transfer to a new appropriation item. 183

Whenever there is a transfer of all or part of funds included 184
in the emergency purposes appropriation by the controlling board, 185
pursuant to division (E) of this section, the state agency or the 186
director of budget and management receiving such transfer shall 187
keep a detailed record of the use of the transferred funds. At the 188
earliest scheduled meeting of the controlling board following the 189
accomplishment of the purposes specified in the request originally 190
seeking the transfer, or following the total expenditure of the 191
transferred funds for the specified purposes, the state agency or 192
the director of budget and management shall submit a report on the 193
expenditure of such funds to the board. The portion of any 194
appropriation so transferred which is not required to accomplish 195
the purposes designated in the original request to the controlling 196
board shall be returned to the proper appropriation of the 197
controlling board at this time. 198

Notwithstanding any provisions of law providing for the 199
deposit of revenues received by a state agency to the credit of a 200
particular fund in the state treasury, whenever there is a 201

temporary transfer of funds included in the emergency purposes 202
appropriation of the controlling board pursuant to division (H) of 203
this section, revenues received by any state agency receiving such 204
a temporary transfer of funds shall, as directed by the 205
controlling board, be transferred back to the emergency purposes 206
appropriation. 207

The board may delegate to the director of budget and 208
management authority to approve transfers among items of 209
appropriation under division (A) of this section. 210

Sec. 1547.15. Any person who operates a vessel towing any 211
person riding or attempting to ride upon one or more water skis or 212
upon a surfboard or similar device, or engaging or attempting to 213
engage in barefoot skiing, on the waters in this state shall have 214
present in the vessel a one or both of the following: 215

(A) A person or persons other than the operator, ten years of 216
age or older, who shall at all times observe the progress of the 217
person being towed; 218

(B) A rearview mirror mounted so that the operator can 219
observe the activities of the person being towed. The 220

The operator of the towing vessel shall at all times observe 221
the traffic pattern toward which the vessel is approaching. 222

No person shall operate or permit to be operated any vessel 223
on the waters in this state in violation of this section. 224

Sec. 1548.07. (A) An application for a certificate of title 225
shall be sworn to before a notary public or other officer 226
empowered to administer oaths by the lawful owner or purchaser of 227
the watercraft or outboard motor and shall contain the following 228
information in the form and together with any other information 229
that the chief of the division of watercraft may require: 230

(1) Name, address, and social security number or employer's tax identification number of the applicant;	231
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(2) Statement of how the watercraft or outboard motor was acquired;	233
	234
(3) Name and address of the previous owner;	235
(4) A statement of all liens, mortgages, or other encumbrances on the watercraft or outboard motor, including a description of the nature and amount of each lien, mortgage, or encumbrance, and the name and address of each holder of the lien, mortgage, or encumbrance;	236
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(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact;	241
	242
(6) A description of the watercraft, including the make, year, length, series or model, if any, body type, <u>and</u> hull identification number or serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or a description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower;	243
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(7) The purchase price, trade-in allowed, and amount of sales or use tax paid under Chapter 5739. or 5741. of the Revised Code.	250
	251
(B) If the application is made by two persons regarding a watercraft or outboard motor in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code.	252
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(C) If the applicant wishes to designate a watercraft or outboard motor in beneficiary form, the applicant may do so as provided in section 2131.13 of the Revised Code.	256
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(D) If the watercraft or outboard motor contains a permanent identification number placed on the watercraft or outboard motor	259
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by the manufacturer, this number shall be used as the serial 261
number or hull identification number. If there is no 262
manufacturer's identification number, or if the manufacturer's 263
identification number has been removed or obliterated, the chief, 264
upon receipt of a prescribed application and proof of ownership, 265
may assign an identification number for the watercraft or outboard 266
motor, and this number shall be permanently affixed or imprinted 267
by the applicant, at the place and in the manner designated by the 268
chief, upon the watercraft or outboard motor for which it is 269
assigned. 270

Sec. 4501.03. The registrar of motor vehicles shall open an 271
account with each county and district of registration in the 272
state, and may assign each county and district of registration in 273
the state a unique code for identification purposes. Except as 274
provided in section 4501.044 or division (A)(1) of section 275
4501.045 of the Revised Code, the registrar shall pay all moneys 276
the registrar receives under sections 4503.02 and 4503.12 of the 277
Revised Code into the state treasury to the credit of the auto 278
registration distribution fund, which is hereby created, for 279
distribution in the manner provided for in this section and 280
section 4501.04 of the Revised Code. All other moneys received by 281
the registrar shall be deposited in the state bureau of motor 282
vehicles fund established in section 4501.25 of the Revised Code 283
for the purposes enumerated in that section, unless otherwise 284
provided by law. 285

All moneys credited to the auto registration distribution 286
fund shall be distributed to the counties and districts of 287
registration, ~~after receipt of certifications from the~~ 288
~~commissioners of the sinking fund certifying, as required by~~ 289
~~sections 5528.15 and 5528.35 of the Revised Code, that there are~~ 290
~~sufficient moneys to the credit of the highway improvement bond~~ 291
~~retirement fund created by section 5528.12 of the Revised Code to~~ 292

~~meet in full all payments of interest, principal, and charges for 293
the retirement of bonds and other obligations issued pursuant to 294
Section 2g of Article VIII, Ohio Constitution, and sections 295
5528.10 and 5528.11 of the Revised Code due and payable during the 296
current calendar year, and that there are sufficient moneys to the 297
credit of the highway obligations bond retirement fund created by 298
section 5528.32 of the Revised Code to meet in full all payments 299
of interest, principal, and charges for the retirement of highway 300
obligations issued pursuant to Section 2i of Article VIII, Ohio 301
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 302
due and payable during the current calendar year, in the manner 303
provided in section 4501.04 of the Revised Code. 304~~

The treasurer of state may invest any portion of the moneys 305
credited to the auto registration distribution fund, in the same 306
manner and subject to all the laws with respect to the investment 307
of state funds by the treasurer of state, and all investment 308
earnings of the fund shall be credited to the fund. 309

Once each month the registrar shall prepare vouchers in favor 310
of the county auditor of each county for the amount of the tax 311
collection pursuant to sections 4503.02 and 4503.12 of the Revised 312
Code apportioned to the county and to the districts of 313
registration located wholly or in part in the county auditor's 314
county. The county auditor shall distribute the proceeds of the 315
tax collections due the county and the districts of registration 316
in the manner provided in section 4501.04 of the Revised Code. 317

All moneys received by the registrar under sections 4503.02 318
and 4503.12 of the Revised Code shall be distributed to counties, 319
townships, and municipal corporations within thirty days of the 320
expiration of the registration year, except that a sum equal to 321
five per cent of the total amount received under sections 4503.02 322
and 4503.12 of the Revised Code may be reserved to make final 323
adjustments in accordance with the formula for distribution set 324

forth in section 4501.04 of the Revised Code. If amounts set aside 325
to make the adjustments are inadequate, necessary adjustments 326
shall be made immediately out of funds available for distribution 327
for the following two registration years. 328

Sec. 4501.04. All moneys paid into the auto registration 329
distribution fund under section 4501.03 of the Revised Code, 330
except moneys received under section 4503.02 of the Revised Code 331
in accordance with section 4501.13 of the Revised Code, and except 332
moneys paid for costs of audits under section 4501.03 of the 333
Revised Code, ~~after receipt by the treasurer of state of~~ 334
~~certifications from the commissioners of the sinking fund~~ 335
~~certifying, as required by sections 5528.15 and 5528.35 of the~~ 336
~~Revised Code, that there are sufficient moneys to the credit of~~ 337
~~the highway improvement bond retirement fund created by section~~ 338
~~5528.12 of the Revised Code to meet in full all payments of~~ 339
~~interest, principal, and charges for the retirement of bonds and~~ 340
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 341
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 342
~~Code, due and payable during the current calendar year, and that~~ 343
~~there are sufficient moneys to the credit of the highway~~ 344
~~obligations bond retirement fund created by section 5528.32 of the~~ 345
~~Revised Code to meet in full all payments of interest, principal,~~ 346
~~and charges for the retirement of highway obligations issued~~ 347
~~pursuant to Section 2i of Article VIII, Ohio Constitution, and~~ 348
~~sections 5528.30 and 5528.31 of the Revised Code due and payable~~ 349
~~during the current calendar year, shall be distributed as follows:~~ 350

(A) Thirty-four per cent of all such moneys are for the use 351
of the municipal corporation or county which constitutes the 352
district of registration. The portion of such money due to the 353
municipal corporation shall be paid into its treasury forthwith 354
upon receipt by the county auditor, and shall be used to plan, 355
construct, reconstruct, repave, widen, maintain, repair, clear, 356

and clean public highways, roads, and streets; to maintain and 357
repair bridges and viaducts; to purchase, erect, and maintain 358
street and traffic signs and markers; to purchase, erect, and 359
maintain traffic lights and signals; to pay the principal, 360
interest, and charges on bonds and other obligations issued 361
pursuant to Chapter 133. of the Revised Code or incurred pursuant 362
to section 5531.09 of the Revised Code for the purpose of 363
acquiring or constructing roads, highways, bridges, or viaducts, 364
or acquiring or making other highway improvements for which the 365
municipal corporation may issue bonds; and to supplement revenue 366
already available for such purposes. 367

The county portion of such funds shall be retained in the 368
county treasury and shall be used for the planning, maintenance, 369
repair, construction, and repaving of public streets, and 370
maintaining and repairing bridges and viaducts; the payment of 371
principal, interest, and charges on bonds and other obligations 372
issued pursuant to Chapter 133. of the Revised Code or incurred 373
pursuant to section 5531.09 of the Revised Code for the purpose of 374
acquiring or constructing roads, highways, bridges, or viaducts or 375
acquiring or making other highway improvements for which the board 376
of county commissioners may issue bonds under such chapter; and 377
for no other purpose. 378

(B) Five per cent of all such moneys, together with interest 379
earned by the treasurer of state as provided in section 4501.03 of 380
the Revised Code, shall constitute a fund for the use of the 381
several counties for the purposes specified in division (C) of 382
this section. The moneys shall be divided equally among all the 383
counties in the state and shall be paid out by the registrar of 384
motor vehicles in equal proportions to the county auditor of each 385
county within the state. 386

(C) Forty-seven per cent of all such moneys shall be for the 387
use of the county in which the owner resides or in which the place 388

is located at which the established business or branch business in 389
connection with which the motor vehicle registered is used, for 390
the planning, construction, reconstruction, improvement, 391
maintenance, and repair of roads and highways; maintaining and 392
repairing bridges and viaducts; and the payment of principal, 393
interest, and charges on bonds and other obligations issued 394
pursuant to Chapter 133. of the Revised Code or incurred pursuant 395
to section 5531.09 of the Revised Code for the purpose of 396
acquiring or constructing roads, highways, bridges, or viaducts or 397
acquiring or making other highway improvements for which the board 398
of county commissioners may issue bonds under such chapter. 399

(D) Nine per cent of all such moneys shall be for the use of 400
the several counties for the purposes specified in division (C) of 401
this section and shall be distributed to the several counties in 402
the ratio which the total number of miles of county roads under 403
the jurisdiction of each board of county commissioners in each 404
county bears to the total number of miles of county roads in the 405
state, as determined by the director of transportation. Before 406
such distribution is made each board of county commissioners shall 407
certify in writing to the director the actual number of miles 408
under its statutory jurisdiction which are used by and maintained 409
for the public. 410

(E) Five per cent of all such moneys shall be for the use of 411
the several townships and shall be distributed to the several 412
townships in the ratio which the total number of miles of township 413
roads under the jurisdiction of each board of township trustees in 414
each township bears to the total number of miles of township roads 415
in the state, as determined by the director of transportation. 416
Before such distribution is made each board of township trustees 417
shall certify in writing to the director the actual number of 418
miles under its statutory jurisdiction which are used by and 419
maintained for the public. 420

Sec. 4501.044. (A) All moneys received under section 4503.65 421
of the Revised Code and from the tax imposed by section 4503.02 of 422
the Revised Code on vehicles that are apportionable and to which 423
the rates specified in divisions (A)(1) to (21) and division (B) 424
of section 4503.042 of the Revised Code apply shall be paid into 425
the international registration plan distribution fund, which is 426
hereby created in the state treasury, and distributed as follows: 427

(1) First, to make payments to other states that are members 428
of the international registration plan of the portions of 429
registration taxes the states are eligible to receive because of 430
the operation within their borders of apportionable vehicles that 431
are registered in Ohio; 432

(2) Second, two and five-tenths per cent of all the moneys 433
received from apportionable vehicles under section 4503.65 of the 434
Revised Code that are collected from other international 435
registration plan jurisdictions commencing on and after October 1, 436
2009, shall be deposited into the state highway safety fund 437
established in section 4501.06 of the Revised Code; 438

(3) Third, forty-two and six-tenths per cent of the moneys 439
received from apportionable vehicles under divisions (A)(8) to 440
(21) of section 4503.042 and forty-two and six-tenths per cent of 441
the balance remaining from the moneys received under section 442
4503.65 of the Revised Code after distribution under division 443
(A)(2) of this section shall be deposited in the state treasury to 444
the credit of the ~~highway obligations bond retirement fund created~~ 445
~~by section 5528.32 of the Revised Code and used solely for the~~ 446
~~purposes set forth in that section, except that, from the date the~~ 447
~~commissioners of the sinking fund make the certification to the~~ 448
~~treasurer of state on the sufficiency of funds in the highway~~ 449
~~obligation bond retirement fund as required by section 5528.38 of~~ 450
~~the Revised Code, and until the thirty first day of December of~~ 451

~~the year in which the certification is made, the amounts~~ 452
~~distributed under division (A)(3) of this section shall be~~ 453
~~credited to the state highway ~~operating~~ safety fund created by~~ 454
section ~~5735.291~~ 4501.06 of the Revised Code; 455

(4) Fourth, an amount estimated as the annual costs that the 456
department of taxation will incur in conducting audits of persons 457
who have registered motor vehicles under the international 458
registration plan, one-twelfth of which amount shall be paid by 459
the registrar of motor vehicles into the international 460
registration plan auditing fund created by section 5703.12 of the 461
Revised Code by the fifteenth day of each month; 462

(5) Fifth, to the state bureau of motor vehicles fund 463
established in section 4501.25 of the Revised Code, to offset 464
operating expenses incurred by the bureau of motor vehicles in 465
administering the international registration plan; 466

(6) Any moneys remaining in the international registration 467
plan distribution fund after distribution under divisions (A)(1) 468
to (5) of this section shall be distributed in accordance with 469
division (B) of this section. 470

(B)(1) Moneys received from the tax imposed by section 471
4503.02 of the Revised Code on vehicles that are apportionable and 472
to which the rates specified in divisions (A)(1) to (21) and 473
division (B) of section 4503.042 of the Revised Code apply shall 474
be distributed and used in the manner provided in section 4501.04 475
of the Revised Code and rules adopted by the registrar of motor 476
vehicles for moneys deposited to the credit of the auto 477
registration distribution fund. 478

(2) Moneys received from collections under section 4503.65 of 479
the Revised Code shall be distributed under divisions (B)(2) and 480
(3) of this section. 481

Each county, township, and municipal corporation shall 482

receive an amount such that the ratio that the amount of moneys 483
received by that county, township, or municipal corporation under 484
division (B)(1) of this section from apportionable vehicles 485
registered in Ohio and under section 4503.65 of the Revised Code 486
from apportionable vehicles registered in other international 487
registration plan jurisdictions bears to the total amount of 488
moneys received by all counties, townships, and municipal 489
corporations under division (B)(1) of this section from 490
apportionable vehicles registered in Ohio and under section 491
4503.65 of the Revised Code from apportionable vehicles registered 492
in other international registration plan jurisdictions equals the 493
ratio that the amount of moneys that the county, township, or 494
municipal corporation would receive from apportionable vehicles 495
registered in Ohio were the moneys from such vehicles distributed 496
under section 4501.04 of the Revised Code, based solely on the 497
weight schedules contained in section 4503.042 of the Revised 498
Code, bears to the total amount of money that all counties, 499
townships, and municipal corporations would receive from 500
apportionable vehicles registered in Ohio were the moneys from 501
such vehicles distributed under section 4501.04 of the Revised 502
Code, based solely on the weight schedules contained in section 503
4503.042 of the Revised Code. 504

No county, township, or municipal corporation shall receive 505
under division (B)(2) of this section an amount greater than the 506
amount of money that that county, township, or municipal 507
corporation would receive from apportionable vehicles registered 508
in Ohio were the money from the taxation of such vehicles 509
distributed under section 4501.04 of the Revised Code based solely 510
on the weight schedules contained in section 4503.042 of the 511
Revised Code. 512

(3) If, at the end of the distribution year, the total of all 513
moneys received under section 4503.65 of the Revised Code exceeds 514

the total moneys subject to distribution under division (B)(2) of 515
this section, the registrar shall distribute to each county, 516
township, and municipal corporation a portion of the excess. The 517
excess shall be distributed to counties, townships, and municipal 518
corporations in the same proportion that the revenues received by 519
each county, township, and municipal corporation from collections 520
under section 4503.02 and from collections under section 4503.65 521
of the Revised Code during that distribution year bears to the 522
total revenues received by counties, townships, and municipal 523
corporations from taxes levied under section 4503.02 and from 524
collections under section 4503.65 of the Revised Code during that 525
distribution year. 526

(C) All moneys received from the administrative fee imposed 527
by division (C) of section 4503.042 of the Revised Code shall be 528
deposited to the credit of the state bureau of motor vehicles fund 529
established in section 4501.25 of the Revised Code, to offset 530
operating expenses incurred by the bureau of motor vehicles in 531
administering the international registration plan. 532

(D) All investment earnings of the international registration 533
plan distribution fund shall be credited to the fund. 534

Sec. 4501.045. (A) All moneys received from the tax imposed 535
by section 4503.02 of the Revised Code on commercial cars and 536
buses that are not apportionable and to which the rates provided 537
under divisions (A)(8) to (21) of section 4503.042 of the Revised 538
Code apply, shall be distributed as follows: 539

(1) First, forty-two and six-tenths per cent shall be 540
deposited in the state treasury to the credit of the state highway 541
~~obligations bond retirement~~ safety fund created by section ~~5528.32~~ 542
4501.06 of the Revised Code, to be used solely for the purposes 543
set forth in that section; 544

(2) Second, the balance remaining after distribution under 545

division (A)(1) of this section shall be deposited to the credit 546
of the auto registration distribution fund for distribution in the 547
manner provided in sections 4501.03 and 4501.04 of the Revised 548
Code. 549

(B) All moneys received from the tax imposed by section 550
4503.02 of the Revised Code on commercial cars and buses that are 551
not apportionable and to which the rates provided under divisions 552
(A)(1) to (7) and division (B) of section 4503.042 of the Revised 553
Code apply, shall be deposited to the credit of the auto 554
registration distribution fund for distribution in the manner 555
provided in sections 4501.03 and 4501.04 of the Revised Code. 556

(C) All moneys received from the tax imposed by section 557
4503.02 of the Revised Code on trailers and semitrailers shall be 558
deposited to the credit of the auto registration distribution fund 559
for distribution in the manner provided in sections 4501.03 and 560
4501.04 of the Revised Code. 561

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 562
referred to in division (A)(3) of section 4501.044, division 563
(A)(1) of section 4501.045, division (O) of section 4503.04, 564
division (E) of section 4503.042, division (B) of section 4503.07, 565
division (C)(1) of section 4503.10, division (D) of section 566
4503.182, division (A) of section 4503.19, division (D)(2) of 567
section 4507.24, division (A) of section 4508.06, and sections 568
4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4507.23, 4508.05, 569
4513.53, and 5502.12 of the Revised Code, and the taxes charged in 570
section 4503.65 that are distributed in accordance with division 571
(A)(2) of section 4501.044 of the Revised Code unless otherwise 572
designated by law, shall be deposited in the state treasury to the 573
credit of the state highway safety fund, which is hereby created. 574
Money credited to the fund shall, ~~after receipt of certifications~~ 575
~~from the commissioners of the sinking fund certifying that there~~ 576

~~are sufficient moneys to the credit of the highway obligations 577~~
~~bond retirement fund created by section 5528.32 of the Revised 578~~
~~Code to meet in full all payments of interest, principal, and 579~~
~~charges for the retirement of highway obligations issued pursuant 580~~
~~to Section 2i of Article VIII, Ohio Constitution, and sections 581~~
~~5528.30 and 5528.31 of the Revised Code due and payable during the 582~~
~~current calendar year, be used for the purpose of enforcing and 583~~
paying the expenses of administering the law relative to the 584
registration and operation of motor vehicles on the public roads 585
or highways. Amounts credited to the fund may also be used to pay 586
the expenses of administering and enforcing the laws under which 587
such fees were collected. All investment earnings of the state 588
highway safety fund shall be credited to the fund. 589

Sec. 4501.11. (A) There is hereby created in the state 590
treasury the security, investigations, and policing fund. 591
Notwithstanding section 5503.04 of the Revised Code, no fines 592
collected from or money arising from bonds or bail forfeited by 593
persons apprehended or arrested by state highway patrol troopers 594
shall be credited to the general revenue fund until sufficient 595
revenue to fund appropriations for the activities described under 596
division (B) of this section are credited to the security, 597
investigations, and policing fund. All investment earnings of the 598
security, investigations, and policing fund shall be credited to 599
that fund. 600

This division does not apply to fines for violations of 601
division (B) of section 4513.263 of the Revised Code, or to fines 602
for violations of any municipal ordinance that is substantively 603
comparable to that division, which fines shall be delivered to the 604
treasurer of state as provided in division (E) of section 4513.263 605
of the Revised Code. 606

(B) The money credited to the security, investigations, and 607

policing fund shall be used to pay the costs of: 608

(1) Providing security for the governor, other officials and 609
dignitaries, the capitol square, and other state property pursuant 610
to division (E) of section 5503.02 of the Revised Code; 611

(2) Undertaking major criminal investigations that involve 612
state property interests; 613

(3) Providing traffic control and security for the Ohio 614
expositions commission on a full-time, year-round basis; 615

(4) Performing nonhighway-related duties of the state highway 616
patrol at the Ohio state fair; 617

~~(5) Coordinating homeland security activities. 618~~

Sec. 4501.26. The unidentified public safety receipts fund is 619
hereby created in the state treasury. The fund shall consist of 620
money received by the department of public safety that is 621
provisional in nature or for which proper identification or 622
disposition cannot immediately be determined. Refunds and other 623
disbursements from the fund shall be made once proper 624
identification and disposition is determined. All investment 625
earnings of the fund shall be credited to the state bureau of 626
motor vehicles fund created in section 4501.25 of the Revised 627
Code. 628

Sec. 4501.34. (A) The registrar of motor vehicles may adopt 629
and publish rules to govern the registrar's proceedings. All 630
proceedings of the registrar shall be open to the public, and all 631
documents in the registrar's possession are public records. The 632
registrar shall adopt a seal bearing the inscription: "Motor 633
Vehicle Registrar of Ohio." The seal shall be affixed to all writs 634
and authenticated copies of records, and, when it has been so 635
attached, the copies shall be received in evidence with the same 636
effect as other public records. All courts shall take judicial 637

notice of the seal. 638

(B) Upon the request of any person accompanied by a 639
nonrefundable fee of five dollars per name, the registrar may 640
furnish lists of names and addresses as they appear upon the 641
applications for driver's licenses, provided that any further 642
information contained in the applications shall not be disclosed. 643
The registrar shall pay ~~two dollars of~~ each five-dollar fee 644
collected into the state treasury to the credit of the state 645
bureau of motor vehicles fund established in section 4501.25 of 646
the Revised Code. ~~Of the remaining three dollars of each such fee~~ 647
~~the registrar collects, the registrar shall deposit sixty cents~~ 648
~~into the state treasury to the credit of the trauma and emergency~~ 649
~~medical services fund established in section 4513.263 of the~~ 650
~~Revised Code, sixty cents into the state treasury to the credit of~~ 651
~~the homeland security fund established in section 5502.03 of the~~ 652
~~Revised Code, thirty cents into the state treasury to the credit~~ 653
~~of the investigations fund established in section 5502.131 of the~~ 654
~~Revised Code, one dollar and twenty five cents into the state~~ 655
~~treasury to the credit of the emergency management agency service~~ 656
~~and reimbursement fund established in section 5502.39 of the~~ 657
~~Revised Code, and twenty five cents into the state treasury to the~~ 658
~~credit of the justice program services fund established in section~~ 659
~~5502.67 of the Revised Code.~~ 660

This division does not apply to the list of qualified driver 661
licensees required to be compiled and filed pursuant to section 662
2313.06 of the Revised Code. 663

Sec. 4503.102. (A) The registrar of motor vehicles shall 664
adopt rules to establish a centralized system of motor vehicle 665
registration renewal by mail or by electronic means. Any person 666
owning a motor vehicle that was registered in the person's name 667
during the preceding registration year shall renew the 668

registration of the motor vehicle not more than ninety days prior 669
to the expiration date of the registration either by mail or by 670
electronic means through the centralized system of registration 671
established under this section, or in person at any office of the 672
registrar or at a deputy registrar's office. 673

(B)(1) No less than forty-five days prior to the expiration 674
date of any motor vehicle registration, the registrar shall mail a 675
renewal notice to the person in whose name the motor vehicle is 676
registered. The renewal notice shall clearly state that the 677
registration of the motor vehicle may be renewed by mail or 678
electronic means through the centralized system of registration or 679
in person at any office of the registrar or at a deputy 680
registrar's office and shall be preprinted with information 681
including, but not limited to, the owner's name and residence 682
address as shown in the records of the bureau of motor vehicles, a 683
brief description of the motor vehicle to be registered, notice of 684
the license taxes and fees due on the motor vehicle, the toll-free 685
telephone number of the registrar as required under division 686
(D)(1) of section 4503.031 of the Revised Code, and any additional 687
information the registrar may require by rule. The renewal notice 688
shall not include the social security number of either the owner 689
of the motor vehicle or the person in whose name the motor vehicle 690
is registered. The renewal notice shall be sent by regular mail to 691
the owner's last known address as shown in the records of the 692
bureau of motor vehicles. 693

(2) If the application for renewal of the registration of a 694
motor vehicle is prohibited from being accepted by the registrar 695
or a deputy registrar by division (D) of section 2935.27, division 696
(A) of section 2937.221, division (A) of section 4503.13, division 697
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 698
the Revised Code, the registrar is not required to send a renewal 699
notice to the vehicle owner or vehicle lessee. 700

(C) The owner of the motor vehicle shall verify the 701
information contained in the notice, sign it either manually or by 702
electronic means, and return it, either by mail or electronic 703
means, or the owner may take it in person to any office of the 704
registrar or of a deputy registrar, together with a financial 705
transaction device number, ~~when permitted by rule of the~~ 706
~~registrar,~~ check, or money order in the amount of the registration 707
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 708
~~dollars and seventy five cents commencing on July 1, 2001, three~~ 709
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 710
three dollars and fifty cents ~~commencing on January 1, 2004,~~ plus 711
postage as indicated on the notice, if the registration is renewed 712
by mail, and an inspection certificate for the motor vehicle as 713
provided in section 3704.14 of the Revised Code. If the motor 714
vehicle owner chooses to renew the motor vehicle registration by 715
electronic means, the owner shall proceed in accordance with the 716
rules the registrar adopts. 717

(D) If all registration and transfer fees for the motor 718
vehicle for the preceding year or the preceding period of the 719
current registration year have not been paid, if division (D) of 720
section 2935.27, division (A) of section 2937.221, division (A) of 721
section 4503.13, division (B) of section 4510.22, or division 722
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 723
of the renewal notice, or if the owner or lessee does not have an 724
inspection certificate for the motor vehicle as provided in 725
section 3704.14 of the Revised Code, if that section is 726
applicable, the license shall be refused, and the registrar or 727
deputy registrar shall so notify the owner. This section does not 728
require the payment of license or registration taxes on a motor 729
vehicle for any preceding year, or for any preceding period of a 730
year, if the motor vehicle was not taxable for that preceding year 731
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 732
4503.16 or Chapter 4504. of the Revised Code. 733

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

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited 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 from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

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

(G) ~~The two dollars and seventy five cents fee collected from~~ 766
~~July 1, 2001, through December 31, 2002, the three dollars and~~ 767
~~twenty five cents fee collected from January 1, 2003, through~~ 768
~~December 31, 2003, and the three dollars and fifty cents fee~~ 769
~~collected after January 1, 2004, plus postage and any financial~~ 770
transaction device surcharge collected by the registrar for 771
registration by mail, shall be paid to the credit of the state 772
bureau of motor vehicles fund established by section 4501.25 of 773
the Revised Code. 774

(H)(1) Pursuant to section 113.40 of the Revised Code, the 775
registrar ~~may~~ shall implement a program permitting payment of 776
motor vehicle registration taxes and fees, driver's license and 777
commercial driver's license fees, and any other taxes, fees, 778
penalties, or charges imposed or levied by the state by means of a 779
financial transaction device. The program shall take effect not 780
later than July 1, 2016. The registrar ~~may~~ shall adopt rules as 781
necessary for this purpose, but all such rules are subject to any 782
action, policy, or procedure of the board of deposit or treasurer 783
of state taken or adopted under section 113.40 of the Revised 784
Code. 785

(2) ~~Commencing~~ The rules adopted under division (H)(1) of 786
this section shall require a deputy registrar to accept payments 787
by means of a financial transaction device beginning on the 788
effective date of the rules unless the deputy registrar contract 789
entered into by the deputy registrar prohibits the acceptance of 790
such payments by financial transaction device. However, commencing 791
with deputy registrar contract awards that have a start date of 792
July 1, ~~2008~~ 2016, and for all contract awards thereafter, the 793
registrar shall ~~incorporate in the review process a score for~~ 794
~~whether or not a proposer states~~ require that the proposer will 795
accept payment by means of a financial transaction device, 796
including credit cards and debit cards, for all department of 797

public safety transactions conducted at that deputy registrar 798
location. 799

~~A deputy registrar shall not be required to accept payment by~~ 800
~~means of a financial transaction device unless the deputy~~ 801
~~registrar agreed to do so in the deputy registrar's contract.~~ The 802
bureau shall and deputy registrars are not be required to pay any 803
costs incurred by a deputy registrar who accepts that result from 804
accepting payment by means of a financial transaction device that 805
result from the deputy registrar accepting payment by means of a 806
financial transaction device. A deputy registrar may charge a 807
person who tenders payment for a department transaction by means 808
of a financial transaction device any cost the deputy registrar 809
incurs from accepting payment by the financial transaction device, 810
but the deputy registrar shall not require the person to pay any 811
additional fee of any kind in connection with the use by the 812
person of the financial transaction device. 813

(3) A In accordance with division (H)(1) of this section and 814
rules adopted by the registrar under that division, a county 815
auditor or clerk of a court of common pleas that is designated a 816
deputy registrar ~~may choose to~~ shall accept payment by means of a 817
financial transaction device, including credit cards and debit 818
cards, for all department ~~of public safety~~ transactions conducted 819
at the office of the county auditor or clerk in the county 820
auditor's or clerk's capacity as deputy registrar. The bureau 821
~~shall~~ is not be required to pay any costs incurred by a county 822
auditor ~~who accepts~~ or clerk that result from accepting payment by 823
means of a financial transaction device ~~that result from the~~ 824
~~county auditor accepting payment by means of a financial~~ 825
~~transaction device~~ for any ~~such~~ department ~~of public safety~~ 826
transaction. 827

(I) For persons who reside in counties where tailpipe 828
emissions inspections are required under the motor vehicle 829

inspection and maintenance program, the notice required by 830
division (B) of this section shall also include the toll-free 831
telephone number maintained by the Ohio environmental protection 832
agency to provide information concerning the locations of 833
emissions testing centers. 834

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 835
adopt rules to permit any person or lessee, other than a person 836
receiving an apportioned license plate under the international 837
registration plan, who owns or leases one or more motor vehicles 838
to file a written application for registration for no more than 839
five succeeding registration years. The rules adopted by the 840
registrar may designate the classes of motor vehicles that are 841
eligible for such registration. At the time of application, all 842
annual taxes and fees shall be paid for each year for which the 843
person is registering. 844

(2)(a) Not later than December 31, 2013, the registrar shall 845
adopt rules to permit any person or lessee who owns or leases a 846
trailer or semitrailer that is subject to the tax rates prescribed 847
in section 4503.042 of the Revised Code for such trailers or 848
semitrailers to file a written application for registration for 849
any number of succeeding registration years, including a permanent 850
registration. At the time of application, all annual taxes and 851
fees shall be paid for each year for which the person is 852
registering, provided that the annual taxes due, regardless of the 853
number of years for which the person is registering, shall not 854
exceed two hundred dollars. A person who registers a vehicle under 855
division (A)(2) of this section shall pay for each year of 856
registration the additional fee established under division (C)(1) 857
of section 4503.10 of the Revised Code, provided that the 858
additional fee due, regardless of the number of years for which 859
the person is registering, shall not exceed eighty-eight dollars. 860
The person also shall pay one single deputy registrar service fee 861

in the amount specified in division (D) of section 4503.10 of the Revised Code or one single bureau of motor vehicles service fee in the amount specified in division (G) of that section, as applicable, regardless of the number of years for which the person is registering.

(b) In addition, each person registering a trailer or semitrailer under division (A)(2)(a) of this section shall pay any applicable local motor vehicle license tax levied under Chapter 4504. of Revised Code for each year for which the person is registering, provided that not more than eight times any such annual local taxes shall be due upon registration.

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

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

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

(b) For a three-year registration, the service fee is eight 893
dollars. 894

(c) For a four- or five-year registration, the service fee is 895
ten dollars. 896

(4) Division (A)(3) of this section does not apply to a 897
person receiving an apportioned license plate under the 898
international registration plan, or the owner of a commercial car 899
used solely in intrastate commerce, or the owner of a bus as 900
defined in section 4513.50 of the Revised Code. 901

(B) No person applying for a multi-year registration under 902
division (A) of this section is entitled to a refund of any taxes 903
or fees paid. 904

(C) The registrar shall not issue to any applicant who has 905
been issued a final, nonappealable order under division (D) of 906
this section a multi-year registration or renewal thereof under 907
this division or rules adopted under it for any motor vehicle that 908
is required to be inspected under section 3704.14 of the Revised 909
Code the district of registration of which, as determined under 910
section 4503.10 of the Revised Code, is or is located in the 911
county named in the order. 912

(D) Upon receipt from the director of environmental 913
protection of a notice issued under rules adopted under section 914
3704.14 of the Revised Code indicating that an owner of a motor 915
vehicle that is required to be inspected under that section who 916
obtained a multi-year registration for the vehicle under division 917
(A) of this section or rules adopted under that division has not 918
obtained a required inspection certificate for the vehicle, the 919
registrar in accordance with Chapter 119. of the Revised Code 920
shall issue an order to the owner impounding the certificate of 921
registration and identification license plates for the vehicle. 922
The order also shall prohibit the owner from obtaining or renewing 923

a multi-year registration for any vehicle that is required to be 924
inspected under that section, the district of registration of 925
which is or is located in the same county as the county named in 926
the order during the number of years after expiration of the 927
current multi-year registration that equals the number of years 928
for which the current multi-year registration was issued. 929

An order issued under this division shall require the owner 930
to surrender to the registrar the certificate of registration and 931
license plates for the vehicle named in the order within five days 932
after its issuance. If the owner fails to do so within that time, 933
the registrar shall certify that fact to the county sheriff or 934
local police officials who shall recover the certificate of 935
registration and license plates for the vehicle. 936

(E) Upon the occurrence of either of the following 937
circumstances, the registrar in accordance with Chapter 119. of 938
the Revised Code shall issue to the owner a modified order 939
rescinding the provisions of the order issued under division (D) 940
of this section impounding the certificate of registration and 941
license plates for the vehicle named in that original order: 942

(1) Receipt from the director of environmental protection of 943
a subsequent notice under rules adopted under section 3704.14 of 944
the Revised Code that the owner has obtained the inspection 945
certificate for the vehicle as required under those rules; 946

(2) Presentation to the registrar by the owner of the 947
required inspection certificate for the vehicle. 948

(F) The owner of a motor vehicle for which the certificate of 949
registration and license plates have been impounded pursuant to an 950
order issued under division (D) of this section, upon issuance of 951
a modified order under division (E) of this section, may apply to 952
the registrar for their return. A fee of two dollars and fifty 953
cents shall be charged for the return of the certificate of 954

registration and license plates for each vehicle named in the 955
application. 956

Sec. 4503.233. (A)(1) If a court is required to order the 957
immobilization of a vehicle for a specified period of time 958
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 959
4511.193, or 4511.203 of the Revised Code, the court, subject to 960
section 4503.235 of the Revised Code, shall issue the 961
immobilization order in accordance with this division and for the 962
period of time specified in the particular section, and the 963
immobilization under the order shall be in accordance with this 964
section. The court, at the time of sentencing the offender for the 965
offense relative to which the immobilization order is issued or as 966
soon thereafter as is practicable, shall give a copy of the order 967
to the offender or the offender's counsel. The court promptly 968
shall send a copy of the order to the registrar on a form 969
prescribed by the registrar and to the person or agency it 970
designates to execute the order. 971

The order shall indicate the date on which it is issued, 972
shall identify the vehicle that is subject to the order, and shall 973
specify all of the following: 974

(a) The period of the immobilization; 975

(b) The place at which the court determines that the 976
immobilization shall be carried out, provided that the court shall 977
not determine and shall not specify that the immobilization is to 978
be carried out at any place other than a commercially operated 979
private storage lot, a place owned by a law enforcement or other 980
government agency, or a place to which one of the following 981
applies: 982

(i) The place is leased by or otherwise under the control of 983
a law enforcement or other government agency. 984

(ii) The place is owned by the offender, the offender's spouse, or a parent or child of the offender.	985 986
(iii) The place is owned by a private person or entity, and, prior to the issuance of the order, the private entity or person that owns the place, or the authorized agent of that private entity or person, has given express written consent for the immobilization to be carried out at that place.	987 988 989 990 991
(iv) The place is a public street or highway on which the vehicle is parked in accordance with the law.	992 993
(c) The person or agency designated by the court to execute the order, which shall be either the law enforcement agency that employs the law enforcement officer who seized the vehicle, a bailiff of the court, another person the court determines to be appropriate to execute the order, or the law enforcement agency with jurisdiction over the place of residence of the vehicle owner;	994 995 996 997 998 999 1000
(d) That neither the registrar nor a deputy registrar will be permitted to accept an application for the license plate registration of any motor vehicle in the name of the vehicle owner until the immobilization fee is paid.	1001 1002 1003 1004
(2) The person or agency the court designates to immobilize the vehicle shall seize or retain that vehicle's license plates and forward them to the bureau of motor vehicles.	1005 1006 1007
(3) In all cases, the offender shall be assessed an immobilization fee of one hundred dollars, and the immobilization fee shall be paid to the registrar before the vehicle may be released to the offender. Neither the registrar nor a deputy registrar shall accept an application for the registration of any motor vehicle in the name of the offender until the immobilization fee is paid.	1008 1009 1010 1011 1012 1013 1014
(4) If the vehicle subject to the order is immobilized	1015

pursuant to the order and is found being operated upon any street 1016
or highway in this state during the immobilization period, it 1017
shall be seized, removed from the street or highway, and 1018
criminally forfeited and disposed of pursuant to section 4503.234 1019
of the Revised Code. 1020

(5) The registrar shall deposit the immobilization fee into 1021
the ~~law enforcement reimbursement~~ state bureau of motor vehicles 1022
fund created by section ~~4501.19~~ 4501.25 of the Revised Code. ~~Money~~ 1023
~~in the fund shall to~~ be expended only as provided in division 1024
(A)(5) of this section. If the court designated in the order a 1025
court bailiff or another appropriate person other than a law 1026
enforcement officer to immobilize the vehicle, the amount of the 1027
fee deposited into the ~~law enforcement reimbursement~~ state bureau 1028
of motor vehicles fund shall be paid out to the county treasury if 1029
the court that issued the order is a county court, to the treasury 1030
of the municipal corporation served by the court if the court that 1031
issued the order is a mayor's court, or to the city treasury of 1032
the legislative authority of the court, both as defined in section 1033
1901.03 of the Revised Code, if the court that issued the order is 1034
a municipal court. If the court designated a law enforcement 1035
agency to immobilize the vehicle and if the law enforcement agency 1036
immobilizes the vehicle, the amount of the fee deposited into the 1037
~~law enforcement reimbursement~~ state bureau of motor vehicles fund 1038
shall be paid out to the law enforcement agency to reimburse the 1039
agency for the costs it incurs in obtaining immobilization 1040
equipment and, if required, in sending an officer or other person 1041
to search for and locate the vehicle specified in the 1042
immobilization order and to immobilize the vehicle. 1043

In addition to the immobilization fee required to be paid 1044
under division (A)(3) of this section, the offender may be charged 1045
expenses or charges incurred in the removal and storage of the 1046
1047

immobilized vehicle. 1048

(B) If a court issues an immobilization order under division 1049
(A)(1) of this section, the person or agency designated by the 1050
court to execute the immobilization order promptly shall 1051
immobilize or continue the immobilization of the vehicle at the 1052
place specified by the court in the order. The registrar shall not 1053
authorize the release of the vehicle or authorize the issuance of 1054
new identification license plates for the vehicle at the end of 1055
the immobilization period until the immobilization fee has been 1056
paid. 1057

(C) Upon receipt of the license plates for a vehicle under 1058
this section, the registrar shall destroy the license plates. At 1059
the end of the immobilization period and upon the payment of the 1060
immobilization fee that must be paid under this section, the 1061
registrar shall authorize the release of the vehicle and authorize 1062
the issuance, upon the payment of the same fee as is required for 1063
the replacement of lost, mutilated, or destroyed license plates 1064
and certificates of registration, of new license plates and, if 1065
necessary, a new certificate of registration to the offender for 1066
the vehicle in question. 1067

(D)(1) If a court issues an immobilization order under 1068
division (A) of this section, the immobilization period commences 1069
on the day on which the vehicle in question is immobilized. If the 1070
vehicle in question had been seized under section 4510.41 or 1071
4511.195 of the Revised Code, the time between the seizure and the 1072
beginning of the immobilization period shall be credited against 1073
the immobilization period specified in the immobilization order 1074
issued under division (A) of this section. No vehicle that is 1075
immobilized under this section is eligible to have restricted 1076
license plates under section 4503.231 of the Revised Code issued 1077
for that vehicle. 1078

(2) If a court issues an immobilization order under division 1079

(A) of this section, if the vehicle subject to the order is 1080
immobilized under the order, and if the vehicle is found being 1081
operated upon any street or highway of this state during the 1082
immobilization period, it shall be seized, removed from the street 1083
or highway, and criminally forfeited, and disposed of pursuant to 1084
section 4503.234 of the Revised Code. No vehicle that is forfeited 1085
under this provision shall be considered contraband for purposes 1086
of Chapter 2981. of the Revised Code, but shall be held by the law 1087
enforcement agency that employs the officer who seized it for 1088
disposal in accordance with section 4503.234 of the Revised Code. 1089

(3) If a court issues an immobilization order under division 1090
(A) of this section, and if the vehicle is not claimed within 1091
seven days after the end of the period of immobilization or if the 1092
offender has not paid the immobilization fee, the person or agency 1093
that immobilized the vehicle shall send a written notice to the 1094
offender at the offender's last known address informing the 1095
offender of the date on which the period of immobilization ended, 1096
that the offender has twenty days after the date of the notice to 1097
pay the immobilization fee and obtain the release of the vehicle, 1098
and that if the offender does not pay the fee and obtain the 1099
release of the vehicle within that twenty-day period, the vehicle 1100
will be forfeited under section 4503.234 of the Revised Code to 1101
the entity that is entitled to the immobilization fee. 1102

(4) An offender whose motor vehicle is subject to an 1103
immobilization order issued under division (A) of this section 1104
shall not sell the motor vehicle without approval of the court 1105
that issued the order. If such an offender wishes to sell the 1106
motor vehicle during the immobilization period, the offender shall 1107
apply to the court that issued the immobilization order for 1108
permission to assign the title to the vehicle. If the court is 1109
satisfied that the sale will be in good faith and not for the 1110
purpose of circumventing the provisions of division (A)(1) of this 1111

section, it may certify its consent to the offender and to the registrar. Upon receipt of the court's consent, the registrar shall enter the court's notice in the offender's vehicle license plate registration record.

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

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

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

(6) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval in violation of division (D)(4) of this section, then, in addition to or

independent of any other penalty established by law, the court may 1144
fine the offender the value of the vehicle as determined by 1145
publications of the national auto dealers association. The 1146
proceeds from any fine so imposed shall be distributed in the same 1147
manner as the proceeds of the sale of a forfeited vehicle are 1148
distributed pursuant to division (C)(2) of section 4503.234 of the 1149
Revised Code. 1150

(E)(1) The court with jurisdiction over the case, after 1151
notice to all interested parties including lienholders, and after 1152
an opportunity for them to be heard, if the offender fails to 1153
appear in person, without good cause, or if the court finds that 1154
the offender does not intend to seek release of the vehicle at the 1155
end of the period of immobilization or that the offender is not or 1156
will not be able to pay the expenses and charges incurred in its 1157
removal and storage, may order that title to the vehicle be 1158
transferred, in order of priority, first into the name of the 1159
entity entitled to the immobilization fee under division (A)(5) of 1160
this section, next into the name of a lienholder, or lastly, into 1161
the name of the owner of the place of storage. 1162

A lienholder that receives title under a court order shall do 1163
so on the condition that it pay any expenses or charges incurred 1164
in the vehicle's removal and storage. If the entity that receives 1165
title to the vehicle is the entity that is entitled to the 1166
immobilization fee under division (A)(5) of this section, it shall 1167
receive title on the condition that it pay any lien on the 1168
vehicle. The court shall not order that title be transferred to 1169
any person or entity other than the owner of the place of storage 1170
if the person or entity refuses to receive the title. Any person 1171
or entity that receives title may either keep title to the vehicle 1172
or may dispose of the vehicle in any legal manner that it 1173
considers appropriate, including assignment of the certificate of 1174
title to the motor vehicle to a salvage dealer or a scrap metal 1175

processing facility. The person or entity shall not transfer the 1176
vehicle to the person who is the vehicle's immediate previous 1177
owner. 1178

If the person or entity assigns the motor vehicle to a 1179
salvage dealer or scrap metal processing facility, the person or 1180
entity shall send the assigned certificate of title to the motor 1181
vehicle to the clerk of the court of common pleas of the county in 1182
which the salvage dealer or scrap metal processing facility is 1183
located. The person or entity shall mark the face of the 1184
certificate of title with the words "FOR DESTRUCTION" and shall 1185
deliver a photocopy of the certificate of title to the salvage 1186
dealer or scrap metal processing facility for its records. 1187

(2) Whenever a court issues an order under division (E)(1) of 1188
this section, the court also shall order removal of the license 1189
plates from the vehicle and cause them to be sent to the registrar 1190
if they have not already been sent to the registrar. Thereafter, 1191
no further proceedings shall take place under this section, but 1192
the offender remains liable for payment of the immobilization fee 1193
described in division (A)(3) of this section if an immobilization 1194
order previously had been issued by the court. 1195

(3) Prior to initiating a proceeding under division (E)(1) of 1196
this section, and upon payment of the fee under division (B) of 1197
section 4505.14 of the Revised Code, any interested party may 1198
cause a search to be made of the public records of the bureau of 1199
motor vehicles or the clerk of the court of common pleas, to 1200
ascertain the identity of any lienholder of the vehicle. The 1201
initiating party shall furnish this information to the clerk of 1202
the court with jurisdiction over the case, and the clerk shall 1203
provide notice to the vehicle owner, the defendant, any 1204
lienholder, and any other interested parties listed by the 1205
initiating party, at the last known address supplied by the 1206
initiating party, by certified mail or, at the option of the 1207

initiating party, by personal service or ordinary mail. 1208

As used in this section, "interested party" includes the 1209
offender, all lienholders, the owner of the place of storage, the 1210
person or entity that caused the vehicle to be removed, and the 1211
person or entity, if any, entitled to the immobilization fee under 1212
division (A)(5) of this section. 1213

Sec. 4503.26. (A) As used in this section, "registration 1214
information" means information in license plate applications on 1215
file with the bureau of motor vehicles. 1216

(B) The director of public safety may advertise for and 1217
accept sealed bids for the preparation of lists containing 1218
registration information in such form as the director authorizes. 1219
Where the expenditure is more than five hundred dollars, the 1220
director shall give notice to bidders as provided in section 1221
5513.01 of the Revised Code as for purchases by the department of 1222
transportation. The notice shall include the latest date, as 1223
determined by the director, on which bids will be accepted and the 1224
date, also determined by the director, on which bids will be 1225
opened by the director at the central office of the department of 1226
public safety. The contract to prepare the list shall be awarded 1227
to the lowest responsive and responsible bidder, in accordance 1228
with section 9.312 of the Revised Code, provided there is 1229
compliance with the specifications. Such contract shall not extend 1230
beyond twenty-four consecutive registration periods as provided in 1231
section 4503.101 of the Revised Code. The successful bidder shall 1232
furnish without charge a complete list to the bureau of motor 1233
vehicles, and shall also furnish without charge to the county 1234
sheriffs or chiefs of police in cities, at such times and in such 1235
manner as the director determines necessary, lists of registration 1236
information for the county in which they are situated. The 1237
registrar shall provide to the successful bidder all necessary 1238

information for the preparation of such lists. 1239

The registrar, upon application of any person and payment of 1240
the proper fee, may search the records of the bureau and furnish 1241
reports of those records under the signature of the registrar. 1242

(C) ~~A The registrar shall charge and collect a fee of five 1243
dollars shall be charged and collected for each search of the 1244
records and report of those records furnished under the signature 1245
and seal of the registrar. A copy of any such report is 1246
prima-facie evidence of the facts therein stated, in any court. 1247~~

The registrar shall receive these fees and deposit ~~two 1248
dollars of each such fee into the state treasury to the credit of 1249
the state bureau of motor vehicles fund established in section 1250
4501.25 of the Revised Code. Of the remaining three dollars of 1251
each such fee the registrar collects, the registrar shall deposit 1252
sixty cents into the state treasury to the credit of the trauma 1253
and emergency medical services fund established in section 1254
4513.263 of the Revised Code, sixty cents into the state treasury 1255
to the credit of the homeland security fund established under 1256
section 5502.03 of the Revised Code, thirty cents into the state 1257
treasury to the credit of the investigations fund established in 1258
section 5502.131 of the Revised Code, one dollar and twenty five 1259
cents into the state treasury to the credit of the emergency 1260
management agency service and reimbursement fund established in 1261
section 5502.39 of the Revised Code, and twenty five cents into 1262
the state treasury to the credit of the justice program services 1263
fund established in section 5502.67 of the Revised Code. 1264~~

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 1265
shall charge and retain fees as follows: 1266

(a) Five dollars for each certificate of title that is not 1267
applied for within thirty days after the later of the assignment 1268
or delivery of the motor vehicle described in it. The entire fee 1269

shall be retained by the clerk. 1270

(b) Fifteen dollars for each certificate of title or 1271
duplicate certificate of title including the issuance of a 1272
memorandum certificate of title, or authorization to print a 1273
non-negotiable evidence of ownership described in division (G) of 1274
section 4505.08 of the Revised Code, non-negotiable evidence of 1275
ownership printed by the clerk under division (H) of that section, 1276
and notation of any lien on a certificate of title that is applied 1277
for at the same time as the certificate of title. The clerk shall 1278
retain eleven dollars and fifty cents of that fee for each 1279
certificate of title when there is a notation of a lien or 1280
security interest on the certificate of title, twelve dollars and 1281
twenty-five cents when there is no lien or security interest noted 1282
on the certificate of title, and eleven dollars and fifty cents 1283
for each duplicate certificate of title. 1284

(c) Four dollars and fifty cents for each certificate of 1285
title with no security interest noted that is issued to a licensed 1286
motor vehicle dealer for resale purposes and, in addition, a 1287
separate fee of fifty cents. The clerk shall retain two dollars 1288
and twenty-five cents of that fee. 1289

(d) Five dollars for each memorandum certificate of title or 1290
non-negotiable evidence of ownership that is applied for 1291
separately. The clerk shall retain that entire fee. 1292

(2) The fees that are not retained by the clerk shall be paid 1293
to the registrar of motor vehicles by monthly returns, which shall 1294
be forwarded to the registrar not later than the fifth day of the 1295
month next succeeding that in which the certificate is issued or 1296
that in which the registrar is notified of a lien or cancellation 1297
of a lien. 1298

(B)(1) The registrar shall pay twenty-five cents of the 1299
amount received for each certificate of title issued to a motor 1300

vehicle dealer for resale, one dollar for certificates of title 1301
issued with a lien or security interest noted on the certificate 1302
of title, and twenty-five cents for each certificate of title with 1303
no lien or security interest noted on the certificate of title 1304
into the state bureau of motor vehicles fund established in 1305
section 4501.25 of the Revised Code. 1306

(2) Fifty cents of the amount received for each certificate 1307
of title shall be paid by the registrar as follows: 1308

(a) Four cents shall be paid into the state treasury to the 1309
credit of the motor vehicle dealers board fund, which is hereby 1310
created. All investment earnings of the fund shall be credited to 1311
the fund. The moneys in the motor vehicle dealers board fund shall 1312
be used by the motor vehicle dealers board created under section 1313
4517.30 of the Revised Code, together with other moneys 1314
appropriated to it, in the exercise of its powers and the 1315
performance of its duties under Chapter 4517. of the Revised Code, 1316
except that the director of budget and management may transfer 1317
excess money from the motor vehicle dealers board fund to the 1318
bureau of motor vehicles fund if the registrar determines that the 1319
amount of money in the motor vehicle dealers board fund, together 1320
with other moneys appropriated to the board, exceeds the amount 1321
required for the exercise of its powers and the performance of its 1322
duties under Chapter 4517. of the Revised Code and requests the 1323
director to make the transfer. 1324

(b) Twenty-one cents shall be paid into the highway operating 1325
fund. 1326

(c) Twenty-five cents shall be paid into the state treasury 1327
to the credit of the motor vehicle sales audit fund, which is 1328
hereby created. The moneys in the fund shall be used by the tax 1329
commissioner together with other funds available to the 1330
commissioner to conduct a continuing investigation of sales and 1331
use tax returns filed for motor vehicles in order to determine if 1332

sales and use tax liability has been satisfied. The commissioner 1333
shall refer cases of apparent violations of section 2921.13 of the 1334
Revised Code made in connection with the titling or sale of a 1335
motor vehicle and cases of any other apparent violations of the 1336
sales or use tax law to the appropriate county prosecutor whenever 1337
the commissioner considers it advisable. 1338

(3) Two dollars of the amount received by the registrar under 1339
divisions (A)(1)(a), (b), and (d) of this section and one dollar 1340
and fifty cents of the amount received by the registrar under 1341
division (A)(1)(c) of this section for each certificate of title 1342
shall be paid into the state treasury to the credit of the 1343
automated title processing fund, which is hereby created and which 1344
shall consist of moneys collected under division (B)(3) of this 1345
section and under sections 1548.10 and 4519.59 of the Revised 1346
Code. All investment earnings of the fund shall be credited to the 1347
fund. The moneys in the fund shall be used as follows: 1348

(a) Except for moneys collected under section 1548.10 of the 1349
Revised Code and as provided in division (B)(3)(c) of this 1350
section, moneys collected under division (B)(3) of this section 1351
shall be used to implement and maintain an automated title 1352
processing system for the issuance of motor vehicle, off-highway 1353
motorcycle, and all-purpose vehicle certificates of title in the 1354
offices of the clerks of the courts of common pleas. 1355

(b) Moneys collected under section 1548.10 of the Revised 1356
Code shall be used to issue marine certificates of title in the 1357
offices of the clerks of the courts of common pleas as provided in 1358
Chapter 1548. of the Revised Code. 1359

(c) Moneys collected under division (B)(3) of this section 1360
shall be used in accordance with section 4505.25 of the Revised 1361
Code to implement Sub. S.B. 59 of the 124th general assembly. 1362

(4) The registrar shall pay the fifty-cent separate fee 1363

collected from a licensed motor vehicle dealer under division 1364
(A)(1)(c) of this section into the title defect recision fund 1365
created by section 1345.52 of the Revised Code. 1366

(C)(1) The automated title processing board is hereby created 1367
consisting of the registrar or the registrar's representative, a 1368
person selected by the registrar, the president of the Ohio clerks 1369
of court association or the president's representative, and two 1370
clerks of courts of common pleas appointed by the governor. The 1371
director of budget and management or the director's designee, the 1372
chief of the division of watercraft in the department of natural 1373
resources or the chief's designee, and the tax commissioner or the 1374
commissioner's designee shall be nonvoting members of the board. 1375
The purpose of the board is to facilitate the operation and 1376
maintenance of an automated title processing system and approve 1377
the procurement of automated title processing system equipment and 1378
ribbons, cartridges, or other devices necessary for the operation 1379
of that equipment. Voting members of the board, excluding the 1380
registrar or the registrar's representative, shall serve without 1381
compensation, but shall be reimbursed for travel and other 1382
necessary expenses incurred in the conduct of their official 1383
duties. The registrar or the registrar's representative shall 1384
receive neither compensation nor reimbursement as a board member. 1385

(2) The automated title processing board shall determine each 1386
of the following: 1387

(a) The automated title processing equipment and certificates 1388
of title requirements for each county; 1389

(b) The payment of expenses that may be incurred by the 1390
counties in implementing an automated title processing system; 1391

(c) The repayment to the counties for existing title 1392
processing equipment; 1393

(d) With the approval of the director of public safety, the 1394

award of grants from the automated title processing fund to the 1395
clerk of courts of any county who employs a person who assists 1396
with the design of, updates to, tests of, installation of, or any 1397
other activity related to, an automated title processing system. 1398
Any grant awarded under division (C)(2)(d) of this section shall 1399
be deposited into the appropriate county certificate of title 1400
administration fund created under section 325.33 of the Revised 1401
Code and shall not be used to supplant any other funds. 1402

(3) The registrar shall purchase, lease, or otherwise acquire 1403
any automated title processing equipment and certificates of title 1404
that the board determines are necessary from moneys in the 1405
automated title processing fund established by division (B)(3) of 1406
this section. 1407

(D) All counties shall conform to the requirements of the 1408
registrar regarding the operation of their automated title 1409
processing system for motor vehicle titles, certificates of title 1410
for off-highway motorcycles and all-purpose vehicles, and 1411
certificates of title for watercraft and outboard motors. 1412

Sec. 4505.14. (A) The registrar of motor vehicles, or the 1413
clerk of the court of common pleas, upon the application of any 1414
person and payment of the proper fee, may prepare and furnish 1415
lists containing title information in such form and subject to 1416
such territorial division or other classification as they may 1417
direct. The registrar or the clerk may search the records of the 1418
bureau of motor vehicles and furnish reports of those records 1419
under the signature of the registrar or the clerk. 1420

(B)(1) Fees for lists containing title information shall be 1421
charged and collected as follows: 1422

(a) For lists containing three thousand titles or more, 1423
twenty-five dollars per thousand or part thereof; 1424

(b) For each report of a search of the records, ~~two dollars~~ 1425
~~per copy except that on and after October 1, 2009, the fee shall~~ 1426
~~be~~ is five dollars per copy. The registrar and the clerk may 1427
certify copies of records generated by an automated title 1428
processing system. 1429

(2) A copy of any such report shall be taken as prima-facie 1430
evidence of the facts therein stated, in any court of the state. 1431
The registrar and the clerk shall furnish information on any title 1432
without charge to the state highway patrol, sheriffs, chiefs of 1433
police, or the attorney general. The clerk also may provide a copy 1434
of a certificate of title to a public agency without charge. 1435

(C)(1) Those fees collected by the registrar as provided in 1436
division (B)(1)(a) of this section shall be paid to the treasurer 1437
of state to the credit of the state bureau of motor vehicles fund 1438
established in section 4501.25 of the Revised Code. Those fees 1439
collected by the clerk as provided in division (B)(1)(a) of this 1440
section shall be paid to the certificate of title administration 1441
fund created by section 325.33 of the Revised Code. 1442

(2) ~~Prior to October 1, 2009, the registrar shall pay those~~ 1443
~~fees the registrar collects under division (B)(1)(b) of this~~ 1444
~~section into the state treasury to the credit of the state bureau~~ 1445
~~of motor vehicles fund established in section 4501.25 of the~~ 1446
~~Revised Code. Prior to October 1, 2009, the clerk shall pay those~~ 1447
~~fees the clerk collects under division (B)(1)(b) of this section~~ 1448
~~to the certificate of title administration fund created by section~~ 1449
~~325.33 of the Revised Code.~~ 1450

~~(3) On and after October 1, 2009, the~~ The registrar shall pay 1451
~~two dollars of each~~ five-dollar fee the registrar collects under 1452
division (B)(1)(b) of this section into the state treasury to the 1453
credit of the state bureau of motor vehicles fund established in 1454
section 4501.25 of the Revised Code. ~~Of the remaining three~~ 1455
~~dollars of each such fee the registrar collects, the registrar~~ 1456

~~shall deposit sixty cents into the state treasury to the credit of
the trauma and emergency medical services fund established in
section 4513.263 of the Revised Code, sixty cents into the state
treasury to the credit of the homeland security fund established
under section 5502.03 of the Revised Code, thirty cents into the
state treasury to the credit of the investigations fund
established in section 5502.131 of the Revised Code, one dollar
and twenty five cents into the state treasury to the credit of the
emergency management agency service and reimbursement fund
established in section 5502.39 of the Revised Code, and
twenty five cents into the state treasury to the credit of the
justice program services fund established in section 5502.67 of
the Revised Code.~~

~~(4) On and after October 1, 2009, the (3) The clerk of the
court of common pleas shall retain two dollars of each fee the
clerk collects under division (B)(1)(b) of this section and
deposit that two dollars into the certificate of title
administration fund created by section 325.33 of the Revised Code.
The clerk shall forward the remaining three dollars to the
registrar not later than the fifth day of the month next
succeeding that in which the transaction occurred. ~~Of that~~ The
registrar shall deposit the remaining three dollars, ~~the registrar
shall deposit sixty cents~~ into the state treasury to the credit of
the ~~trauma and emergency medical services~~ state bureau of motor
vehicles fund established in section ~~4513.263~~ 4501.25 of the
Revised Code, ~~sixty cents into the state treasury to the credit of
the homeland security fund established under section 5502.03 of
the Revised Code, thirty cents into the state treasury to the
credit of the investigations fund established in section 5502.131
of the Revised Code, one dollar and twenty five cents into the
state treasury to the credit of the emergency management agency
service and reimbursement fund established in section 5502.39 of
the Revised Code, and twenty five cents into the state treasury to~~~~

~~the credit of the justice program services fund established in~~ 1490
~~section 5502.67 of the Revised Code.~~ 1491

Sec. 4506.01. As used in this chapter: 1492

(A) "Alcohol concentration" means the concentration of 1493
alcohol in a person's blood, breath, or urine. When expressed as a 1494
percentage, it means grams of alcohol per the following: 1495

(1) One hundred milliliters of whole blood, blood serum, or 1496
blood plasma; 1497

(2) Two hundred ten liters of breath; 1498

(3) One hundred milliliters of urine. 1499

(B) "Commercial driver's license" means a license issued in 1500
accordance with this chapter that authorizes an individual to 1501
drive a commercial motor vehicle. 1502

(C) "Commercial driver's license information system" means 1503
the information system established pursuant to the requirements of 1504
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 1505
3207-171, 49 U.S.C.A. App. 2701. 1506

(D) Except when used in section 4506.25 of the Revised Code, 1507
"commercial motor vehicle" means any motor vehicle designed or 1508
used to transport persons or property that meets any of the 1509
following qualifications: 1510

(1) Any combination of vehicles with a gross vehicle weight 1511
or combined gross vehicle weight rating of twenty-six thousand one 1512
pounds or more, provided the gross vehicle weight or gross vehicle 1513
weight rating of the vehicle or vehicles being towed is in excess 1514
of ten thousand pounds; 1515

(2) Any single vehicle with a gross vehicle weight or gross 1516
vehicle weight rating of twenty-six thousand one pounds or more, 1517
~~or any such vehicle towing a vehicle having a gross vehicle weight~~ 1518

~~rating that is not in excess of ten thousand pounds;~~ 1519

(3) Any single vehicle or combination of vehicles that is not 1520
a class A or class B vehicle, but is designed to transport sixteen 1521
or more passengers including the driver; 1522

(4) Any school bus with a gross vehicle weight or gross 1523
vehicle weight rating of less than twenty-six thousand one pounds 1524
that is designed to transport fewer than sixteen passengers 1525
including the driver; 1526

(5) Is transporting hazardous materials for which placarding 1527
is required under subpart F of 49 C.F.R. part 172, as amended; 1528

(6) Any single vehicle or combination of vehicles that is 1529
designed to be operated and to travel on a public street or 1530
highway and is considered by the federal motor carrier safety 1531
administration to be a commercial motor vehicle, including, but 1532
not limited to, a motorized crane, a vehicle whose function is to 1533
pump cement, a rig for drilling wells, and a portable crane. 1534

(E) "Controlled substance" means all of the following: 1535

(1) Any substance classified as a controlled substance under 1536
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 1537
802(6), as amended; 1538

(2) Any substance included in schedules I through V of 21 1539
C.F.R. part 1308, as amended; 1540

(3) Any drug of abuse. 1541

(F) "Conviction" means an unvacated adjudication of guilt or 1542
a determination that a person has violated or failed to comply 1543
with the law in a court of original jurisdiction or an authorized 1544
administrative tribunal, an unvacated forfeiture of bail or 1545
collateral deposited to secure the person's appearance in court, a 1546
plea of guilty or nolo contendere accepted by the court, the 1547
payment of a fine or court cost, or violation of a condition of 1548

release without bail, regardless of whether or not the penalty is 1549
rebated, suspended, or probated. 1550

(G) "Disqualification" means any of the following: 1551

(1) The suspension, revocation, or cancellation of a person's 1552
privileges to operate a commercial motor vehicle; 1553

(2) Any withdrawal of a person's privileges to operate a 1554
commercial motor vehicle as the result of a violation of state or 1555
local law relating to motor vehicle traffic control other than 1556
parking, vehicle weight, or vehicle defect violations; 1557

(3) A determination by the federal motor carrier safety 1558
administration that a person is not qualified to operate a 1559
commercial motor vehicle under 49 C.F.R. 391. 1560

(H) "Domiciled" means having a true, fixed, principal, and 1561
permanent residence to which an individual intends to return. 1562

(I) "Downgrade" means any of the following, as applicable: 1563

(1) A change in the commercial driver's license, or 1564
commercial driver's license temporary instruction permit, holder's 1565
self-certified status as described in division (A)~~(2)~~(1) of 1566
section 4506.10 of the Revised Code; 1567

(2) A change to a lesser class of vehicle; 1568

(3) Removal of commercial driver's license privileges from 1569
the individual's driver's license. 1570

~~(I)~~(J) "Drive" means to drive, operate, or be in physical 1571
control of a motor vehicle. 1572

~~(J)~~(K) "Driver" means any person who drives, operates, or is 1573
in physical control of a commercial motor vehicle or is required 1574
to have a commercial driver's license. 1575

~~(K)~~(L) "Driver's license" means a license issued by the 1576
bureau of motor vehicles that authorizes an individual to drive. 1577

~~(L)~~(M) "Drug of abuse" means any controlled substance, 1578
dangerous drug as defined in section 4729.01 of the Revised Code, 1579
or over-the-counter medication that, when taken in quantities 1580
exceeding the recommended dosage, can result in impairment of 1581
judgment or reflexes. 1582

~~(M)~~(N) "Electronic device" includes a cellular telephone, a 1583
personal digital assistant, a pager, a computer, and any other 1584
device used to input, write, send, receive, or read text. 1585

~~(N)~~(O) "Eligible unit of local government" means a village, 1586
township, or county that has a population of not more than three 1587
thousand persons according to the most recent federal census. 1588

~~(O)~~(P) "Employer" means any person, including the federal 1589
government, any state, and a political subdivision of any state, 1590
that owns or leases a commercial motor vehicle or assigns a person 1591
to drive such a motor vehicle. 1592

~~(P)~~(Q) "Endorsement" means an authorization on a person's 1593
commercial driver's license that is required to permit the person 1594
to operate a specified type of commercial motor vehicle. 1595

~~(Q)~~(R) "Farm truck" means a truck controlled and operated by 1596
a farmer for use in the transportation to or from a farm, for a 1597
distance of not more than one hundred fifty miles, of products of 1598
the farm, including livestock and its products, poultry and its 1599
products, floricultural and horticultural products, and in the 1600
transportation to the farm, from a distance of not more than one 1601
hundred fifty miles, of supplies for the farm, including tile, 1602
fence, and every other thing or commodity used in agricultural, 1603
floricultural, horticultural, livestock, and poultry production, 1604
and livestock, poultry, and other animals and things used for 1605
breeding, feeding, or other purposes connected with the operation 1606
of the farm, when the truck is operated in accordance with this 1607
division and is not used in the operations of a motor carrier, as 1608

defined in section 4923.01 of the Revised Code. 1609

~~(R)~~(S) "Fatality" means the death of a person as the result 1610
of a motor vehicle accident occurring not more than three hundred 1611
sixty-five days prior to the date of death. 1612

~~(S)~~(T) "Felony" means any offense under federal or state law 1613
that is punishable by death or specifically classified as a felony 1614
under the law of this state, regardless of the penalty that may be 1615
imposed. 1616

~~(T)~~(U) "Foreign jurisdiction" means any jurisdiction other 1617
than a state. 1618

~~(U)~~(V) "Gross vehicle weight rating" means the value 1619
specified by the manufacturer as the maximum loaded weight of a 1620
single or a combination vehicle. The gross vehicle weight rating 1621
of a combination vehicle is the gross vehicle weight rating of the 1622
power unit plus the gross vehicle weight rating of each towed 1623
unit. 1624

~~(V)~~(W) "Hazardous materials" means any material that has been 1625
designated as hazardous under 49 U.S.C. 5103 and is required to be 1626
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 1627
a material listed as a select agent or toxin in 42 C.F.R. part 73, 1628
as amended. 1629

~~(W)~~(X) "Imminent hazard" means the existence of a condition 1630
that presents a substantial likelihood that death, serious 1631
illness, severe personal injury, or a substantial endangerment to 1632
health, property, or the environment may occur before the 1633
reasonably foreseeable completion date of a formal proceeding 1634
begun to lessen the risk of that death, illness, injury, or 1635
endangerment. 1636

~~(X)~~(Y) "Medical variance" means one of the following received 1637
by a driver from the federal motor carrier safety administration 1638
that allows the driver to be issued a medical certificate: 1639

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

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

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

~~(A)~~(AA) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

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

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

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

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

~~(D)~~(FF) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than

engaging in business for profit. 1670

~~(EE)~~(GG) "Residence" means any person's residence determined 1671
in accordance with standards prescribed in rules adopted by the 1672
registrar. 1673

~~(FF)~~(HH) "School bus" has the same meaning as in section 1674
4511.01 of the Revised Code. 1675

~~(GG)~~(II) "Serious traffic violation" means any of the 1676
following: 1677

(1) A conviction arising from a single charge of operating a 1678
commercial motor vehicle in violation of any provision of section 1679
4506.03 of the Revised Code; 1680

(2) A (a) Except as provided in division (II)(2)(b) of this 1681
section, a violation while operating a commercial motor vehicle of 1682
a law of this state, or any municipal ordinance or county or 1683
township resolution prohibiting texting while driving, or any 1684
other substantially similar law of another state or political 1685
subdivision of another state; prohibiting either of the following: 1686

(i) Texting while driving; 1687

(ii) Using a handheld mobile telephone. 1688

(b) It is not a serious traffic violation if the person was 1689
texting or using a handheld mobile telephone to contact law 1690
enforcement or other emergency services. 1691

(3) A conviction arising from the operation of any motor 1692
vehicle that involves any of the following: 1693

(a) A single charge of any speed in excess of the posted 1694
speed limit by fifteen miles per hour or more; 1695

(b) Violation of section 4511.20 or 4511.201 of the Revised 1696
Code or any similar ordinance or resolution, or of any similar law 1697
of another state or political subdivision of another state; 1698

(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;

(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;

(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. 1730

~~(HH)~~(JJ) "State" means a state of the United States and 1731
includes the District of Columbia. 1732

~~(II)~~(KK) "Tank vehicle" means any commercial motor vehicle 1733
that is designed to transport any liquid ~~and has a maximum~~ 1734
~~capacity greater or gaseous materials within a tank or tanks that~~ 1735
~~are either permanently or temporarily attached to the vehicle or~~ 1736
~~its chassis and have an individual rated capacity of more than one~~ 1737
hundred nineteen gallons ~~or is designed to transport gaseous~~ 1738
~~materials and has a water and an aggregate rated capacity greater~~ 1739
~~than of one thousand pounds within a tank that is either~~ 1740
~~permanently or temporarily attached to the vehicle or its chassis~~ 1741
~~gallons or more.~~ "Tank vehicle" does not include ~~any of the~~ 1742
~~following:~~ 1743

~~(1) Any portable tank having a rated capacity of less than~~ 1744
~~one thousand gallons;~~ 1745

~~(2) Tanks used exclusively as a fuel tank for the motor~~ 1746
~~vehicle to which it is attached;~~ 1747

~~(3) An a commercial motor vehicle transporting an empty~~ 1748
storage container tank that is not designed for transportation ~~and~~ 1749
~~that is readily distinguishable from a transportation tank;~~ 1750

~~(4) Ready mix concrete mixers, has a rated capacity of one~~ 1751
~~thousand gallons or more, and is temporarily attached to a flatbed~~ 1752
~~trailer.~~ 1753

~~(JJ)~~(LL) "Tester" means a person or entity acting pursuant to 1754
a valid agreement entered into pursuant to division (B) of section 1755
4506.09 of the Revised Code. 1756

~~(KK)~~(MM) "Texting" means manually entering alphanumeric text 1757
into, or reading text from, an electronic device. Texting includes 1758
short message service, e-mail, instant messaging, a command or 1759

request to access a world wide web page, pressing more than a 1760
single button to initiate or terminate a voice communication using 1761
a mobile telephone, or engaging in any other form of electronic 1762
text retrieval or entry, for present or future communication. 1763
Texting does not include the following: 1764

(1) ~~Reading, selecting, or entering a telephone number, an~~ 1765
~~extension number, or voicemail retrieval codes and commands into~~ 1766
~~an electronic device for the purpose of initiating or receiving a~~ 1767
~~telephone call or using~~ Using voice commands to initiate or, 1768
receive, or terminate a voice communication using a mobile 1769
telephone call; 1770

(2) Inputting, selecting, or reading information on a global 1771
positioning system or navigation system; 1772

(3) Pressing a single button to initiate or terminate a voice 1773
communication using a mobile telephone; or 1774

(4) Using, for a purpose that is not otherwise prohibited by 1775
law, a device capable of performing multiple functions, such as a 1776
fleet management system, a dispatching device, a mobile telephone, 1777
a citizens band radio, or a music player. 1778

~~(LL)~~(NN) "Texting while driving" means texting while 1779
operating a commercial motor vehicle, with the motor running, 1780
including while temporarily stationary because of traffic, a 1781
traffic control device, or other momentary delays, ~~but,~~ Texting 1782
while driving does not include operating a commercial motor 1783
vehicle with or without the motor running when the driver has 1784
moved the vehicle to the side of, or off, a highway and is stopped 1785
in a location where the vehicle can safely remain stationary. 1786

~~(MM)~~(OO) "United States" means the fifty states and the 1787
District of Columbia. 1788

~~(NN)~~(PP) "Upgrade" means a change in the class of vehicles, 1789
endorsements, or self-certified status as described in division 1790

(A)~~(2)~~(1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;

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

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

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

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

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

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

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

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

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

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

(d) A valid commercial driver's license temporary instruction permit issued by the registrar and is, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven and who meets the requirements of division (B) of section 4506.06 of the Revised Code. 1820
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(2) No person shall be issued a person's commercial driver's license temporary instruction permit shall be upgraded, and no commercial driver's license shall be upgraded, renewed, or issued to a person until the person surrenders to the registrar of motor vehicles all valid licenses and permits issued to the person by this state or by another jurisdiction recognized by this state. The If the license or permit was issued by any other state or another jurisdiction recognized by this state, the registrar shall report the surrender of a license or permit to the issuing authority, together with information that a license or permit is now issued in this state. The registrar shall destroy any such license or permit that is not returned to the issuing authority. 1828
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(3) No person who has been a resident of this state for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. 1840
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(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following: 1844
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(1) A farm truck; 1847

(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district; 1848
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(3) A public safety vehicle used to provide transportation or 1850

emergency medical service for ill or injured persons;	1851
(4) A recreational vehicle;	1852
(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;	1853 1854 1855 1856 1857 1858 1859 1860 1861 1862
(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserve technicians.	1863 1864 1865 1866
(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	1867 1868 1869 1870 1871 1872
(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;	1873 1874 1875 1876 1877
(9) A police SWAT team vehicle;	1878
(10) A police vehicle used to transport prisoners.	1879
(C) Nothing contained in division (B)(5) of this section	1880

shall be construed as preempting or superseding any law, rule, or 1881
regulation of this state concerning the safe operation of 1882
commercial motor vehicles. 1883

(D) Whoever violates this section is guilty of a misdemeanor 1884
of the first degree. 1885

Sec. 4506.05. (A) Notwithstanding any other provision of law, 1886
a person may drive a commercial motor vehicle on a highway in this 1887
state if all of the following conditions are met: 1888

(1) The person has a valid commercial driver's license or 1889
commercial driver's license temporary instruction permit issued by 1890
any state or jurisdiction in accordance with the minimum standards 1891
adopted by the federal motor carrier safety administration under 1892
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 1893
3207-171, 49 U.S.C.A. App. for issuance of commercial driver's 1894
licenses; 1895

(2) The person's commercial driver's license or temporary 1896
instruction permit is not suspended, revoked, or canceled, and the 1897
person has the appropriate endorsements for the vehicle that is 1898
being driven; 1899

(3) The person is not disqualified from driving a commercial 1900
motor vehicle; 1901

(4) The person is not subject to an out-of-service order; 1902

(5) The person is medically certified as physically qualified 1903
to operate a commercial motor vehicle in accordance with this 1904
chapter ~~and is able to verify the medical certification when on~~ 1905
~~duty as follows:~~ 1906

(a) ~~Prior to January 30, 2012, the person shall have in the~~ 1907
~~person's possession the original or copy of the person's current~~ 1908
~~medical examiner's certificate when on duty.~~ 1909

~~(b) On or after January 30, 2012:~~ 1910

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

~~(ii)(b)~~ A person whose medical certification information is not maintained in the commercial driver's license information system ~~is required to~~ shall have in the person's possession when on duty ~~the original or copy of a current medical examiner's certificate that was issued prior to January 30, 2012, except that after January 30, 2014, such person is required to have in the person's possession when on duty,~~ the original or a copy of the current medical examiner's certificate that was submitted to the registrar, ~~but.~~ However, the person may operate a commercial motor vehicle with such proof of medical certification for not more than fifteen days after the date the current medical examiner's certificate was issued to the person.

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

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

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

(D)(1) Whoever violates this section is guilty of a

misdemeanor of the first degree. 1942

(2) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 1943
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Sec. 4506.06. (A) The registrar of motor vehicles, upon receiving an application for a commercial driver's license temporary instruction permit, may issue the permit to any person who is at least eighteen years of age and holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code. ~~A The registrar shall not issue a commercial driver's license temporary instruction permit shall not be issued~~ for a period exceeding six months ~~and. The registrar shall grant~~ only one renewal of such a permit ~~shall be granted~~ in a two-year period. A commercial driver's license temporary instruction permit is a prerequisite to the initial issuance of a commercial driver's license and the upgrade of a commercial driver's license if the upgrade requires a skills test. 1949
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(B) The holder of a commercial driver's license temporary instruction permit, unless otherwise disqualified, may drive a commercial motor vehicle only when ~~having~~ the holder has the permit in the holder's actual possession and is accompanied by a person who ~~holds~~; 1962
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(1) Holds a valid commercial driver's license ~~valid and all necessary endorsements~~ for the type of vehicle being driven ~~and who occupies;~~ 1967
1968
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(2) Occupies a seat beside the permit holder for the purpose of giving instruction in driving the motor vehicle; and 1970
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(3) Has the permit holder under observation and direct supervision. 1972
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~~(B)~~(C) Whoever violates this section is guilty of a 1974
misdemeanor of the first degree. 1975

Sec. 4506.07. (A) ~~Every application~~ An applicant for a 1976
commercial driver's license, restricted commercial driver's 1977
license, or a commercial driver's license temporary instruction 1978
permit, or a duplicate of such a license or permit, shall ~~be made~~ 1979
submit an application upon a form approved and furnished by the 1980
registrar of motor vehicles. Except as provided in section 4506.24 1981
of the Revised Code in regard to a restricted commercial driver's 1982
license, the applicant shall sign the application ~~shall be signed~~ 1983
~~by the applicant and~~ which shall contain the following 1984
information: 1985

(1) The applicant's name, date of birth, social security 1986
account number, sex, general description including height, weight, 1987
and color of hair and eyes, current residence, duration of 1988
residence in this state, state of domicile, country of 1989
citizenship, and occupation; 1990

(2) Whether the applicant previously has been licensed to 1991
operate a commercial motor vehicle or any other type of motor 1992
vehicle in another state or a foreign jurisdiction and, if so, 1993
when, by what state, and whether the license or driving privileges 1994
currently are suspended or revoked in any jurisdiction, or the 1995
applicant otherwise has been disqualified from operating a 1996
commercial motor vehicle, or is subject to an out-of-service order 1997
issued under this chapter or any similar law of another state or a 1998
foreign jurisdiction and, if so, the date of, locations involved, 1999
and reason for the suspension, revocation, disqualification, or 2000
out-of-service order; 2001

(3) Whether the applicant is afflicted with or suffering from 2002

any physical or mental disability or disease that prevents the 2003
applicant from exercising reasonable and ordinary control over a 2004
motor vehicle while operating it upon a highway or is or has been 2005
subject to any condition resulting in episodic impairment of 2006
consciousness or loss of muscular control and, if so, the nature 2007
and extent of the disability, disease, or condition, and the names 2008
and addresses of the physicians attending the applicant; 2009

(4) Whether the applicant has obtained a medical examiner's 2010
certificate as required by this chapter and, beginning January 30, 2011
2012, the applicant, prior to or at the time of applying, has 2012
self-certified to the registrar the applicable status of the 2013
applicant under division (A)~~(2)~~(1) of section 4506.10 of the 2014
Revised Code; 2015

(5) Whether the applicant has pending a citation for 2016
violation of any motor vehicle law or ordinance except a parking 2017
violation and, if so, a description of the citation, the court 2018
having jurisdiction of the offense, and the date when the offense 2019
occurred; 2020

(6) If an applicant has not certified the applicant's 2021
willingness to make an anatomical gift under section 2108.05 of 2022
the Revised Code, whether the applicant wishes to certify 2023
willingness to make such an anatomical gift, which shall be given 2024
no consideration in the issuance of a license; 2025

(7) ~~On and after May 1, 1993, whether~~ Whether the applicant 2026
has executed a valid durable power of attorney for health care 2027
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 2028
executed a declaration governing the use or continuation, or the 2029
withholding or withdrawal, of life-sustaining treatment pursuant 2030
to sections 2133.01 to 2133.15 of the Revised Code and, if the 2031
applicant has executed either type of instrument, whether the 2032
applicant wishes the license issued to indicate that the applicant 2033
has executed the instrument; 2034

(8) ~~On and after October 7, 2009, whether~~ Whether the 2035
applicant is a veteran, active duty, or reservist of the armed 2036
forces of the United States and, if the applicant is such, whether 2037
the applicant wishes the license issued to indicate that the 2038
applicant is a veteran, active duty, or reservist of the armed 2039
forces of the United States by a military designation on the 2040
license. 2041

(B) Every applicant shall certify, on a form approved and 2042
furnished by the registrar, all of the following: 2043

(1) That the motor vehicle in which the applicant intends to 2044
take the driving skills test is representative of the type of 2045
motor vehicle that the applicant expects to operate as a driver; 2046

(2) That the applicant is not subject to any disqualification 2047
or out-of-service order, or license suspension, revocation, or 2048
cancellation, under the laws of this state, of another state, or 2049
of a foreign jurisdiction and does not have more than one driver's 2050
license issued by this or another state or a foreign jurisdiction; 2051

(3) Any additional information, certification, or evidence 2052
that the registrar requires by rule in order to ensure that the 2053
issuance of a commercial driver's license or commercial driver's 2054
license temporary instruction permit to the applicant is in 2055
compliance with the law of this state and with federal law. 2056

(C) Every applicant shall execute a form, approved and 2057
furnished by the registrar, under which the applicant consents to 2058
the release by the registrar of information from the applicant's 2059
driving record. 2060

(D) The registrar or a deputy registrar, in accordance with 2061
section 3503.11 of the Revised Code, shall register as an elector 2062
any applicant for a commercial driver's license or for a renewal 2063
or duplicate of such a license under this chapter, if the 2064
applicant is eligible and wishes to be registered as an elector. 2065

The decision of an applicant whether to register as an elector 2066
shall be given no consideration in the decision of whether to 2067
issue the applicant a license or a renewal or duplicate. 2068

(E) The registrar or a deputy registrar, in accordance with 2069
section 3503.11 of the Revised Code, shall offer the opportunity 2070
of completing a notice of change of residence or change of name to 2071
any applicant for a commercial driver's license or for a renewal 2072
or duplicate of such a license who is a resident of this state, if 2073
the applicant is a registered elector who has changed the 2074
applicant's residence or name and has not filed such a notice. 2075

(F) In considering any application submitted pursuant to this 2076
section, the bureau of motor vehicles may conduct any inquiries 2077
necessary to ensure that issuance or renewal of a commercial 2078
driver's license would not violate any provision of the Revised 2079
Code or federal law. 2080

(G) In addition to any other information it contains, ~~on and~~ 2081
~~after October 7, 2009,~~ the form approved and furnished by the 2082
registrar of motor vehicles for an application for a commercial 2083
driver's license, restricted commercial driver's license, or a 2084
commercial driver's license temporary instruction permit or an 2085
application for a duplicate of such a license or permit shall 2086
inform applicants that the applicant must present a copy of the 2087
applicant's DD-214 or an equivalent document in order to qualify 2088
to have the license, or permit, or duplicate indicate that the 2089
applicant is a veteran, active duty, or reservist of the armed 2090
forces of the United States based on a request made pursuant to 2091
division (A)(8) of this section. 2092

Sec. 4506.071. On receipt of a notice pursuant to section 2093
3123.54 of the Revised Code, the registrar of motor vehicles shall 2094
comply with sections 3123.53 to 3123.60 of the Revised Code and 2095
any applicable rules adopted under section 3123.63 of the Revised 2096

Code with respect to a commercial driver's license or commercial 2097
driver's license temporary instruction permit issued pursuant to 2098
this chapter. 2099

Sec. 4506.08. (A)(1) Each application for a commercial 2100
driver's license temporary instruction permit shall be accompanied 2101
by a fee of ten dollars. Each application for a commercial 2102
driver's license, restricted commercial driver's license, renewal 2103
of such a license, or waiver for farm-related service industries 2104
shall be accompanied by a fee of twenty-five dollars, except that 2105
an application for a commercial driver's license or restricted 2106
commercial driver's license received pursuant to division (A)(3) 2107
of section 4506.14 of the Revised Code shall be accompanied by a 2108
fee of eighteen dollars and seventy-five cents if the license will 2109
expire on the licensee's birthday three years after the date of 2110
issuance, a fee of twelve dollars and fifty cents if the license 2111
will expire on the licensee's birthday two years after the date of 2112
issuance, and a fee of six dollars and twenty-five cents if the 2113
license will expire on the licensee's birthday one year after the 2114
date of issuance. Each application for a duplicate commercial 2115
driver's license shall be accompanied by a fee of ten dollars. 2116

(2) In addition, the registrar of motor vehicles or deputy 2117
registrar may collect and retain an additional fee of no more than 2118
three dollars and fifty cents for each application for a 2119
commercial driver's license temporary instruction permit, 2120
commercial driver's license, renewal of a commercial driver's 2121
license, or duplicate commercial driver's license received by the 2122
registrar or deputy. 2123

(B) In addition to the fees imposed under division (A) of 2124
this section, the registrar of motor vehicles or deputy registrar 2125
shall collect a fee of twelve dollars for each application for a 2126
commercial driver's license temporary instruction permit, 2127

commercial driver's license, or duplicate commercial driver's 2128
license and for each application for renewal of a commercial 2129
driver's license. The additional fee is for the purpose of 2130
defraying the department of public safety's costs associated with 2131
the administration and enforcement of the motor vehicle and 2132
traffic laws of Ohio. 2133

(C) Each deputy registrar shall transmit the fees collected 2134
under divisions (A)(1) and (B) of this section in the time and 2135
manner prescribed by the registrar. The registrar shall deposit 2136
all moneys collected under division (A)(1) of this section into 2137
the state bureau of motor vehicles fund established in section 2138
4501.25 of the Revised Code. The registrar shall deposit all 2139
moneys collected under division (B) of this section into the state 2140
highway safety fund established in section 4501.06 of the Revised 2141
Code. 2142

(D) ~~Information Upon request and payment of a fee of five~~ 2143
~~dollars, the registrar shall furnish information~~ regarding the 2144
driving record of any person holding a commercial driver's license 2145
issued by this state ~~shall be furnished by the registrar, upon~~ 2146
~~request and payment of a fee of five dollars,~~ to the employer or 2147
prospective employer of such a person and to any insurer. 2148

~~Of each five dollar fee the~~ The registrar collects under this 2149
~~division, the registrar shall pay two dollars~~ each five-dollar fee 2150
the registrar collects under this division into the state treasury 2151
to the credit of the state bureau of motor vehicles fund 2152
established in section 4501.25 of the Revised Code, ~~sixty cents~~ 2153
~~into the state treasury to the credit of the trauma and emergency~~ 2154
~~medical services fund established in section 4513.263 of the~~ 2155
~~Revised Code, sixty cents into the state treasury to the credit of~~ 2156
~~the homeland security fund established in section 5502.03 of the~~ 2157
~~Revised Code, thirty cents into the state treasury to the credit~~ 2158
~~of the investigations fund established in section 5502.131 of the~~ 2159

~~Revised Code, one dollar and twenty five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and twenty five cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.~~

Sec. 4506.09. (A) The registrar of motor vehicles, subject to approval by the director of public safety, shall adopt rules conforming with applicable standards adopted by the federal motor carrier safety administration as regulations under Pub. L. No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 31317. The rules shall establish requirements for the qualification and testing of persons applying for a commercial driver's license, which ~~shall be~~ are in addition to other requirements established by this chapter. Except as provided in division (B) of this section, the highway patrol or any other employee of the department of public safety the registrar authorizes shall supervise and conduct the testing of persons applying for a commercial driver's license.

(B) The director may adopt rules, in accordance with Chapter 119. of the Revised Code and applicable requirements of the federal motor carrier safety administration, authorizing the skills test specified in this section to be administered by any person, by an agency of this or another state, or by an agency, department, or instrumentality of local government. Each party authorized under this division to administer the skills test may charge a maximum divisible fee of eighty-five dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of not more than twenty dollars for the pre-trip inspection portion of the test, not more than twenty dollars for the off-road maneuvering portion of the test, and not more than forty-five dollars for the on-road portion of

the test. Each such party may require an appointment fee in the 2192
same manner provided in division ~~(F)~~(E)(2) of this section, except 2193
that the maximum amount such a party may require as an appointment 2194
fee is eighty-five dollars. The skills test administered by 2195
another party under this division shall be the same as otherwise 2196
would be administered by this state. The other party shall enter 2197
into an agreement with the director that, without limitation, does 2198
all of the following: 2199

(1) Allows the director or the director's representative and 2200
the federal motor carrier safety administration or its 2201
representative to conduct random examinations, inspections, and 2202
audits of the other party, whether covert or overt, without prior 2203
notice; 2204

(2) Requires the director or the director's representative to 2205
conduct on-site inspections of the other party at least annually; 2206

(3) Requires that all examiners of the other party meet the 2207
same qualification and training standards as examiners of the 2208
department of public safety, including criminal background checks, 2209
to the extent necessary to conduct skills tests in the manner 2210
required by 49 C.F.R. 383.110 through 383.135+. In accordance with 2211
federal guidelines, any examiner employed on the effective date of 2212
this amendment shall have a criminal background check conducted at 2213
least once, and any examiner hired after the effective date of 2214
this amendment shall have a criminal background check conducted 2215
after the examiner is initially hired. 2216

(4) Requires either that state employees take, at least 2217
annually and as though the employees were test applicants, the 2218
tests actually administered by the other party, that the director 2219
test a sample of drivers who were examined by the other party to 2220
compare the test results, or that state employees accompany a test 2221
applicant during an actual test; 2222

- (5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing; 2223
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- (6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's license examiner training course as prescribed by the director, and have been certified by the state as a commercial driver's license skills test examiner qualified to administer skills tests; 2229
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- (7) Requires the other party to use designated road test routes that have been approved by the director; 2234
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- (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; 2236
2237
2238
- (9) Requires the other party to maintain copies of the following records at its principal place of business: 2239
2240
- (a) The other party's commercial driver's license skills testing program certificate; 2241
2242
- (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; 2243
2244
2245
- (c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years; 2246
2247
- (d) A complete list of the test routes that have been approved by the director; 2248
2249
- (e) A complete and accurate copy of each examiner's training record. 2250
2251
- (10) If the other party also is a driver training school, 2252

prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained; 2253
2254

(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year; 2255
2256
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(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. 2258
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(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. 2264
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~~(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:~~ 2273
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2275
2276

~~(1) Certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:~~ 2277
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2279

~~(a) The applicant has not had more than one license.~~ 2280

~~(b) The applicant has not had any license suspended, revoked, or canceled.~~ 2281
2282

~~(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.~~ 2283
2284
2285

~~(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.~~ 2286
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2288
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~~(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.~~ 2291
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~~(2) Certifies and also provides evidence that the applicant is regularly employed in a job requiring operation of a commercial motor vehicle and that one of the following applies:~~ 2296
2297
2298

~~(a) 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.~~ 2299
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~~(b) The applicant has regularly operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.~~ 2304
2305
2306
2307

~~(E)(1) 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:~~ 2308
2309
2310
2311

~~(1) Has been a member or uniformed employee of the armed forces of the United States or their reserve components, including~~ 2312
2313

~~the Ohio national guard or the national guard of any other state;~~ 2314

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates 2315

a commercial motor vehicle for military purposes and is one of the 2316

following: 2317

(i) Active duty military personnel; 2318

(ii) A member of the military reserves; 2319

(iii) A member of the national guard on active duty, 2320

including full-time national guard duty, part-time national guard 2321

training, and national guard military technicians; 2322

(iv) Active duty U.S. coast guard personnel. 2323

~~(2) Certifies~~ (b) The applicant certifies that, during the 2324

two-year period immediately preceding application for a commercial 2325

driver's license, all of the following apply: 2326

~~(a)~~(i) The applicant has not had more than one license, 2327

excluding any military license. 2328

~~(b)~~(ii) The applicant has not had any license suspended, 2329

revoked, or canceled. 2330

~~(c)~~(iii) The applicant has not had any convictions for any 2331

type of motor vehicle for the offenses for which disqualification 2332

is prescribed in section 4506.16 of the Revised Code. 2333

~~(d)~~(iv) The applicant has not had more than one conviction 2334

for any type of motor vehicle for a serious traffic violation. 2335

~~(e)~~(v) The applicant has not had any violation of a state or 2336

local law relating to motor vehicle traffic control other than a 2337

parking violation arising in connection with any traffic accident 2338

and has no record of an accident in which the applicant was at 2339

fault. 2340

~~(3)~~(c) In accordance with rules adopted by the director, the 2341

applicant certifies and also provides evidence of all of the 2342

following: 2343

~~(a)~~(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

~~(b)~~(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code;

~~(c)~~(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate.

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

~~(F)~~(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

(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. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test, and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills

test during that appointment, the appointment fee ~~shall serve~~ 2375
serves as the skills test fee. If the applicant schedules an 2376
appointment to take all portions of the skills test and fails to 2377
appear at the time and location specified for the appointment, ~~ne~~ 2378
the director shall not refund any portion of the appointment fee 2379
~~shall be refunded~~. If the applicant schedules an appointment to 2380
take all portions of the skills test and appears at the time and 2381
location specified for the appointment, but declines or is unable 2382
to take all portions of the skills test, ~~ne~~ the director shall not 2383
refund any portion of the appointment fee ~~shall be refunded~~. If 2384
the applicant cancels a scheduled appointment forty-eight hours or 2385
more prior to the time of the appointment time, the applicant 2386
shall not forfeit the appointment fee. 2387

An applicant for a commercial driver's license who schedules 2388
an appointment to take one or more, but not all, portions of the 2389
skills test ~~shall be~~ is required to pay an appointment fee equal to 2390
the costs of each test scheduled, as prescribed in division 2391
(~~F~~)(E)(1) of this section, when scheduling such an appointment. If 2392
the applicant appears at the time and location specified for the 2393
appointment and takes all the portions of the skills test during 2394
that appointment that the applicant was scheduled to take, the 2395
appointment fee ~~shall serve~~ serves as the skills test fee. If the 2396
applicant schedules an appointment to take one or more, but not 2397
all, portions of the skills test and fails to appear at the time 2398
and location specified for the appointment, ~~ne~~ the director shall 2399
not refund any portion of the appointment fee ~~shall be refunded~~. 2400
If the applicant schedules an appointment to take one or more, but 2401
not all, portions of the skills test and appears at the time and 2402
location specified for the appointment, but declines or is unable 2403
to take all portions of the skills test that the applicant was 2404
scheduled to take, ~~ne~~ the director shall not refund any portion of 2405
the appointment fee ~~shall be refunded~~. If the applicant cancels a 2406
scheduled appointment forty-eight hours or more prior to the time 2407

of the appointment time, the applicant shall not forfeit the 2408
appointment fee. 2409

(3) The department of public safety shall deposit all fees it 2410
collects under division ~~(F)~~(E) of this section in the state bureau 2411
of motor vehicles fund established in section 4501.25 of the 2412
Revised Code. 2413

(F) A person who has successfully completed commercial 2414
driver's license training in this state but seeks a commercial 2415
driver's license in another state where the person is domiciled 2416
may schedule an appointment to take the skills test in this state 2417
and shall pay the appropriate appointment fee. Upon the person's 2418
completion of the skills test, this state shall electronically 2419
transmit the applicant's results to the state where the person is 2420
domiciled. If a person who is domiciled in this state takes a 2421
skills test in another state, this state shall accept the results 2422
of the skills test from the other state. If the person passed the 2423
other state's skills test and meets all of the other licensing 2424
requirements set forth in this chapter and rules adopted under 2425
this chapter, the registrar of motor vehicles or a deputy 2426
registrar shall issue a commercial driver's license to that 2427
person. 2428

(G) Unless otherwise specified, the director or the 2429
director's representative shall conduct the examinations, 2430
inspections, audits, and test monitoring set forth in divisions 2431
(B)(2), (3), and (4) of this section at least annually. If the 2432
other party or any of its skills test examiners fail to comply 2433
with state or federal standards for the skills testing program, 2434
the director or the director's representative shall take prompt 2435
and appropriate remedial action against the party and its skills 2436
test examiners. Remedial action may include termination of the 2437
agreement or revocation of a skills test examiner's certification. 2438

(H) As used in this section, "skills test" means a test of an 2439

applicant's ability to drive the type of commercial motor vehicle 2440
for which the applicant seeks a commercial driver's license by 2441
having the applicant drive such a motor vehicle while under the 2442
supervision of an authorized state driver's license examiner or 2443
tester. 2444

Sec. 4506.10. (A) No person who holds a valid commercial 2445
driver's license shall drive a commercial motor vehicle unless the 2446
person is physically qualified to do so. 2447

~~(1) Prior to January 30, 2012, each person who drives or 2448
expects to drive a commercial motor vehicle in interstate or 2449
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 2450
seq., as amended, shall certify to the registrar of motor vehicles 2451
at the time of application for a commercial driver's license that 2452
the person is in compliance with these standards. Any person who 2453
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 2454
certify at the time of application that the person is not subject 2455
to these standards. 2456~~

~~(2) Beginning on January 30, 2012, any Any person applying 2457
for a commercial driver's license or commercial driver's license 2458
temporary instruction permit, renewing the renewal or upgrade of a 2459
commercial driver's license or commercial driver's license 2460
temporary instruction permit, or transferring the transfer of a 2461
commercial driver's license from out of state shall self-certify 2462
to the registrar for purposes of 49 C.F.R. 383.71, one of the 2463
following in regard to the applicant's operation of a commercial 2464
motor vehicle, as applicable: 2465~~

(a)(i) If the applicant operates or expects to operate a 2466
commercial motor vehicle in interstate or foreign commerce and is 2467
subject to and meets the requirements under 49 C.F.R. part 391, 2468
the applicant shall self-certify that the applicant is 2469
non-excepted interstate and shall provide the registrar with the 2470

original or a copy of a medical examiner's certificate and each 2471
subsequently issued medical examiner's certificate prepared by a 2472
qualified medical examiner to maintain a medically certified 2473
status on the applicant's commercial driver licensing system 2474
driver record; 2475

(ii) If the applicant operates or expects to operate a 2476
commercial motor vehicle in interstate commerce, but engages in 2477
transportation or operations excepted under 49 C.F.R. 390.3(f), 2478
391.2, 391.68, or 398.3 from all or parts of the qualification 2479
requirements of 49 C.F.R. part 391, the applicant shall 2480
self-certify that the applicant is excepted interstate and is not 2481
required to obtain a medical examiner's certificate. 2482

(b)(i) If the applicant operates only in intrastate commerce 2483
and is subject to state driver qualification requirements, the 2484
applicant shall self-certify that the applicant is non-excepted 2485
intrastate; 2486

(ii) If the applicant operates only in intrastate commerce 2487
and is excepted from all or parts of the state driver 2488
qualification requirements, the applicant shall self-certify that 2489
the applicant is excepted intrastate. 2490

~~(3)~~(2) Notwithstanding the expiration date on a person's 2491
commercial driver's license or commercial driver's license 2492
temporary instruction permit, every commercial driver's license or 2493
commercial driver's license temporary instruction permit holder 2494
shall provide the registrar with the certification required by 2495
this section, on or after January 30, 2012, but prior to January 2496
30, 2014. 2497

(B) A person is qualified to drive a school bus if the person 2498
holds a valid commercial driver's license along with the proper 2499
endorsements, and if the person has been certified as medically 2500
qualified in accordance with rules adopted by the department of 2501

education. 2502

(C)(1) Except as provided in division (C)(2) of this section, 2503
~~any only a medical examiner who is listed on the national registry~~ 2504
~~of certified medical examiners established by the federal motor~~ 2505
~~carrier safety administration shall perform a~~ medical examination 2506
required by this section ~~shall be performed only by one of the~~ 2507
~~following:~~ 2508

~~(a) A person licensed under Chapter 4731. of the Revised Code~~ 2509
~~to practice medicine or surgery or osteopathic medicine and~~ 2510
~~surgery in this state, or licensed under any similar law of~~ 2511
~~another state;~~ 2512

~~(b) A physician assistant who is authorized by the~~ 2513
~~supervising physician to perform such a medical examination;~~ 2514

~~(c) A certified nurse practitioner, a clinical nurse~~ 2515
~~specialist, or a certified nurse midwife;~~ 2516

~~(d) A doctor of chiropractic.~~ 2517

(2) ~~Any part of an examination required by this section that~~ 2518
~~pertains to visual acuity, field of vision, and the ability to~~ 2519
~~recognize colors may be performed by a~~ A person licensed under 2520
Chapter 4725. of the Revised Code to practice optometry in this 2521
state, or licensed under any similar law of another state, may 2522
perform any part of an examination required by this section that 2523
pertains to visual acuity, field of vision, and the ability to 2524
recognize colors. 2525

(3) ~~Any~~ The individual who performed an examination conducted 2526
pursuant to this section shall complete any written documentation 2527
of a physical examination ~~conducted pursuant to this section shall~~ 2528
~~be completed by the individual who performed the examination on a~~ 2529
form that substantially complies with the requirements of 49 2530
C.F.R. 391.43(h). 2531

(D) Whenever good cause appears, the registrar, upon issuing a commercial driver's license or commercial driver's license temporary instruction permit under this chapter, may impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may operate, or such other restrictions applicable to the licensee as the registrar determines to be necessary.

The registrar may either issue a special restricted license or may set forth upon the usual license form the restrictions imposed.

The registrar, upon receiving satisfactory evidence of any violation of the restrictions of the license, may impose a class D license suspension of the license for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code.

The registrar, upon receiving satisfactory evidence that an applicant or holder of a commercial driver's license or commercial driver's license temporary instruction permit has violated division (A)(4) of section 4506.04 of the Revised Code and knowingly given false information in any application or certification required by section 4506.07 of the Revised Code, shall cancel the person's commercial driver's license ~~of the person~~ or commercial driver's license temporary instruction permit or any pending application from the person for a commercial driver's license, commercial driver's license temporary instruction permit, or class D driver's license for a period of at least sixty days, during which time no application for a commercial driver's license, commercial driver's license temporary instruction permit, or class D driver's license shall be received from the person.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.12. (A) Commercial driver's licenses shall be 2564
issued in the following classes and shall include any endorsements 2565
and restrictions that are applicable. Subject to any such 2566
endorsements and restrictions, the holder of a valid commercial 2567
driver's license may drive all commercial motor vehicles in the 2568
class for which that license is issued and all lesser classes of 2569
vehicles, except that the holder shall not operate a motorcycle 2570
unless the holder is licensed to do so under Chapter 4507. of the 2571
Revised Code. 2572

(B) The classes of commercial driver's licenses and the 2573
commercial motor vehicles that they authorize the operation of are 2574
as follows: 2575

(1) Class A--any combination of vehicles with a combined 2576
gross vehicle weight or combined gross vehicle weight rating of 2577
twenty-six thousand one pounds or more, if the gross vehicle 2578
weight or gross vehicle weight rating of the vehicle or vehicles 2579
being towed is in excess of ten thousand pounds. 2580

(2) Class B--any single vehicle with a gross vehicle weight 2581
or gross vehicle weight rating of twenty-six thousand one pounds 2582
or more or any such vehicle towing a vehicle having a gross 2583
vehicle weight or gross vehicle weight rating that is not in 2584
excess of ten thousand pounds. 2585

(3) Class C--any single vehicle, or combination of vehicles, 2586
that is not a class A or class B vehicle, but that is designed to 2587
transport sixteen or more passengers, including the driver, or is 2588
transporting hazardous materials in an amount requiring 2589
placarding, or any school bus with a gross vehicle weight or gross 2590
vehicle weight rating of less than twenty-six thousand one pounds 2591
that is designed to transport fewer than sixteen passengers 2592
including the driver. 2593

(C) The following endorsements ~~and restrictions~~ apply to 2594

commercial drivers' licenses:	2595
(1) H--authorizes the driver to drive a vehicle transporting hazardous materials in an amount requiring placarding;	2596 2597
(2) K restricts the driver to only intrastate operation;	2598
(3) L restricts the driver to vehicles not equipped with air brakes;	2599 2600
(4) T--authorizes the driver to drive a vehicle configured with double or triple trailers that create more than one articulation point for the combination;	2601 2602 2603
(5)(3) P--authorizes the driver to drive vehicles designed to transport sixteen or more passengers, including the driver;	2604 2605
(6) P1--authorizes the driver to drive class A vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	2606 2607 2608 2609
(7) P2--authorizes the driver to drive class A or B vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	2610 2611 2612 2613
(8) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	2614 2615 2616
(9)(4) N--authorizes the driver to drive tank vehicles;	2617
(10)(5) S--authorizes the driver to drive school buses transporting children;	2618 2619
(11)(6) X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding;	2620 2621 2622
(12) W--restricts the driver to the operation of commercial	2623

motor vehicles in accordance with a waiver for farm-related	2624
service industries issued under section 4506.24 of the Revised	2625
Code;	2626
(13) V--indicates the existence of a medical variance on the	2627
driver's commercial driver's license information system driver	2628
record.	2629
<u>(D) The following restrictions apply to commercial driver's</u>	2630
<u>licenses:</u>	2631
<u>(1) E--restricts the driver to vehicles equipped with an</u>	2632
<u>automatic transmission;</u>	2633
<u>(2) K--restricts the driver to only intrastate operation;</u>	2634
<u>(3) L--restricts the driver to vehicles not equipped with air</u>	2635
<u>brakes;</u>	2636
<u>(4) M--restricts the driver from operating class A passenger</u>	2637
<u>vehicles;</u>	2638
<u>(5) N--restricts the driver from operating class A and B</u>	2639
<u>passenger vehicles;</u>	2640
<u>(6) O--restricts the driver from operating tractor-trailer</u>	2641
<u>commercial motor vehicles;</u>	2642
<u>(7) V--indicates the existence of a medical variance on the</u>	2643
<u>driver's commercial driver's license information system driver</u>	2644
<u>record;</u>	2645
<u>(8) W--restricts the driver to the operation of commercial</u>	2646
<u>motor vehicles in accordance with a waiver for farm-related</u>	2647
<u>service industries issued under section 4506.24 of the Revised</u>	2648
<u>Code;</u>	2649
<u>(9) Z--restricts the driver to vehicles not equipped with</u>	2650
<u>full air brakes.</u>	2651
<u>(E) In addition to any endorsement that otherwise may apply,</u>	2652

a person who is engaged in the towing of a disabled or wrecked motor vehicle shall hold a commercial driver's license bearing any endorsement required to drive the towed vehicle except the driver is not required to have either of the following:

(1) A passenger endorsement to tow an unoccupied passenger vehicle;

(2) Any endorsement required for the wrecked or disabled vehicle when the driver initially removes a vehicle from the site of the emergency where the vehicle became wrecked or disabled to the nearest appropriate repair, disposal, or storage facility, as applicable.

~~(E)~~(F) The following endorsements apply to commercial driver's license temporary instruction permits:

(1) N--authorizes the holder to drive tank vehicles;

(2) P--authorizes the permit holder to drive vehicles designed to transport sixteen or more passengers, including the driver;

(3) S--authorizes the holder to drive school buses transporting children.

(G) The following restrictions apply to commercial driver's license temporary instruction permits:

(1) K--restricts the driver to only intrastate operation;

(2) L--restricts the driver to vehicles not equipped with air brakes;

(3) M--restricts the driver from operating class A passenger vehicles;

(4) N--restricts the driver from operating class A and B passenger vehicles;

(5) P--restricts the driver from transporting passengers in a

commercial motor vehicle bus; 2682

(6) V--indicates the existence of a medical variance on the 2683
driver's commercial driver's license information system driver 2684
record; 2685

(7) X--restricts the driver from transporting cargo in a tank 2686
vehicle. 2687

(H) A commercial driver's license temporary instruction 2688
permit holder shall not have an endorsement other than an 2689
endorsement set forth in division (F) of this section. A 2690
commercial driver's license temporary instruction permit holder 2691
with a tank vehicle (N) endorsement may only operate an empty tank 2692
vehicle, and is prohibited from operating any tank vehicle that 2693
previously contained hazardous materials that have not been purged 2694
from the tank vehicle. A commercial driver's license temporary 2695
instruction permit holder with a passenger (P) or school bus (S) 2696
endorsement is prohibited from operating a school bus or 2697
commercial motor vehicle carrying passengers. 2698

(I) No person shall drive any commercial motor vehicle for 2699
which an endorsement is required under this section unless the 2700
proper endorsement appears on the person's commercial driver's 2701
license or commercial driver's license temporary instruction 2702
permit. No person shall drive a commercial motor vehicle in 2703
violation of a restriction established under this section that 2704
appears on the person's commercial driver's license or commercial 2705
driver's license temporary instruction permit. 2706

~~(F)~~(J)(1) Whoever violates this section is guilty of a 2707
misdemeanor of the first degree. 2708

(2) The offenses established under division (I) of this 2709
section are strict liability offenses and section 2901.20 of the 2710
Revised Code does not apply. The designation of these offenses as 2711
strict liability offenses shall not be construed to imply that any 2712

other offense for which there is no specified degree of 2713
culpability, whether in this section or another section of the 2714
Revised Code, is not a strict liability offense. 2715

Sec. 4506.13. (A) The registrar of motor vehicles may 2716
authorize the highway patrol or any other employee of the 2717
department of public safety to issue an examiner's commercial 2718
examinations passed form to an applicant who has passed the 2719
required examinations. The examiner's commercial examinations 2720
passed form shall be used, ~~once it has been validated,~~ to indicate 2721
the examinations taken and passed by the commercial driver's 2722
license applicant. 2723

(B)(1) Before issuing, renewing, transferring, or upgrading a 2724
commercial driver's license, the registrar of motor vehicles shall 2725
obtain information about the applicant's driving record through 2726
the commercial driver's license information system, the 2727
applicant's state of licensure, and when available, the national 2728
driver register. In addition, ~~beginning January 30, 2012, before~~ 2729
~~issuing, renewing, transferring, or upgrading a commercial~~ 2730
~~driver's license~~ the registrar shall check the applicant's driver 2731
record to ensure that an applicant who self-certified under 2732
division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code 2733
that the applicant's operation of a commercial motor vehicle is 2734
non-excepted interstate, is medically certified. 2735

(2) The registrar shall not issue, renew, upgrade, or 2736
transfer the applicant's commercial driver's license if any of the 2737
following apply: 2738

(a) The registrar obtains adverse information regarding the 2739
applicant's driving record. 2740

(b) There is no information regarding the driver's 2741
self-certification type as required by division (A)~~(2)~~(1) of 2742
section 4506.10 of the Revised Code. 2743

(c) The applicant's medical status is not certified, when 2744
required to be certified under division (A)~~(2)~~(1)(a)(i) of section 2745
4506.10 of the Revised Code. 2746

(3) If the record check reveals information that the 2747
applicant claims is outdated, contested, or invalid, the registrar 2748
shall deny the application until the applicant can resolve the 2749
conflict. 2750

~~(C)(1) Within~~ The registrar shall do all of the following: 2751

(1) Within ten days after issuing a commercial driver's 2752
license, ~~the registrar shall~~ notify the commercial driver's 2753
license information system, when available, of that fact and ~~shall~~ 2754
provide all information required to ensure identification of the 2755
licensee. If the registrar is notified that driver has been issued 2756
a medical variance, the registrar shall indicate the existence of 2757
the medical variance on the commercial driver's license holder's 2758
commercial driver's license information system driver record. 2759

~~(2) Beginning on January 30, 2012, the registrar shall do all~~ 2760
~~of the following:~~ 2761

~~(a)~~ For those ~~driver's~~ drivers self-certifying under division 2762
(A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as 2763
non-excepted interstate, post the applicant's medical status as 2764
certified or non-certified on the applicant's commercial driver's 2765
license information system driver record upon receiving a valid 2766
original or copy of the medical examiner's certificate; 2767

~~(b)~~(3) Post the driver's self-certification type as set forth 2768
in division (A)~~(2)~~(1) of section 4506.10 of the Revised Code; 2769

~~(c)~~(4) Post information from the medical examiner's 2770
certificate, if applicable, on the commercial driver's license 2771
holder's commercial driver's license information system driver 2772
record within ten business days of issuing the commercial driver's 2773
license; 2774

~~(d)~~(5) Retain the original or a copy of the commercial driver's license holder's medical certificate for a minimum of three years after the date the certificate was issued; 2775
2776
2777

~~(3) The registrar shall post~~ (6) Post and maintain as part of the commercial driver's license information system driver record all convictions, disqualifications, and other licensing actions for violations of any state or municipal ordinances related to motor vehicle traffic control, other than parking violations for all persons who hold a commercial driver's license or operate a motor vehicle for which a commercial driver's license is required; 2778
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~~(4) Beginning January 30, 2014, the registrar shall post;~~ 2785

(7) Post an applicant's status of medically non-certified on the applicant's commercial driver's license information system driver record and ~~shall~~ downgrade the ~~commercial driver's license holder's~~ applicant's commercial driver's license in accordance with division (D) of this section if either of the following applies: 2786
2787
2788
2789
2790
2791

(a) The commercial driver's license holder fails to provide the driver's self-certification type as required by division (A)~~(2)~~(1) of section 4506.10 of the Revised Code. 2792
2793
2794

(b) The commercial driver's license holder self-certifying under division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as non-excepted interstate fails to provide the registrar with a current medical examiner's certificate. 2795
2796
2797
2798

~~(5) The registrar shall mark~~ (8) Mark the commercial driver's license information system driver record as non-certified for any commercial driver's license holder who has not self-certified under division (A)~~(2)~~(1) of section 4506.10 of the Revised Code by January 30, 2014 and ~~shall~~ initiate the commercial driver's license commercial driver's license downgrade procedures described in division (D) of this section; 2799
2800
2801
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2805

~~(6) Beginning on January 30, 2012, within;~~ 2806

(9) Within ten days after a commercial driver's license 2807
holder's medical certification status expires or a medical 2808
variance expires or is rescinded, ~~the registrar shall~~ update the 2809
person's medical certification status to non-certified. ~~Within;~~ 2810

(10) Within ten calendar days after receiving information 2811
from the federal motor carrier safety administration regarding 2812
issuance or renewal of a medical variance for a driver, ~~the~~ 2813
~~registrar shall~~ update the driver's commercial driver's license 2814
information system driver record to include the medical variance 2815
information provided by the federal motor carrier safety 2816
administration. 2817

(D) If a driver's medical certification or medical variance 2818
expires or the federal motor carrier safety administration 2819
notifies the registrar that a medical variance was removed or 2820
rescinded, the registrar shall do the following: 2821

(1) Send notice to the commercial driver's license holder of 2822
the holder's medically not certified status. The notice shall 2823
inform the driver that the driver's commercial driver's license 2824
privileges will be removed unless the driver resolves the medical 2825
certification or medical variance defect by submitting a current 2826
medical certificate or medical variance, as applicable, or 2827
changing the driver's self-certification under division (A)~~(2)~~(1) 2828
of section 4506.10 of the Revised Code to driving only in excepted 2829
interstate or excepted intrastate commerce within sixty days. 2830

(2) Sixty days after the change to a medically not certified 2831
status, if the commercial driver's license holder has not resolved 2832
the medical certification or medical variance defect as described 2833
in division (D)(1) of this section, the registrar shall change the 2834
person's commercial driver's license status to reflect no 2835
commercial driver's license privileges and shall send the person a 2836

second notice informing the person that the commercial driver's 2837
license privilege has been removed from the driver's license and 2838
~~that, unless the driver resolves the medical certification or~~ 2839
~~medical variance defect by submitting a current medical~~ 2840
~~certificate or medical variance, as applicable, or changing the~~ 2841
~~driver's self-certification under division (A)(2) of section~~ 2842
~~4506.10 of the Revised Code to driving only in excepted interstate~~ 2843
~~or excepted intrastate commerce within one hundred eighty days,~~ 2844
~~the person's commercial driver's license will be downgraded to a~~ 2845
~~noncommercial driver's license class of license.~~ 2846

(E) To the extent permitted by federal and state law, the 2847
registrar shall provide records from the commercial driver's 2848
license information system regarding a commercial driver's license 2849
holder or commercial motor vehicle operator to the following 2850
individuals and entities or their authorized agents within ten 2851
days of the receipt of conviction or disqualification information 2852
concerning the holder or operator from another state or within ten 2853
days of the date of conviction or disqualification of the holder 2854
or operator if it occurred in this state, as applicable: 2855

(1) Other states; 2856

(2) The secretary of the United States department of 2857
transportation; 2858

(3) The commercial driver's license holder or commercial 2859
motor vehicle operator referenced in the records; 2860

(4) A motor carrier that is a current or prospective employer 2861
of the commercial driver's license holder or commercial motor 2862
vehicle operator referenced in the records. 2863

Sec. 4506.15. (A) No person who holds a commercial driver's 2864
license or commercial driver's license temporary instruction 2865
permit or who operates a motor vehicle for which a commercial 2866

driver's license <u>or permit</u> is required shall do any of the	2867
following:	2868
(1) Drive a commercial motor vehicle while having a	2869
measurable or detectable amount of alcohol or of a controlled	2870
substance in the person's blood, breath, or urine;	2871
(2) Drive a commercial motor vehicle while having an alcohol	2872
concentration of four-hundredths of one per cent or more by whole	2873
blood or breath;	2874
(3) Drive a commercial motor vehicle while having an alcohol	2875
concentration of forty-eight-thousandths of one per cent or more	2876
by blood serum or blood plasma;	2877
(4) Drive a commercial motor vehicle while having an alcohol	2878
concentration of fifty-six-thousandths of one per cent or more by	2879
urine;	2880
(5) Drive a motor vehicle while under the influence of a	2881
controlled substance;	2882
(6) Drive a motor vehicle in violation of section 4511.19 of	2883
the Revised Code or a municipal OVI ordinance as defined in	2884
section 4511.181 of the Revised Code;	2885
(7) Use a motor vehicle in the commission of a felony;	2886
(8) Refuse to submit to a test under section 4506.17 or	2887
4511.191 of the Revised Code;	2888
(9) Operate a commercial motor vehicle while the person's	2889
<u>commercial driver's license or permit or other</u> commercial driving	2890
privileges are revoked, suspended, canceled, or disqualified;	2891
(10) Cause a fatality through the negligent operation of a	2892
commercial motor vehicle, including, but not limited to, the	2893
offenses of aggravated vehicular homicide, vehicular homicide, and	2894
vehicular manslaughter;	2895

(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;	2896 2897
(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;	2898 2899 2900 2901
(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance.	2902 2903 2904 2905 2906
(B) Whoever violates this section is guilty of a misdemeanor of the first degree.	2907 2908
Sec. 4506.16. (A) Any person who is found to have been convicted of a violation of an out-of-service order shall be disqualified by the registrar of motor vehicles as follows:	2909 2910 2911
(1) If the person has not been convicted previously of a violation of an out-of-service order, the period of disqualification is one hundred eighty days.	2912 2913 2914
(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is two years.	2915 2916 2917 2918
(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years.	2919 2920 2921 2922 2923
(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an	2924 2925

out-of-service order while transporting hazardous materials 2926
required to be placarded under the "Hazardous Materials 2927
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 2928
amended, or while operating a motor vehicle designed to transport 2929
sixteen or more passengers, including the driver. 2930

(2) A driver is disqualified for a period of three years if, 2931
during any ten-year period, the driver is convicted of a second or 2932
subsequent violation, in an incident separate from the incident 2933
that resulted in a previous violation during that ten-year period, 2934
of an out-of-service order while transporting hazardous materials 2935
required to be placarded under that act, or while operating a 2936
motor vehicle designed to transport sixteen or more passengers, 2937
including the driver. 2938

(C) Whoever violates division (A)(1) of section 4506.15 of 2939
the Revised Code or a similar law of another state or a foreign 2940
jurisdiction, immediately shall be placed out-of-service for 2941
twenty-four hours, in addition to any disqualification required by 2942
this section and any other penalty imposed by the Revised Code. 2943

(D) The registrar of motor vehicles shall disqualify any 2944
holder of a commercial driver's license or commercial driver's 2945
license temporary instruction permit, or any operator of a 2946
commercial motor vehicle for which a commercial driver's license 2947
or permit is required, from operating a commercial motor vehicle 2948
as follows: 2949

(1) Upon a first conviction for a violation of any provision 2950
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 2951
or a similar law of another state or a foreign jurisdiction, or 2952
upon a first suspension imposed under section 4511.191 of the 2953
Revised Code or a similar law of another state or foreign 2954
jurisdiction, one year; 2955

(2) Upon a second conviction for a violation of any provision 2956

of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 2957
or a similar law of another state or a foreign jurisdiction, or 2958
upon a second suspension imposed under section 4511.191 of the 2959
Revised Code or a similar law of another state or foreign 2960
jurisdiction, or any combination of such violations arising from 2961
two or more separate incidents, the person shall be disqualified 2962
for life or for any other period of time as determined by the 2963
United States secretary of transportation and designated by the 2964
director of public safety by rule; 2965

(3) Upon a first conviction for any of the following 2966
violations while transporting hazardous materials, three years: 2967

(a) Divisions (A)(2) to (12) of section 4506.15 of the 2968
Revised Code; 2969

(b) A similar law of another state or a foreign jurisdiction. 2970

(4) Upon conviction of a violation of division (A)(13) of 2971
section 4506.15 of the Revised Code or a similar law of another 2972
state or a foreign jurisdiction, the person shall be disqualified 2973
for life; 2974

(5)(a) Upon conviction of two serious traffic violations 2975
involving the operation of a commercial motor vehicle by the 2976
person and arising from separate incidents occurring in a 2977
three-year period, the person shall be disqualified for sixty 2978
days, which disqualification shall be imposed consecutively to any 2979
other separate disqualification imposed under division (D)(5) or 2980
(6) of this section; 2981

(b) Upon conviction of three or more serious traffic 2982
violations involving the operation of a commercial motor vehicle 2983
by the person and arising from separate incidents occurring in a 2984
three-year period, the person shall be disqualified for one 2985
hundred twenty days, which disqualification shall be imposed 2986
consecutively to any other separate disqualification imposed under 2987

division (D)(5) or (6) of this section; 2988

(6)(a) Upon conviction of two serious traffic violations 2989
involving the operation of a vehicle other than a commercial motor 2990
vehicle by the person and arising from separate incidents 2991
occurring in a three-year period, the person shall be disqualified 2992
for sixty days if the conviction results in the suspension, 2993
cancellation, or revocation of the holder's commercial driver's 2994
license or commercial driver's license temporary instruction 2995
permit, or noncommercial motor vehicle driving privileges, which 2996
disqualification shall be imposed consecutively to any other 2997
separate disqualification imposed under division (D)(5) or (6) of 2998
this section; 2999

(b) Upon conviction of three or more serious traffic 3000
violations involving the operation of a vehicle other than a 3001
commercial motor vehicle by the person and arising from separate 3002
incidents occurring in a three-year period, the person shall be 3003
disqualified for one hundred twenty days if the conviction results 3004
in the suspension, cancellation, or revocation of the holder's 3005
commercial driver's license or permit, or noncommercial motor 3006
vehicle driving privileges, which disqualification shall be 3007
imposed consecutively to any other separate disqualification 3008
imposed under division (D)(5) or (6) of this section. 3009

(7) Upon a first conviction involving the operation of a 3010
commercial motor vehicle in violation of any provisions of 3011
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3012
of another state or foreign jurisdiction, not less than sixty 3013
days; 3014

(8) Upon a second conviction involving the operation of a 3015
commercial motor vehicle in violation of any provisions of 3016
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3017
of another state or foreign jurisdiction within three years of the 3018
first such conviction, not less than one hundred twenty days; 3019

(9) Upon a third or subsequent conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one year;

(10) Upon receiving notification from the federal motor carrier safety administration, the registrar immediately, prior to any hearing, shall disqualify any commercial motor vehicle driver whose driving is determined to constitute an imminent hazard as defined under federal motor carrier safety regulation 49 C.F.R. 383.52.

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the

person's commercial driver's license or commercial driver's 3050
license temporary instruction permit. 3051

(2) The offense occurs on or after September 30, 2005. 3052

(G) If a person commits a serious traffic violation by 3053
operating a commercial motor vehicle without having a commercial 3054
driver's license or commercial driver's license temporary 3055
instruction permit in the person's possession as described in 3056
division ~~(C)~~(II)(3)(e) of section 4506.01 of the Revised Code and 3057
the person then submits proof to either the enforcement agency 3058
that issued the citation for the violation or to the court with 3059
jurisdiction over the case before the date of the person's initial 3060
appearance that shows that the person held a valid commercial 3061
driver's license or permit at the time of the violation, the 3062
violation shall not be deemed to be a serious traffic violation. 3063

(H) Any record described in division (C) of this section 3064
shall be deemed to be self-authenticating when it is received by 3065
the bureau of motor vehicles. 3066

(I) When disqualifying a driver, the registrar shall cause 3067
the records of the bureau to be updated to reflect that action 3068
within ten days after it occurs. 3069

(J) The registrar immediately shall notify a driver who is 3070
finally convicted of any offense described in section 4506.15 of 3071
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 3072
section and thereby is subject to disqualification, of the offense 3073
or offenses involved, of the length of time for which 3074
disqualification is to be imposed, and that the driver may request 3075
a hearing within thirty days of the mailing of the notice to show 3076
cause why the driver should not be disqualified from operating a 3077
commercial motor vehicle. If a request for such a hearing is not 3078
made within thirty days of the mailing of the notice, the order of 3079
disqualification is final. The registrar may designate hearing 3080

examiners who, after affording all parties reasonable notice, 3081
shall conduct a hearing to determine whether the disqualification 3082
order is supported by reliable evidence. The registrar shall adopt 3083
rules to implement this division. 3084

(K) Any person who is disqualified from operating a 3085
commercial motor vehicle under this section may apply to the 3086
registrar for a driver's license to operate a motor vehicle other 3087
than a commercial motor vehicle, provided the person's commercial 3088
driver's license is not otherwise suspended. A person whose 3089
commercial driver's license is suspended shall not apply to the 3090
registrar for or receive a driver's license under Chapter 4507. of 3091
the Revised Code during the period of suspension. 3092

(L) The disqualifications imposed under this section are in 3093
addition to any other penalty imposed by the Revised Code. 3094

(M) Any conviction for an offense that would lead to 3095
disqualification as specified in this section, whether committed 3096
in a commercial motor vehicle or a vehicle other than a commercial 3097
motor vehicle, shall be counted for the purposes of determining 3098
the number of violations and the appropriate disqualification 3099
period under this section. 3100

Sec. 4506.17. (A) Any person who holds a commercial driver's 3101
license or commercial driver's license temporary instruction 3102
permit, or who operates a commercial motor vehicle requiring a 3103
commercial driver's license or permit within this state, shall be 3104
deemed to have given consent to a test or tests of the person's 3105
whole blood, blood serum or plasma, breath, or urine for the 3106
purpose of determining the person's alcohol concentration or the 3107
presence of any controlled substance or a metabolite of a 3108
controlled substance. 3109

(B) A test or tests as provided in division (A) of this 3110
section may be administered at the direction of a peace officer 3111

having reasonable ground to stop or detain the person and, after 3112
investigating the circumstances surrounding the operation of the 3113
commercial motor vehicle, also having reasonable ground to believe 3114
the person was driving the commercial vehicle while having a 3115
measurable or detectable amount of alcohol or of a controlled 3116
substance or a metabolite of a controlled substance in the 3117
person's whole blood, blood serum or plasma, breath, or urine. Any 3118
such test shall be given within two hours of the time of the 3119
alleged violation. 3120

(C) A person requested by a peace officer to submit to a test 3121
under division (A) of this section shall be advised by the peace 3122
officer ~~requesting the test~~ that a refusal to submit to the test 3123
will result in the person immediately being placed out-of-service 3124
for a period of twenty-four hours and being disqualified from 3125
operating a commercial motor vehicle for a period of not less than 3126
one year, and that the person is required to surrender the 3127
person's commercial driver's license or permit to the peace 3128
officer. 3129

(D) If a person refuses to submit to a test after being 3130
warned as provided in division (C) of this section or submits to a 3131
test that discloses the presence of an amount of alcohol or a 3132
controlled substance prohibited by divisions (A)(1) to (5) of 3133
section 4506.15 of the Revised Code or a metabolite of a 3134
controlled substance, the person immediately shall surrender the 3135
person's commercial driver's license or permit to the peace 3136
officer. The peace officer shall forward the license or permit, 3137
together with a sworn report, to the registrar of motor vehicles 3138
certifying that the test was requested pursuant to division (A) of 3139
this section and that the person either refused to submit to 3140
testing or submitted to a test that disclosed the presence of one 3141
of the prohibited concentrations of a substance listed in 3142
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 3143

a metabolite of a controlled substance. The form and contents of 3144
the report required by this section shall be established by the 3145
registrar by rule, but shall contain the advice to be read to the 3146
driver and a statement to be signed by the driver acknowledging 3147
that the driver has been read the advice and that the form was 3148
shown to the driver. 3149

(E) Upon receipt of a sworn report from a peace officer as 3150
provided in division (D) of this section, or upon receipt of 3151
notification that a person has been disqualified under a similar 3152
law of another state or foreign jurisdiction, the registrar shall 3153
disqualify the person named in the report from driving a 3154
commercial motor vehicle for the period described below: 3155

(1) Upon a first incident, one year; 3156

(2) Upon an incident of refusal or of a prohibited 3157
concentration of alcohol, a controlled substance, or a metabolite 3158
of a controlled substance after one or more previous incidents of 3159
either refusal or of a prohibited concentration of alcohol, a 3160
controlled substance, or a metabolite of a controlled substance, 3161
the person shall be disqualified for life or such lesser period as 3162
prescribed by rule by the registrar. 3163

(F) A test of a person's whole blood or a person's blood 3164
serum or plasma given under this section shall comply with the 3165
applicable provisions of division (D) of section 4511.19 of the 3166
Revised Code and any physician, registered nurse, emergency 3167
medical technician-intermediate, emergency medical 3168
technician-paramedic, or qualified technician, chemist, or 3169
phlebotomist who withdraws whole blood or blood serum or plasma 3170
from a person under this section, and any hospital, first-aid 3171
station, clinic, or other facility at which whole blood or blood 3172
serum or plasma is withdrawn from a person pursuant to this 3173
section, is immune from criminal liability, and from civil 3174
liability that is based upon a claim of assault and battery or 3175

based upon any other claim of malpractice, for any act performed 3176
in withdrawing whole blood or blood serum or plasma from the 3177
person. The immunity provided in this division also extends to an 3178
emergency medical service organization that employs an emergency 3179
medical technician-intermediate or emergency medical 3180
technician-paramedic who withdraws blood under this section. 3181

(G) When a person submits to a test under this section, the 3182
results of the test, at the person's request, shall be made 3183
available to the person, the person's attorney, or the person's 3184
agent, immediately upon completion of the chemical test analysis. 3185
The person also may have an additional test administered by a 3186
physician, a registered nurse, or a qualified technician, chemist, 3187
or phlebotomist of the person's own choosing as provided in 3188
division (D) of section 4511.19 of the Revised Code for tests 3189
administered under that section, and the failure to obtain such a 3190
test has the same effect as in that division. 3191

(H) No person shall refuse to immediately surrender the 3192
person's commercial driver's license or permit to a peace officer 3193
when required to do so by this section. 3194

(I) A peace officer issuing an out-of-service order or 3195
receiving a commercial driver's license or permit surrendered 3196
under this section may remove or arrange for the removal of any 3197
commercial motor vehicle affected by the issuance of that order or 3198
the surrender of that license. 3199

(J)(1) Except for civil actions arising out of the operation 3200
of a motor vehicle and civil actions in which the state is a 3201
plaintiff, no peace officer of any law enforcement agency within 3202
this state is liable in compensatory damages in any civil action 3203
that arises under the Revised Code or common law of this state for 3204
an injury, death, or loss to person or property caused in the 3205
performance of official duties under this section and rules 3206
adopted under this section, unless the officer's actions were 3207

manifestly outside the scope of the officer's employment or 3208
official responsibilities, or unless the officer acted with 3209
malicious purpose, in bad faith, or in a wanton or reckless 3210
manner. 3211

(2) Except for civil actions that arise out of the operation 3212
of a motor vehicle and civil actions in which the state is a 3213
plaintiff, no peace officer of any law enforcement agency within 3214
this state is liable in punitive or exemplary damages in any civil 3215
action that arises under the Revised Code or common law of this 3216
state for any injury, death, or loss to person or property caused 3217
in the performance of official duties under this section of the 3218
Revised Code and rules adopted under this section, unless the 3219
officer's actions were manifestly outside the scope of the 3220
officer's employment or official responsibilities, or unless the 3221
officer acted with malicious purpose, in bad faith, or in a wanton 3222
or reckless manner. 3223

(K) When disqualifying a driver, the registrar shall cause 3224
the records of the bureau of motor vehicles to be updated to 3225
reflect the disqualification within ten days after it occurs. 3226

(L) The registrar immediately shall notify a driver who is 3227
subject to disqualification of the disqualification, of the length 3228
of the disqualification, and that the driver may request a hearing 3229
within thirty days of the mailing of the notice to show cause why 3230
the driver should not be disqualified from operating a commercial 3231
motor vehicle. If a request for such a hearing is not made within 3232
thirty days of the mailing of the notice, the order of 3233
disqualification is final. The registrar may designate hearing 3234
examiners who, after affording all parties reasonable notice, 3235
shall conduct a hearing to determine whether the disqualification 3236
order is supported by reliable evidence. The registrar shall adopt 3237
rules to implement this division. 3238

(M) Any person who is disqualified from operating a 3239

commercial motor vehicle under this section may apply to the 3240
registrar for a driver's license to operate a motor vehicle other 3241
than a commercial motor vehicle, provided the person's commercial 3242
driver's license or permit is not otherwise suspended. A person 3243
whose commercial driver's license or permit is suspended shall not 3244
apply to the registrar for or receive a driver's license under 3245
Chapter 4507. of the Revised Code during the period of suspension. 3246

(N) Whoever violates division (H) of this section is guilty 3247
of a misdemeanor of the first degree. 3248

(O) As used in this section, "emergency medical 3249
technician-intermediate" and "emergency medical 3250
technician-paramedic" have the same meanings as in section 4765.01 3251
of the Revised Code. 3252

Sec. 4506.20. (A) Each employer shall require every applicant 3253
for employment as a driver of a commercial motor vehicle to 3254
provide the applicant's employment history for the ten years 3255
preceding the date the employment application is submitted to the 3256
prospective employer. The following information shall be 3257
submitted: 3258

(1) A list of the names and addresses of the applicant's 3259
previous employers for which the applicant was the operator of a 3260
commercial motor vehicle; 3261

(2) The dates the applicant was employed by these employers; 3262

(3) The reason for leaving each of these employers. 3263

(B) No employer shall knowingly permit or authorize any 3264
driver employed by the employer to drive a commercial motor 3265
vehicle during any period in which any of the following apply: 3266

(1) The driver's commercial driver's license is suspended, 3267
revoked, or canceled by any state or a foreign jurisdiction; 3268

(2) The driver has lost the privilege to drive, or currently 3269

is disqualified from driving, a commercial motor vehicle in any 3270
state or foreign jurisdiction; 3271

(3) The driver, the commercial motor vehicle the driver is 3272
driving, or the motor carrier operation is subject to an 3273
out-of-service order in any state or foreign jurisdiction; 3274

(4) The driver has more than one driver's license. 3275

(C) No employer shall knowingly permit or authorize a driver 3276
to operate a commercial motor vehicle in violation of section 3277
4506.15 of the Revised Code. 3278

(D) No employer shall knowingly permit or authorize a driver 3279
to operate a commercial motor vehicle if the driver does not hold 3280
a valid, current commercial driver's license or commercial 3281
driver's license temporary instruction permit bearing the proper 3282
class or endorsements for the vehicle. No employer shall knowingly 3283
permit or authorize a driver to operate a commercial motor vehicle 3284
in violation of the restrictions on the driver's commercial 3285
driver's license or commercial driver's license temporary 3286
instruction permit. 3287

(E)(1) Whoever violates division (A) ~~or~~, (B), or (D) of this 3288
section is guilty of a misdemeanor of the first degree. 3289

(2) Whoever violates division (C) of this section may be 3290
assessed a fine not to exceed ten thousand dollars. 3291

Sec. 4506.21. Within ten days ~~after receiving a report~~ of the 3292
final judgment of a conviction of any nonresident the holder of an 3293
out-of-state commercial driver's license or commercial driver's 3294
license temporary instruction permit in any type of vehicle, or 3295
the conviction of the holder of an out-of-state noncommercial 3296
driver's license in a commercial motor vehicle for a violation of 3297
a state law or local ordinance or resolution relating to traffic 3298
control, other than parking violations, ~~committed in a commercial 3299~~

~~motor vehicle, the registrar of motor vehicles shall notify the~~ 3300
~~driver licensing authority in the holder's state or jurisdiction~~ 3301
~~in which the person resides and the driver licensing authority~~ 3302
~~that issued the nonresident's commercial driver's license, if~~ 3303
~~different from the state of residence of licensure. For purposes~~ 3304
~~of this section, a judgment of conviction is not final until it is~~ 3305
~~entered into the court journal by the clerk of courts pursuant to~~ 3306
~~Rule 32 of the Rules of Criminal Procedure.~~ 3307

Sec. 4507.23. (A) Except as provided in division (I) of this 3308
section, each application for a temporary instruction permit and 3309
examination shall be accompanied by a fee of five dollars. 3310

(B) Except as provided in division (I) of this section, each 3311
application for a driver's license made by a person who previously 3312
held such a license and whose license has expired not more than 3313
two years prior to the date of application, and who is required 3314
under this chapter to give an actual demonstration of the person's 3315
ability to drive, shall be accompanied by a fee of three dollars 3316
in addition to any other fees. 3317

(C)(1) Except as provided in divisions (E) and (I) of this 3318
section, each application for a driver's license, or motorcycle 3319
operator's endorsement, or renewal of a driver's license shall be 3320
accompanied by a fee of six dollars. 3321

(2) Except as provided in division (I) of this section, each 3322
application for a duplicate driver's license shall be accompanied 3323
by a fee of seven dollars and fifty cents. The duplicate driver's 3324
licenses issued under this section shall be distributed by the 3325
deputy registrar in accordance with rules adopted by the registrar 3326
of motor vehicles. 3327

(D) Except as provided in division (I) of this section, each 3328
application for a motorized bicycle license or duplicate thereof 3329
shall be accompanied by a fee of two dollars and fifty cents. 3330

(E) Except as provided in division (I) of this section, each application for a driver's license or renewal of a driver's license that will be issued to a person who is less than twenty-one years of age shall be accompanied by whichever of the following fees is applicable:

(1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;

(2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;

(3) If the person is eighteen years of age or older, but less than nineteen years of age, a fee of four dollars and seventy-five cents;

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents;

(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents.

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in

this section. 3362

(G) Except as provided in division (I) of this section, each 3363
transaction described in divisions (A), (B), (C), (D), and (E) of 3364
this section shall be accompanied by an additional fee of twelve 3365
dollars. The additional fee is for the purpose of defraying the 3366
department of public safety's costs associated with the 3367
administration and enforcement of the motor vehicle and traffic 3368
laws of Ohio. 3369

(H) At the time and in the manner provided by section 4503.10 3370
of the Revised Code, the deputy registrar shall transmit the fees 3371
collected under divisions (A), (B), (C), (D), and (E), those 3372
portions of the fees specified in and collected under division 3373
(F), and the additional fee under division (G) of this section to 3374
the registrar. The registrar shall pay two dollars and fifty cents 3375
of each fee collected under divisions (A), (B), (C)(1) and (2), 3376
(D), and (E)(1) to (4) of this section, and the entire fee 3377
collected under division (E)(5) of this section, into the state 3378
bureau of motor vehicles fund established in section 4501.25 of 3379
the Revised Code, and such fees shall be used for the sole purpose 3380
of supporting driver licensing activities. The registrar also 3381
shall pay five dollars of each fee collected under division (C)(2) 3382
of this section and the entire fee collected under division (G) of 3383
this section into the state highway safety fund created in section 3384
4501.06 of the Revised Code. The remaining fees collected by the 3385
registrar under this section shall be paid into the state bureau 3386
of motor vehicles fund established in section 4501.25 of the 3387
Revised Code. 3388

(I) A disabled veteran who has a service-connected disability 3389
rated at one hundred per cent by the veterans' administration may 3390
apply to the registrar or a deputy registrar for the issuance to 3391
that veteran, without the payment of any fee prescribed in this 3392
section, of any of the following items: 3393

(1) A temporary instruction permit and examination;	3394
(2) A new, renewal, or duplicate driver's or commercial driver's license;	3395 3396
(3) A motorcycle operator's endorsement;	3397
(4) A motorized bicycle license or duplicate thereof;	3398
(5) Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card as provided in division (F) of this section.	3399 3400 3401
An application made under division (I) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.	3402 3403 3404
<u>(J)(1) The registrar of motor vehicles shall adopt rules that establish a prorated fee schedule that specifies the fee to be charged by the registrar or a deputy registrar for the issuance of a duplicate driver's license. The rules shall require the base fee to be equal to the fee for a duplicate driver's license that existed immediately prior to the effective date of this amendment. In order to determine the prorated amount for a duplicate license under the rules, the registrar shall reduce the base fee by an amount determined by the registrar that is correlated with the number of months between the date a person applies for the duplicate and the date of expiration of the license. The registrar shall allocate the money received from a prorated duplicate driver's license fee to the same funds and in the same proportion as the allocation of the base fee.</u>	3405 3406 3407 3408 3409 3410 3411 3412 3413 3414 3415 3416 3417 3418
<u>(2) Notwithstanding any other provision of law, after the registrar has adopted rules under division (J)(1) of this section, an applicant for a duplicate driver's license shall be required to pay only the appropriate prorated fee established under those rules.</u>	3419 3420 3421 3422 3423

Sec. 4508.01. As used in this chapter: 3424

(A) "Beginning driver" means any person being trained to 3425
drive a particular motor vehicle who has not been previously 3426
licensed to drive that motor vehicle by any state or country. 3427

(B) "Disabled person" means a person who, in the opinion of 3428
the registrar of motor vehicles, is afflicted with or suffering 3429
from a physical or mental disability or disease that prevents the 3430
person, in the absence of special training or equipment, from 3431
exercising reasonable and ordinary control over a motor vehicle 3432
while operating the vehicle upon the highways. "Disabled person" 3433
does not mean any person who is or has been subject to any 3434
condition resulting in episodic impairment of consciousness or 3435
loss of muscular control and whose condition, in the opinion of 3436
the registrar, is dormant or is sufficiently under medical control 3437
that the person is capable of exercising reasonable and ordinary 3438
control over a motor vehicle. 3439

(C) "Driver training school" or "school" means any of the 3440
following: 3441

(1) A private business enterprise conducted by an individual, 3442
association, partnership, or corporation for the education and 3443
training of persons to operate or drive motor vehicles, that ~~uses~~ 3444
does either of the following: 3445

(a) Uses public streets or highways to provide training, and 3446
~~that~~ charges a consideration or tuition for such services; 3447

(b) Provides an online driver education course approved by 3448
the director of public safety pursuant to division (A)(2) of 3449
section 4508.02 of the Revised Code and charges a consideration or 3450
tuition for the course. 3451

(2) A lead school district as provided in section 4508.09 of 3452
the Revised Code; 3453

(3) A board of education of a city, exempted village, local, 3454
or joint vocational school district or the governing board of an 3455
educational service center that offers a driver education course 3456
for high school students enrolled in the district or in a district 3457
served by the educational service center. 3458

(D) "Instructor" means any person, whether acting for self as 3459
operator of a driver training school or for such a school for 3460
compensation, who teaches, conducts classes of, gives 3461
demonstrations to, or supervises practice of, persons learning to 3462
operate or drive motor vehicles. 3463

(E) "Lead school district" means a school district, including 3464
a joint vocational school district, designated by the department 3465
of education as either a vocational education planning district 3466
itself or as responsible for providing primary vocational 3467
education leadership within a vocational education planning 3468
district that is composed of a group of districts. A "vocational 3469
education planning district" is a school district or group of 3470
school districts designated by the department as responsible for 3471
planning and providing vocational education services to students 3472
within the district or group of districts. 3473

Sec. 4508.02. (A)(1) The director of public safety, subject 3474
to Chapter 119. of the Revised Code, shall adopt and prescribe 3475
such rules concerning the administration and enforcement of this 3476
chapter as are necessary to protect the public. The rules shall 3477
require an assessment of the holder of a probationary instructor 3478
license. The director shall inspect the school facilities and 3479
equipment of applicants and licensees and examine applicants for 3480
instructor's licenses. 3481

(2) The director shall adopt rules governing online driver 3482
education courses that may be completed via the internet to 3483
satisfy the classroom instruction under division (C) of this 3484

section. The rules shall do all of the following: 3485

(a) Establish standards that an online driver training 3486
enterprise must satisfy to be licensed to offer an online driver 3487
education course via the internet, including, at a minimum, proven 3488
expertise in providing driver education and an acceptable 3489
infrastructure capable of providing secure online driver education 3490
in accord with advances in internet technology. The rules shall 3491
allow an online driver training enterprise to be affiliated with a 3492
licensed driver training school offering in-person classroom 3493
instruction, but shall not require such an affiliation. 3494

(b) Establish content requirements that an online driver 3495
education course must satisfy to be approved as equivalent to 3496
twenty-four hours of in-person classroom instruction; 3497

(c) Establish attendance standards, including a maximum 3498
number of course hours that may be completed in a twenty-four-hour 3499
period; 3500

(d) Allow an enrolled applicant to begin the required eight 3501
hours of actual behind-the-wheel instruction upon completing at 3502
least two hours of course instruction and being issued a 3503
certificate of enrollment by a licensed online driver training 3504
enterprise; 3505

(e) Establish any other requirements necessary to regulate 3506
online driver education. 3507

(B) The director shall administer and enforce this chapter. 3508

(C) The rules shall require twenty-four hours of in-person 3509
classroom instruction or completion of an approved, equivalent 3510
online driver education course offered via the internet by a 3511
licensed online driver training enterprise, and eight hours of 3512
actual behind-the-wheel instruction conducted on public streets 3513
and highways of this state for all beginning drivers of 3514
noncommercial motor vehicles who are under age eighteen. The rules 3515

also shall require the classroom instruction or online driver 3516
education course for such drivers to include instruction in the 3517
dangers of driving a motor vehicle while using an electronic 3518
wireless communications device to write, send, or read a 3519
text-based communication. 3520

(D) The rules shall state the minimum hours for classroom and 3521
behind-the-wheel instruction required for beginning drivers of 3522
commercial trucks, commercial cars, buses, and commercial 3523
tractors, trailers, and semitrailers. 3524

(E)(1) The department of public safety may charge a fee to 3525
each online driver training enterprise in an amount sufficient to 3526
pay the actual expenses the department incurs in the regulation of 3527
online driver education courses. 3528

(2) The department shall supply to each licensed online 3529
driver training enterprise certificates to be used for certifying 3530
an applicant's enrollment in an approved online driver education 3531
course and a separate certificate to be issued upon successful 3532
completion of an approved online driver education course. The 3533
certificates shall be numbered serially. The department may charge 3534
a fee to each online driver training enterprise per certificate 3535
supplied to pay the actual expenses the department incurs in 3536
supplying the certificates. 3537

Sec. 4508.03. (A) No person shall establish a driver training 3538
school ~~shall be established nor any such~~ or continue the operation 3539
of an existing school ~~continued~~ unless the ~~school~~ person applies 3540
for and obtains from the director of public safety a license in 3541
the manner and form prescribed by the director. 3542

The director shall adopt rules ~~shall state that establish~~ the 3543
requirements for a school license, including requirements 3544
concerning location, equipment, courses of instruction, 3545
instructors, previous records of the school and instructors, 3546

financial statements, schedule of fees and charges, character and 3547
reputation of the operators, insurance in the sum and with those 3548
provisions as the director considers necessary to protect 3549
adequately the interests of the public, and any other matters as 3550
the director may prescribe for the protection of the public. The 3551
rules also shall require financial responsibility information as 3552
part of the driver education curriculum. 3553

(B) Any school that offers a driver training program for 3554
disabled persons shall provide specially trained instructors for 3555
the driver training of such persons. No school shall operate a 3556
driver training program for disabled persons after June 30, 1978, 3557
unless it has been licensed for such operation by the director. No 3558
person shall act as a specially trained instructor in a driver 3559
training program for disabled persons operated by a school after 3560
June 30, 1978, unless that person has been licensed by the 3561
director. 3562

(C) The director shall certify instructors to teach driver 3563
training to disabled persons in accordance with training program 3564
requirements established by the department of public safety. 3565

(D) No person shall operate a driver training school unless 3566
the person has a valid license issued by the director under this 3567
section. 3568

(E) Whoever violates division (D) of this section is guilty 3569
of operating a driver training school without a valid license, a 3570
~~minor~~ misdemeanor of the second degree. On a second or subsequent 3571
offense within two years after the first offense, the person is 3572
guilty of a misdemeanor of the ~~fourth~~ first degree. 3573

Sec. 4508.04. (A) No person shall act as a driver training 3574
instructor ~~and on and after June 30, 1978,~~ and no person shall act 3575
as a driver training instructor for disabled persons, unless such 3576
person applies for and obtains from the director of public safety 3577

a license in the manner and form prescribed by the director. The 3578
director shall provide by rule for instructors' license 3579
requirements including moral character, physical condition, 3580
knowledge of the courses of instruction, motor vehicle laws and 3581
safety principles, previous personal and employment records, and 3582
such other matters as the director may prescribe for the 3583
protection of the public. Driver training instructors for disabled 3584
persons shall meet such additional requirements and receive such 3585
additional classroom and practical instruction as the director 3586
shall prescribe by rule. 3587

(B)(1) ~~No~~ The director shall not issue a license shall be 3588
~~issued~~ under this section to a person if, within ten years of the 3589
date of application for the license, the person has pleaded guilty 3590
to or been convicted of a felony under the laws of this state or 3591
the comparable laws of another jurisdiction. 3592

(2) ~~No~~ The director shall not issue a license shall be issued 3593
under this section to a person if, within five years of the date 3594
of application for the license, the person has pleaded guilty to 3595
or been convicted of a misdemeanor of the first or second degree 3596
that is reasonably related to the person's fitness to be issued 3597
such a license. 3598

(C) No person shall knowingly make a false statement on a 3599
license application submitted under this section. 3600

(D) Upon successful completion of all requirements for an 3601
initial instructor license, the director shall issue an applicant 3602
a probationary license, which expires one hundred eighty days from 3603
the date of issuance. In order to receive a driver training 3604
instructor license, a person issued a probationary license shall 3605
pass an assessment prescribed in rules adopted by the director 3606
pursuant to section 4508.02 of the Revised Code. The person shall 3607
pass the assessment prior to expiration of the probationary 3608
license. If the person fails to pass the assessment, or fails to 3609

meet any standards required for a driver training instructor 3610
license, the director may extend the expiration date of the 3611
person's probationary license. Upon successful completion of the 3612
assessment and approval of the director, the director shall issue 3613
to the person a driver training instructor license. 3614

(E)(1) Whoever violates division (A) of this section is 3615
guilty of acting as a driver training instructor without a valid 3616
license, a misdemeanor of the ~~fourth~~ first degree. 3617

(2) Whoever violates division (C) of this section may be 3618
charged with falsification under section 2921.13 of the Revised 3619
Code. 3620

Sec. 4508.05. All nonprobationary licenses ~~shall~~ expire on 3621
the last day of the calendar year and a person may ~~be renewed~~ 3622
renew such a license upon application to the director of public 3623
safety, either annually or biennially, as prescribed in rules 3624
adopted by the director. ~~Each application~~ An applicant for an 3625
original school license shall ~~be accompanied by~~ include with the 3626
application a fee of two hundred fifty dollars, and ~~each~~ 3627
~~application~~ an applicant for a renewal school license shall ~~be~~ 3628
~~accompanied by~~ include with the application a fee of fifty dollars 3629
for each calendar year. ~~Each application~~ An applicant for an 3630
original instructor's license shall ~~be accompanied by~~ include with 3631
the application a fee of twenty-five dollars, and ~~each application~~ 3632
an applicant for a renewal instructor's license shall ~~be~~ 3633
~~accompanied by~~ include with the application a fee of ten dollars 3634
for each calendar year. ~~Such~~ 3635

Such fees ~~shall be~~ are payable to the treasurer of state and 3636
shall be credited to the state highway safety fund established in 3637
section 4501.06 of the Revised Code. ~~No~~ The director of public 3638
safety shall not refund any license fees ~~shall be refunded~~ in the 3639
event ~~any~~ a license is rejected, suspended, or revoked. 3640

Sec. 4508.06. (A) The director of public safety may refuse to 3641
issue, or may suspend or revoke, a license or may impose a fine of 3642
not more than ten thousand dollars per occurrence in any case in 3643
which the director finds the applicant or licensee has violated 3644
any of the provisions of this chapter, or any of the rules adopted 3645
by the director, or has failed to pay a fine imposed under this 3646
division. No person whose license has been suspended or revoked 3647
under this section shall fail to return the license to the 3648
director. 3649

(B) In addition to the reasons for a suspension under 3650
division (A) of this section, the director may suspend a driver 3651
training instructor license without a prior hearing if the 3652
director believes there exists clear and convincing evidence of 3653
any of the following: 3654

(1) The license holder has engaged in conduct that presents a 3655
clear and present danger to a student or students. 3656

(2) The license holder has engaged in inappropriate contact 3657
with a student. "Inappropriate contact" means any of the 3658
following: 3659

(a) Causing or attempting to cause "physical harm," as 3660
defined in division (A)(3) of section 2901.01 of the Revised Code; 3661

(b) "Sexual activity," as defined in division (C) of section 3662
2907.01 of the Revised Code; 3663

(c) Engaging in any communication, either directly or through 3664
"telecommunication," as defined in division (X) of section 2913.01 3665
of the Revised Code, that is of a sexual nature or intended to 3666
abuse, threaten, or harass the student. 3667

(3) The license holder has been convicted of a felony, or a 3668
misdemeanor that directly relates to the fitness of that person to 3669
provide driving instruction. 3670

(C) In addition to the reasons for a suspension under 3671
division (A) of this section, the director may suspend a driver 3672
training school license without a prior hearing if the director 3673
believes there exists clear and convincing evidence of any of the 3674
following: 3675

(1) There exists a clear and present danger to the health, 3676
safety, or welfare of students should the school be permitted to 3677
continue operation. 3678

(2) At the time the contract for training was signed, there 3679
was no intention to provide training, or no ability to provide 3680
training to students. 3681

(3) Any school official knowingly allowed inappropriate 3682
contact, as defined in division (B)(2) of this section, between 3683
instructors and students. 3684

(D) Immediately following a decision to impose a suspension 3685
without a prior hearing under division (B) or (C) of this section, 3686
the director, in accordance with section 119.07 of the Revised 3687
Code, shall issue a written order of suspension, cause it to be 3688
delivered to the license holder, and notify the license holder of 3689
the opportunity for a hearing. If timely requested by the license 3690
holder, a hearing shall be conducted in accordance with Chapter 3691
119. of the Revised Code. 3692

(E) The director shall deposit all fines collected under 3693
division (A) of this section into the state treasury to the credit 3694
of the state highway safety fund created by section 4501.06 of the 3695
Revised Code. 3696

~~(C)~~(F) Whoever fails to return a license that has been 3697
suspended or revoked under division (A), (B), or (C) of this 3698
section is guilty of failing to return a suspended or revoked 3699
license, a minor misdemeanor or, on a second or subsequent offense 3700
within two years after the first offense, a misdemeanor of the 3701

fourth degree. 3702

Sec. 4508.10. (A) A driver training school shall issue a 3703
certificate of completion to each person who successfully 3704
completes a course of instruction necessary to obtain or maintain 3705
a driver's license. The department of public safety shall provide 3706
each driver training school with the certificate of completion 3707
forms. 3708

(B) The fee for each driver's license certificate of 3709
completion provided by the department to a driver training school 3710
is four dollars. A driver training school shall remit payment for 3711
certificates at the time they are requested from the department. 3712
Failure to timely remit payment to the department is grounds for 3713
the director of public safety to take action against the school 3714
pursuant to section 4508.06 of the Revised Code. The director of ~~of~~ 3715
~~public safety~~ shall deposit the fees collected under this section 3716
into the state treasury to the credit of the state highway safety 3717
fund created in section 4501.06 of the Revised Code. 3718

(C) As used in this section, "driver's license" has the same 3719
meaning as in section 4507.01 of the Revised Code. 3720

Sec. 4508.11. The attorney general, the prosecuting attorney 3721
of the county, or the city director of law, upon complaint of the 3722
director of public safety, shall prosecute to termination or bring 3723
an action for injunction against any person violating this chapter 3724
or the rules adopted under it. The court of common pleas in which 3725
an action for an injunction is filed has jurisdiction to grant 3726
injunctive relief upon a showing that the respondent named in the 3727
complaint is in violation of this chapter or the rules adopted 3728
under it. 3729

Sec. 4509.05. (A) Upon request, the registrar of motor 3730
vehicles shall search and furnish a certified abstract of the 3731

following information with respect to any person: 3732

(1) An enumeration of the motor vehicle accidents in which 3733
such person has been involved except accidents certified as 3734
described in division (D) of section 3937.41 of the Revised Code; 3735

(2) Such person's record of convictions for violation of the 3736
motor vehicle laws. 3737

(B) The registrar shall collect for each abstract a fee of 3738
five dollars. 3739

(C) The registrar may permit deputy registrars to perform a 3740
search and furnish a certified abstract under this section. A 3741
deputy registrar performing this function shall comply with 3742
section 4501.27 of the Revised Code concerning the disclosure of 3743
personal information, shall collect and transmit to the registrar 3744
the five-dollar fee established under division (B) of this 3745
section, and may collect and retain a service fee of three dollars 3746
and fifty cents. 3747

~~Of each five-dollar fee the registrar collects under this 3748
division, the~~ The registrar shall pay two dollars each five-dollar 3749
fee collected under this section into the state treasury to the 3750
credit of the state bureau of motor vehicles fund established in 3751
section 4501.25 of the Revised Code, ~~sixty cents into the state 3752
treasury to the credit of the trauma and emergency medical 3753
services fund established in section 4513.263 of the Revised Code, 3754
sixty cents into the state treasury to the credit of the homeland 3755
security fund established in section 5502.03 of the Revised Code, 3756
thirty cents into the state treasury to the credit of the 3757
investigations fund established in section 5502.131 of the Revised 3758
Code, one dollar and twenty five cents into the state treasury to 3759
the credit of the emergency management agency service and 3760
reimbursement fund established in section 5502.39 of the Revised 3761
Code, and twenty five cents into the state treasury to the credit 3762~~

~~of the justice program services fund established in section 3763~~
~~5502.67 of the Revised Code. 3764~~

Sec. 4509.101. (A)(1) No person shall operate, or permit the 3765
operation of, a motor vehicle in this state, unless proof of 3766
financial responsibility is maintained continuously throughout the 3767
registration period with respect to that vehicle, or, in the case 3768
of a driver who is not the owner, with respect to that driver's 3769
operation of that vehicle. 3770

(2) Whoever violates division (A)(1) of this section shall be 3771
subject to the following civil penalties: 3772

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 3773
class (F) suspension of the person's driver's license, commercial 3774
driver's license, temporary instruction permit, probationary 3775
license, or nonresident operating privilege for the period of time 3776
specified in division (B)(6) of section 4510.02 of the Revised 3777
Code and impoundment of the person's license. 3778

(b) If, within five years of the violation, the person's 3779
operating privileges are again suspended and the person's license 3780
again is impounded for a violation of division (A)(1) of this 3781
section, a class C suspension of the person's driver's license, 3782
commercial driver's license, temporary instruction permit, 3783
probationary license, or nonresident operating privilege for the 3784
period of time specified in division (B)(3) of section 4510.02 of 3785
the Revised Code. The court may grant limited driving privileges 3786
to the person only if the person presents proof of financial 3787
responsibility and has complied with division (A)(5) of this 3788
section, and no court may grant limited driving privileges for the 3789
first fifteen days of the suspension. 3790

(c) If, within five years of the violation, the person's 3791
operating privileges are suspended and the person's license is 3792
impounded two or more times for a violation of division (A)(1) of 3793

this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The 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 order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars 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, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(6) If the registrar issues an order under division (A)(2) of this section resulting from the failure of a person to respond to a financial responsibility random verification request under division (A)(3)(c) of this section and the person successfully maintains an affirmative defense to a violation of section 4510.16 of the Revised Code or is determined by the registrar or a deputy registrar to have been in compliance with division (A)(1) of this section at the time of the initial financial responsibility random verification request, the registrar shall do both of the following:

(a) Terminate the order of suspension or impoundment;

(b) Restore the operating privileges and registration rights 3887
of the person without payment of the fees established in divisions 3888
(A)(5)(a) and (b) of this section and without a requirement to 3889
file proof of financial responsibility. 3890

(B)(1) Every party required to file an accident report under 3891
section 4509.06 of the Revised Code also shall include with the 3892
report a document described in division (G)(1) of this section. 3893

If the registrar determines, within forty-five days after the 3894
report is filed, that an operator or owner has violated division 3895
(A)(1) of this section, the registrar shall do all of the 3896
following: 3897

(a) Order the impoundment, with respect to the motor vehicle 3898
involved, required under division (A)(2)(d) of this section, of 3899
the certificate of registration and license plates of any owner 3900
who has violated division (A)(1) of this section; 3901

(b) Order the suspension required under division (A)(2)(a), 3902
(b), or (c) of this section of the license of any operator or 3903
owner who has violated division (A)(1) of this section; 3904

(c) Record the name and address of the person whose 3905
certificate of registration and license plates have been impounded 3906
or are under an order of impoundment, or whose license has been 3907
suspended or is under an order of suspension; the serial number of 3908
the person's license; the serial numbers of the person's 3909
certificate of registration and license plates; and the person's 3910
social security account number, if assigned, or, where the motor 3911
vehicle is used for hire or principally in connection with any 3912
established business, the person's federal taxpayer identification 3913
number. The information shall be recorded in such a manner that it 3914
becomes a part of the person's permanent record, and assists the 3915
registrar in monitoring compliance with the orders of suspension 3916
or impoundment. 3917

(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) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle

inspection, or accident that resulted in the order against the 3950
person. A determination may be made without a hearing. This 3951
division does not apply unless the person shows good cause for the 3952
person's failure to present satisfactory proof of financial 3953
responsibility to the registrar prior to the issuance of the 3954
order. 3955

(D)(1) For the purpose of enforcing this section, every peace 3956
officer is deemed an agent of the registrar. 3957

(a) Except as provided in division (D)(1)(b) of this section, 3958
any peace officer who, in the performance of the peace officer's 3959
duties as authorized by law, becomes aware of a person whose 3960
license is under an order of suspension, or whose certificate of 3961
registration and license plates are under an order of impoundment, 3962
pursuant to this section, may confiscate the license, certificate 3963
of registration, and license plates, and return them to the 3964
registrar. 3965

(b) Any peace officer who, in the performance of the peace 3966
officer's duties as authorized by law, becomes aware of a person 3967
whose license is under an order of suspension, or whose 3968
certificate of registration and license plates are under an order 3969
of impoundment resulting from failure to respond to a financial 3970
responsibility random verification, shall not, for that reason, 3971
arrest the owner or operator or seize the vehicle or license 3972
plates. Instead, the peace officer shall issue a citation for a 3973
violation of section 4510.16 of the Revised Code specifying the 3974
circumstances as failure to respond to a financial responsibility 3975
random verification. 3976

(2) A peace officer shall request the owner or operator of a 3977
motor vehicle to produce proof of financial responsibility in a 3978
manner described in division (G) of this section at the time the 3979
peace officer acts to enforce the traffic laws of this state and 3980
during motor vehicle inspections conducted pursuant to section 3981

4513.02 of the Revised Code. 3982

(3) A peace officer shall indicate on every traffic ticket 3983
whether the person receiving the traffic ticket produced proof of 3984
the maintenance of financial responsibility in response to the 3985
officer's request under division (D)(2) of this section. The peace 3986
officer shall inform every person who receives a traffic ticket 3987
and who has failed to produce proof of the maintenance of 3988
financial responsibility that the person must submit proof to the 3989
traffic violations bureau with any payment of a fine and costs for 3990
the ticketed violation or, if the person is to appear in court for 3991
the violation, the person must submit proof to the court. 3992

(4)(a) If a person who has failed to produce proof of the 3993
maintenance of financial responsibility appears in court for a 3994
ticketed violation, the court may permit the defendant to present 3995
evidence of proof of financial responsibility to the court at such 3996
time and in such manner as the court determines to be necessary or 3997
appropriate. In a manner prescribed by the registrar, the clerk of 3998
courts shall provide the registrar with the identity of any person 3999
who fails to submit proof of the maintenance of financial 4000
responsibility pursuant to division (D)(3) of this section. 4001

(b) If a person who has failed to produce proof of the 4002
maintenance of financial responsibility also fails to submit that 4003
proof to the traffic violations bureau with payment of a fine and 4004
costs for the ticketed violation, the traffic violations bureau, 4005
in a manner prescribed by the registrar, shall notify the 4006
registrar of the identity of that person. 4007

(5)(a) Upon receiving notice from a clerk of courts or 4008
traffic violations bureau pursuant to division (D)(4) of this 4009
section, the registrar shall order the suspension of the license 4010
of the person required under division (A)(2)(a), (b), or (c) of 4011
this section and the impoundment of the person's certificate of 4012
registration and license plates required under division (A)(2)(d) 4013

of this section, effective thirty days after the date of the 4014
mailing of notification. The registrar also shall notify the 4015
person that the person must present the registrar with proof of 4016
financial responsibility in accordance with this section, 4017
surrender to the registrar the person's certificate of 4018
registration, license plates, and license, or submit a statement 4019
subject to section 2921.13 of the Revised Code that the person did 4020
not operate or permit the operation of the motor vehicle at the 4021
time of the offense. Notification shall be in writing and shall be 4022
sent to the person at the person's last known address as shown on 4023
the records of the bureau of motor vehicles. The person, within 4024
fifteen days after the date of the mailing of notification, shall 4025
present proof of financial responsibility, surrender the 4026
certificate of registration, license plates, and license to the 4027
registrar in a manner set forth in division (A)(4) of this 4028
section, or submit the statement required under this section 4029
together with other information the person considers appropriate. 4030

If the registrar does not receive proof or the person does 4031
not surrender the certificate of registration, license plates, and 4032
license, in accordance with this division, the registrar shall 4033
permit the order for the suspension of the license of the person 4034
and the impoundment of the person's certificate of registration 4035
and license plates to take effect. 4036

(b) In the case of a person who presents, within the 4037
fifteen-day period, documents to show proof of financial 4038
responsibility, the registrar shall terminate the order of 4039
suspension and the impoundment of the registration and license 4040
plates required under division (A)(2)(d) of this section and shall 4041
send written notification to the person, at the person's last 4042
known address as shown on the records of the bureau. 4043

(c) Any person adversely affected by the order of the 4044
registrar under division (D)(5)(a) or (b) of this section, within 4045

ten days after the issuance of the order, may request an 4046
administrative hearing before the registrar, who shall provide the 4047
person with an opportunity for a hearing in accordance with this 4048
paragraph. A request for a hearing does not operate as a 4049
suspension of the order. The scope of the hearing shall be limited 4050
to whether, at the time of the hearing, the person presents proof 4051
of financial responsibility covering the vehicle and whether the 4052
person is eligible for an exemption in accordance with this 4053
section or any rule adopted under it. The registrar shall 4054
determine the date, time, and place of any hearing; provided, that 4055
the hearing shall be held, and an order issued or findings made, 4056
within thirty days after the registrar receives a request for a 4057
hearing. If requested by the person in writing, the registrar may 4058
designate as the place of hearing the county seat of the county in 4059
which the person resides or a place within fifty miles of the 4060
person's residence. Such person shall pay the cost of the hearing 4061
before the registrar, if the registrar's order of suspension or 4062
impoundment under division (D)(5)(a) or (b) of this section is 4063
upheld. 4064

(6) A peace officer may charge an owner or operator of a 4065
motor vehicle with a violation of section 4510.16 of the Revised 4066
Code when the owner or operator fails to show proof of the 4067
maintenance of financial responsibility pursuant to a peace 4068
officer's request under division (D)(2) of this section, if a 4069
check of the owner or operator's driving record indicates that the 4070
owner or operator, at the time of the operation of the motor 4071
vehicle, is required to file and maintain proof of financial 4072
responsibility under section 4509.45 of the Revised Code for a 4073
previous violation of this chapter. 4074

(7) Any forms used by law enforcement agencies in 4075
administering this section shall be prescribed, supplied, and paid 4076
for by the registrar. 4077

(8) No peace officer, law enforcement agency employing a 4078
peace officer, or political subdivision or governmental agency 4079
that employs a peace officer shall be liable in a civil action for 4080
damages or loss to persons arising out of the performance of any 4081
duty required or authorized by this section. 4082

(9) As used in this division and divisions (E) and (G) of 4083
this section, "peace officer" has the meaning set forth in section 4084
2935.01 of the Revised Code. 4085

(E) All fees, except court costs, fees paid to a deputy 4086
registrar, and those portions of the financial responsibility 4087
reinstatement fees as otherwise specified in this division, 4088
collected under this section shall be paid into the state treasury 4089
to the credit of the ~~financial responsibility compliance fund~~. The 4090
~~financial responsibility compliance fund shall be~~ state bureau of 4091
motor vehicles fund established in section 4501.25 of the Revised 4092
Code and used exclusively to cover costs incurred by the bureau in 4093
the administration of this section and sections 4503.20, 4507.212, 4094
and 4509.81 of the Revised Code, and by any law enforcement agency 4095
employing any peace officer who returns any license, certificate 4096
of registration, and license plates to the registrar pursuant to 4097
division (C) of this section, ~~except that the director of budget~~ 4098
~~and management may transfer excess money from the financial~~ 4099
~~responsibility compliance fund to the state bureau of motor~~ 4100
~~vehicles fund if the registrar determines that the amount of money~~ 4101
~~in the financial responsibility compliance fund exceeds the amount~~ 4102
~~required to cover such costs incurred by the bureau or a law~~ 4103
~~enforcement agency and requests the director to make the transfer.~~ 4104

Of each financial responsibility reinstatement fee the 4105
registrar collects pursuant to division (A)(5)(a) of this section 4106
or receives from a deputy registrar under division (A)(5)(d) of 4107
this section, the registrar shall deposit twenty-five dollars of 4108
each one-hundred-dollar reinstatement fee, fifty dollars of each 4109

three-hundred-dollar reinstatement fee, and one hundred dollars of 4110
each six-hundred-dollar reinstatement fee into the state treasury 4111
to the credit of the indigent defense support fund created by 4112
section 120.08 of the Revised Code. 4113

~~All investment earnings of the financial responsibility 4114
compliance fund shall be credited to the fund. 4115~~

(F) Chapter 119. of the Revised Code applies to this section 4116
only to the extent that any provision in that chapter is not 4117
clearly inconsistent with this section. 4118

(G)(1) The registrar, court, traffic violations bureau, or 4119
peace officer may require proof of financial responsibility to be 4120
demonstrated by use of a standard form prescribed by the 4121
registrar. If the use of a standard form is not required, a person 4122
may demonstrate proof of financial responsibility under this 4123
section by presenting to the traffic violations bureau, court, 4124
registrar, or peace officer any of the following documents or a 4125
copy of the documents: 4126

(a) A financial responsibility identification card as 4127
provided in section 4509.103 of the Revised Code; 4128

(b) A certificate of proof of financial responsibility on a 4129
form provided and approved by the registrar for the filing of an 4130
accident report required to be filed under section 4509.06 of the 4131
Revised Code; 4132

(c) A policy of liability insurance, a declaration page of a 4133
policy of liability insurance, or liability bond, if the policy or 4134
bond complies with section 4509.20 or sections 4509.49 to 4509.61 4135
of the Revised Code; 4136

(d) A bond or certification of the issuance of a bond as 4137
provided in section 4509.59 of the Revised Code; 4138

(e) A certificate of deposit of money or securities as 4139

provided in section 4509.62 of the Revised Code; 4140

(f) A certificate of self-insurance as provided in section 4141
4509.72 of the Revised Code. 4142

(2) If a person fails to demonstrate proof of financial 4143
responsibility in a manner described in division (G)(1) of this 4144
section, the person may demonstrate proof of financial 4145
responsibility under this section by any other method that the 4146
court or the bureau, by reason of circumstances in a particular 4147
case, may consider appropriate. 4148

(3) A motor carrier certificated by the interstate commerce 4149
commission or by the public utilities commission may demonstrate 4150
proof of financial responsibility by providing a statement 4151
designating the motor carrier's operating authority and averring 4152
that the insurance coverage required by the certificating 4153
authority is in full force and effect. 4154

(4)(a) A finding by the registrar or court that a person is 4155
covered by proof of financial responsibility in the form of an 4156
insurance policy or surety bond is not binding upon the named 4157
insurer or surety or any of its officers, employees, agents, or 4158
representatives and has no legal effect except for the purpose of 4159
administering this section. 4160

(b) The preparation and delivery of a financial 4161
responsibility identification card or any other document 4162
authorized to be used as proof of financial responsibility under 4163
this division does not do any of the following: 4164

(i) Create any liability or estoppel against an insurer or 4165
surety, or any of its officers, employees, agents, or 4166
representatives; 4167

(ii) Constitute an admission of the existence of, or of any 4168
liability or coverage under, any policy or bond; 4169

(iii) Waive any defenses or counterclaims available to an 4170
insurer, surety, agent, employee, or representative in an action 4171
commenced by an insured or third-party claimant upon a cause of 4172
action alleged to have arisen under an insurance policy or surety 4173
bond or by reason of the preparation and delivery of a document 4174
for use as proof of financial responsibility. 4175

(c) Whenever it is determined by a final judgment in a 4176
judicial proceeding that an insurer or surety, which has been 4177
named on a document accepted by a court or the registrar as proof 4178
of financial responsibility covering the operation of a motor 4179
vehicle at the time of an accident or offense, is not liable to 4180
pay a judgment for injuries or damages resulting from such 4181
operation, the registrar, notwithstanding any previous contrary 4182
finding, shall forthwith suspend the operating privileges and 4183
registration rights of the person against whom the judgment was 4184
rendered as provided in division (A)(2) of this section. 4185

(H) In order for any document described in division (G)(1)(b) 4186
of this section to be used for the demonstration of proof of 4187
financial responsibility under this section, the document shall 4188
state the name of the insured or obligor, the name of the insurer 4189
or surety company, and the effective and expiration dates of the 4190
financial responsibility, and designate by explicit description or 4191
by appropriate reference all motor vehicles covered which may 4192
include a reference to fleet insurance coverage. 4193

(I) For purposes of this section, "owner" does not include a 4194
licensed motor vehicle leasing dealer as defined in section 4195
4517.01 of the Revised Code, but does include a motor vehicle 4196
renting dealer as defined in section 4549.65 of the Revised Code. 4197
Nothing in this section or in section 4509.51 of the Revised Code 4198
shall be construed to prohibit a motor vehicle renting dealer from 4199
entering into a contractual agreement with a person whereby the 4200
person renting the motor vehicle agrees to be solely responsible 4201

for maintaining proof of financial responsibility, in accordance 4202
with this section, with respect to the operation, maintenance, or 4203
use of the motor vehicle during the period of the motor vehicle's 4204
rental. 4205

(J) The purpose of this section is to require the maintenance 4206
of proof of financial responsibility with respect to the operation 4207
of motor vehicles on the highways of this state, so as to minimize 4208
those situations in which persons are not compensated for injuries 4209
and damages sustained in motor vehicle accidents. The general 4210
assembly finds that this section contains reasonable civil 4211
penalties and procedures for achieving this purpose. 4212

(K) Nothing in this section shall be construed to be subject 4213
to section 4509.78 of the Revised Code. 4214

(L)(1) The registrar may terminate any suspension imposed 4215
under this section and not require the owner to comply with 4216
divisions (A)(5)(a), (b), and (c) of this section if the registrar 4217
with or without a hearing determines that the owner of the vehicle 4218
has established by clear and convincing evidence that all of the 4219
following apply: 4220

(a) The owner customarily maintains proof of financial 4221
responsibility. 4222

(b) Proof of financial responsibility was not in effect for 4223
the vehicle on the date in question for one of the following 4224
reasons: 4225

(i) The vehicle was inoperable. 4226

(ii) The vehicle is operated only seasonally, and the date in 4227
question was outside the season of operation. 4228

(iii) A person other than the vehicle owner or driver was at 4229
fault for the lapse of proof of financial responsibility through 4230
no fault of the owner or driver. 4231

(iv) The lapse of proof of financial responsibility was 4232
caused by excusable neglect under circumstances that are not 4233
likely to recur and do not suggest a purpose to evade the 4234
requirements of this chapter. 4235

(2) The registrar may grant an owner or driver relief for a 4236
reason specified in division (L)(1)(b)(i) or (ii) of this section 4237
whenever the owner or driver is randomly selected to verify the 4238
existence of proof of financial responsibility for such a vehicle. 4239
However, the registrar may grant an owner or driver relief for a 4240
reason specified in division (L)(1)(b)(iii) or (iv) of this 4241
section only if the owner or driver has not previously been 4242
granted relief under division (L)(1)(b)(iii) or (iv) of this 4243
section. 4244

(M) The registrar shall adopt rules in accordance with 4245
Chapter 119. of the Revised Code that are necessary to administer 4246
and enforce this section. The rules shall include procedures for 4247
the surrender of license plates upon failure to maintain proof of 4248
financial responsibility and provisions relating to reinstatement 4249
of registration rights, acceptable forms of proof of financial 4250
responsibility, and verification of the existence of financial 4251
responsibility during the period of registration. 4252

Sec. 4509.81. (A) Upon receipt of a notification of violation 4253
as provided in division (C) of section 4509.80 of the Revised 4254
Code; upon failure of a timely surrender of the livery license 4255
plate sticker as required by division (D) of section 4509.80 of 4256
the Revised Code; or if the registrar of motor vehicles, upon 4257
receipt of notification from an insurer of the imminent 4258
cancellation or termination of coverage required by section 4259
4509.80 of the Revised Code, fails to receive evidence of a 4260
continuation or substitution of coverage prior to the cancellation 4261
or termination date, the registrar shall order the immediate 4262

suspension of the rights of the owner of the chauffeured limousine 4263
described in the notice to register the limousine and the 4264
impoundment of the certificate of registration and registration 4265
plates for the limousine. The registrar shall notify the owner 4266
that the owner must surrender the certificate of registration and 4267
registration plates to the registrar. The notification shall be in 4268
writing and sent to the owner at the owner's last known address as 4269
shown in the records of the bureau of motor vehicles. Proceedings 4270
under this section are deemed special, summary statutory 4271
proceedings. 4272

(B) The order of suspension and impoundment of a registration 4273
shall state the date on or before which the owner of the 4274
chauffeured limousine involved is required to surrender the 4275
certificate of registration and registration plates to the 4276
registrar. The owner shall be deemed to have surrendered the 4277
certificate of registration and registration plates if the owner 4278
causes the items to be delivered to the registrar on or before the 4279
date specified in the order or mails the items to the registrar in 4280
an envelope or container bearing a postmark showing a date no 4281
later than the date specified in the order. 4282

(C) The registrar shall not restore any registration rights 4283
suspended under this section, return any certificate of 4284
registration or registration plates impounded under this section, 4285
or reissue registration plates under section 4503.232 of the 4286
Revised Code, if the registrar destroyed the impounded 4287
registration plates under that section, unless those rights are 4288
not subject to suspension under any other law and unless the owner 4289
complies with both of the following: 4290

(1) Pays to the registrar or an eligible deputy registrar a 4291
financial responsibility reinstatement fee of thirty dollars. The 4292
reinstatement fee may be increased, upon approval of the 4293

controlling board, up to an amount not exceeding fifty dollars. In 4294
addition, pays a service fee of ten dollars to each deputy 4295
registrar to compensate the deputy registrar for services 4296
performed under this section. The deputy registrar shall retain 4297
eight dollars of the service fee and shall transmit the 4298
reinstatement fee and two dollars of the service fee to the 4299
registrar in the manner the registrar shall determine. 4300

(2) Files and maintains proof of financial responsibility 4301
under section 4509.80 of the Revised Code. 4302

(D) Any owner adversely affected by the order of the 4303
registrar under this section may, within ten days after the 4304
issuance of the order, request an administrative hearing before 4305
the registrar, who shall provide the owner with an opportunity for 4306
a hearing in accordance with this division. A request for a 4307
hearing does not operate as a suspension of the order unless the 4308
owner establishes to the satisfaction of the registrar that the 4309
operation of the owner's chauffeured limousine will be covered by 4310
proof of financial responsibility during the pendency of the 4311
appeal. The scope of the hearing shall be limited to whether the 4312
owner in fact demonstrated to the registrar proof of financial 4313
responsibility in accordance with section 4509.80 of the Revised 4314
Code. The registrar shall determine the date, time, and place of 4315
any hearing, provided that the hearing shall be held and an order 4316
issued or findings made within thirty days after the registrar 4317
receives a request for a hearing. If requested by the owner in 4318
writing, the registrar may designate as the place of hearing the 4319
county seat of the county in which the owner resides or a place 4320
within fifty miles of the owner's residence. The owner shall pay 4321
the cost of the hearing before the registrar, if the registrar's 4322
order of suspension or impoundment is upheld. 4323

(E) Any order of suspension or impoundment issued under this 4324
section may be terminated at any time if the registrar determines 4325

upon a showing of proof of financial responsibility that the owner 4326
of the limousine was in compliance with section 4509.80 of the 4327
Revised Code at the time of the incident that resulted in the 4328
order against the owner. Such a determination may be made without 4329
a hearing. 4330

(F) All fees ~~except the two dollar service fee~~ transmitted to 4331
the registrar by a deputy registrar, that are collected by the 4332
registrar or transmitted to the registrar under this section shall 4333
be paid into the state treasury to the credit of the ~~financial~~ 4334
~~responsibility compliance state bureau of motor vehicles~~ fund 4335
created by section ~~4509.101~~ 4501.25 of the Revised Code. 4336

(G) Chapter 119. of the Revised Code applies to this section 4337
only to the extent that any provision in that chapter is not 4338
clearly inconsistent with this section. 4339

(H)(1) Proof of financial responsibility may be demonstrated 4340
by any of the methods authorized in section 4509.80 of the Revised 4341
Code. 4342

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 4343
Revised Code apply to any finding by the registrar under this 4344
section that an owner is covered by proof of financial 4345
responsibility. 4346

Sec. 4513.263. (A) As used in this section and in section 4347
4513.99 of the Revised Code: 4348

(1) "Automobile" means any commercial tractor, passenger car, 4349
commercial car, or truck that is required to be factory-equipped 4350
with an occupant restraining device for the operator or any 4351
passenger by regulations adopted by the United States secretary of 4352
transportation pursuant to the "National Traffic and Motor Vehicle 4353
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 4354

(2) "Occupant restraining device" means a seat safety belt, 4355

shoulder belt, harness, or other safety device for restraining a 4356
person who is an operator of or passenger in an automobile and 4357
that satisfies the minimum federal vehicle safety standards 4358
established by the United States department of transportation. 4359

(3) "Passenger" means any person in an automobile, other than 4360
its operator, who is occupying a seating position for which an 4361
occupant restraining device is provided. 4362

(4) "Commercial tractor," "passenger car," and "commercial 4363
car" have the same meanings as in section 4501.01 of the Revised 4364
Code. 4365

(5) "Vehicle" and "motor vehicle," as used in the definitions 4366
of the terms set forth in division (A)(4) of this section, have 4367
the same meanings as in section 4511.01 of the Revised Code. 4368

(6) "Tort action" means a civil action for damages for 4369
injury, death, or loss to person or property. "Tort action" 4370
includes a product liability claim, as defined in section 2307.71 4371
of the Revised Code, and an asbestos claim, as defined in section 4372
2307.91 of the Revised Code, but does not include a civil action 4373
for damages for breach of contract or another agreement between 4374
persons. 4375

(B) No person shall do any of the following: 4376

(1) Operate an automobile on any street or highway unless 4377
that person is wearing all of the available elements of a properly 4378
adjusted occupant restraining device, or operate a school bus that 4379
has an occupant restraining device installed for use in its 4380
operator's seat unless that person is wearing all of the available 4381
elements of the device, as properly adjusted; 4382

(2) Operate an automobile on any street or highway unless 4383
each passenger in the automobile who is subject to the requirement 4384
set forth in division (B)(3) of this section is wearing all of the 4385
available elements of a properly adjusted occupant restraining 4386

device; 4387

(3) Occupy, as a passenger, a seating position on the front 4388
seat of an automobile being operated on any street or highway 4389
unless that person is wearing all of the available elements of a 4390
properly adjusted occupant restraining device; 4391

(4) Operate a taxicab on any street or highway unless all 4392
factory-equipped occupant restraining devices in the taxicab are 4393
maintained in usable form. 4394

(C) Division (B)(3) of this section does not apply to a 4395
person who is required by section 4511.81 of the Revised Code to 4396
be secured in a child restraint device or booster seat. Division 4397
(B)(1) of this section does not apply to a person who is an 4398
employee of the United States postal service or of a newspaper 4399
home delivery service, during any period in which the person is 4400
engaged in the operation of an automobile to deliver mail or 4401
newspapers to addressees. Divisions (B)(1) and (3) of this section 4402
do not apply to a person who has an affidavit signed by a 4403
physician licensed to practice in this state under Chapter 4731. 4404
of the Revised Code or a chiropractor licensed to practice in this 4405
state under Chapter 4734. of the Revised Code that states that the 4406
person has a physical impairment that makes use of an occupant 4407
restraining device impossible or impractical. 4408

(D) Notwithstanding any provision of law to the contrary, no 4409
law enforcement officer shall cause an operator of an automobile 4410
being operated on any street or highway to stop the automobile for 4411
the sole purpose of determining whether a violation of division 4412
(B) of this section has been or is being committed or for the sole 4413
purpose of issuing a ticket, citation, or summons for a violation 4414
of that nature or causing the arrest of or commencing a 4415
prosecution of a person for a violation of that nature, and no law 4416
enforcement officer shall view the interior or visually inspect 4417
any automobile being operated on any street or highway for the 4418

sole purpose of determining whether a violation of that nature has 4419
been or is being committed. 4420

(E) All fines collected for violations of division (B) of 4421
this section, or for violations of any ordinance or resolution of 4422
a political subdivision that is substantively comparable to that 4423
division, shall be forwarded to the treasurer of state for deposit 4424
into the state treasury to the credit of the trauma and emergency 4425
medical services fund, which is hereby created. In addition, ~~sixty~~ 4426
~~cents of each fee collected under sections 4501.34, 4503.26,~~ 4427
~~4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as~~ 4428
~~specified in those sections, plus~~ the portion of the driver's 4429
license reinstatement fee described in division (F)(2)(g) of 4430
section 4511.191 of the Revised Code, plus all fees collected 4431
under section 4765.11 of the Revised Code, plus all fines imposed 4432
under section 4765.55 of the Revised Code, plus the fees and other 4433
moneys specified in section 4766.05 of the Revised Code, and plus 4434
five per cent of fines and moneys arising from bail forfeitures as 4435
directed by section 5503.04 of the Revised Code, also shall be 4436
deposited into the trauma and emergency medical services fund. All 4437
money deposited into the trauma and emergency medical services 4438
fund shall be used by the department of public safety for the 4439
administration and operation of the division of emergency medical 4440
services and the state board of emergency medical, fire, and 4441
transportation services, and by the state board of emergency 4442
medical, fire, and transportation services to make grants, in 4443
accordance with section 4765.07 of the Revised Code and rules the 4444
board adopts under section 4765.11 of the Revised Code. The 4445
director of budget and management may transfer excess money from 4446
the trauma and emergency medical services fund to the state 4447
highway safety fund if the director of public safety determines 4448
that the amount of money in the trauma and emergency medical 4449
services fund exceeds the amount required to cover such costs 4450
incurred by the emergency medical services agency and the grants 4451

made by the state board of emergency medical, fire, and 4452
transportation services and requests the director of budget and 4453
management to make the transfer. 4454

(F)(1) Subject to division (F)(2) of this section, the 4455
failure of a person to wear all of the available elements of a 4456
properly adjusted occupant restraining device in violation of 4457
division (B)(1) or (3) of this section or the failure of a person 4458
to ensure that each minor who is a passenger of an automobile 4459
being operated by that person is wearing all of the available 4460
elements of a properly adjusted occupant restraining device in 4461
violation of division (B)(2) of this section shall not be 4462
considered or used by the trier of fact in a tort action as 4463
evidence of negligence or contributory negligence. But, the trier 4464
of fact may determine based on evidence admitted consistent with 4465
the Ohio Rules of Evidence that the failure contributed to the 4466
harm alleged in the tort action and may diminish a recovery of 4467
compensatory damages that represents noneconomic loss, as defined 4468
in section 2307.011 of the Revised Code, in a tort action that 4469
could have been recovered but for the plaintiff's failure to wear 4470
all of the available elements of a properly adjusted occupant 4471
restraining device. Evidence of that failure shall not be used as 4472
a basis for a criminal prosecution of the person other than a 4473
prosecution for a violation of this section; and shall not be 4474
admissible as evidence in a criminal action involving the person 4475
other than a prosecution for a violation of this section. 4476

(2) If, at the time of an accident involving a passenger car 4477
equipped with occupant restraining devices, any occupant of the 4478
passenger car who sustained injury or death was not wearing an 4479
available occupant restraining device, was not wearing all of the 4480
available elements of such a device, or was not wearing such a 4481
device as properly adjusted, then, consistent with the Rules of 4482
Evidence, the fact that the occupant was not wearing the available 4483

occupant restraining device, was not wearing all of the available 4484
elements of such a device, or was not wearing such a device as 4485
properly adjusted is admissible in evidence in relation to any 4486
claim for relief in a tort action to the extent that the claim for 4487
relief satisfies all of the following: 4488

(a) It seeks to recover damages for injury or death to the 4489
occupant. 4490

(b) The defendant in question is the manufacturer, designer, 4491
distributor, or seller of the passenger car. 4492

(c) The claim for relief against the defendant in question is 4493
that the injury or death sustained by the occupant was enhanced or 4494
aggravated by some design defect in the passenger car or that the 4495
passenger car was not crashworthy. 4496

(G)(1) Whoever violates division (B)(1) of this section shall 4497
be fined thirty dollars. 4498

(2) Whoever violates division (B)(3) of this section shall be 4499
fined twenty dollars. 4500

(3) Except as otherwise provided in this division, whoever 4501
violates division (B)(4) of this section is guilty of a minor 4502
misdemeanor. If the offender previously has been convicted of or 4503
pleaded guilty to a violation of division (B)(4) of this section, 4504
whoever violates division (B)(4) of this section is guilty of a 4505
misdemeanor of the third degree. 4506

Sec. 4519.63. (A) The registrar of motor vehicles or the 4507
clerk of the court of common pleas, upon the application of any 4508
person and payment of the proper fee, may prepare and furnish 4509
title information regarding off-highway motorcycles and 4510
all-purpose vehicles in the form and subject to any territorial 4511
division or other classification as they may direct. The registrar 4512
or the clerk may search the records of the bureau of motor 4513

vehicles regarding off-highway motorcycles and all-purpose 4514
vehicles and furnish reports of those records under the signature 4515
of the registrar or the clerk. 4516

(B)(1) Fees for lists containing title information shall be 4517
charged and collected as follows: 4518

(a) For lists containing three thousand titles or more, 4519
twenty-five dollars per thousand or part thereof; 4520

(b) For each report of a search of the records, ~~two dollars~~ 4521
~~per copy except that on and after October 1, 2009, the fee shall~~ 4522
~~be~~ is five dollars per copy. The registrar and clerk may certify 4523
copies of records generated by an automated title processing 4524
system. 4525

(2) A copy of any such report shall be taken as prima-facie 4526
evidence of the facts therein stated in any court of the state. 4527
The registrar and the clerk shall furnish information on any title 4528
without charge to state highway patrol troopers, sheriffs, chiefs 4529
of police, or the attorney general. The clerk also may provide a 4530
copy of a certificate of title to a public agency without charge. 4531

(C)(1) Those fees collected by the registrar as provided in 4532
division (B)(1)(a) of this section shall be paid to the treasurer 4533
of state to the credit of the state bureau of motor vehicles fund 4534
established in section 4501.25 of the Revised Code. Those fees 4535
collected by the clerk as provided in division (B)(1)(a) of this 4536
section shall be paid to the certificate of title administration 4537
fund created by section 325.33 of the Revised Code. 4538

(2) ~~Prior to October 1, 2009, the registrar shall pay those~~ 4539
~~fees the registrar collects under division (B)(1)(b) of this~~ 4540
~~section into the state treasury to the credit of the state bureau~~ 4541
~~of motor vehicles fund established in section 4501.25 of the~~ 4542
~~Revised Code. Prior to October 1, 2009, the clerk shall pay those~~ 4543
~~fees the clerk collects under division (B)(1)(b) of this section~~ 4544

~~to the certificate of title administration fund created by section 4545
325.33 of the Revised Code. 4546~~

~~(3) On and after October 1, 2009, the The registrar shall pay 4547
two dollars of each five-dollar fee the registrar collects under 4548
division (B)(1)(b) of this section into the state treasury to the 4549
credit of the state bureau of motor vehicles fund established in 4550
section 4501.25 of the Revised Code. ~~Of the remaining three 4551
dollars of each such fee the registrar collects, the registrar 4552
shall deposit sixty cents into the state treasury to the credit of 4553
the trauma and emergency medical services fund established in 4554
section 4513.263 of the Revised Code, sixty cents into the state 4555
treasury to the credit of the homeland security fund established 4556
under section 5502.03 of the Revised Code, thirty cents into the 4557
state treasury to the credit of the investigations fund 4558
established in section 5502.131 of the Revised Code, one dollar 4559
and twenty five cents into the state treasury to the credit of the 4560
emergency management agency service and reimbursement fund 4561
established in section 5502.39 of the Revised Code, and 4562
twenty five cents into the state treasury to the credit of the 4563
justice program services fund established in section 5502.67 of 4564
the Revised Code. 4565~~~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 4566
court of common pleas shall retain two dollars of each fee the 4567
clerk collects under division (B)(1)(b) of this section and 4568
deposit that two dollars into the certificate of title 4569
administration fund created by section 325.33 of the Revised Code. 4570
The clerk shall forward the remaining three dollars to the 4571
registrar not later than the fifth day of the month next 4572
succeeding that in which the transaction occurred. ~~Of that 4573
remaining three dollars, the The registrar shall deposit sixty 4574
cents the three-dollar portion of each fee into the state treasury 4575
to the credit of the ~~trauma and emergency medical services~~ state 4576~~~~

~~bureau of motor vehicles fund established in section 4513.263 4577
4501.25 of the Revised Code, sixty cents into the state treasury 4578
to the credit of the homeland security fund established under 4579
section 5502.03 of the Revised Code, thirty cents into the state 4580
treasury to the credit of the investigations fund established in 4581
section 5502.131 of the Revised Code, one dollar and twenty five 4582
cents into the state treasury to the credit of the emergency 4583
management agency service and reimbursement fund established in 4584
section 5502.39 of the Revised Code, and twenty five cents into 4585
the state treasury to the credit of the justice program services 4586
fund established in section 5502.67 of the Revised Code. 4587~~

Sec. 4749.07. (A) After refund of any license fees as 4588
required by section 4749.03 of the Revised Code, the department of 4589
public safety shall pay all fees and penalties received pursuant 4590
to this chapter to the treasurer of state, to be credited to the 4591
private investigator and security guard provider fund, which is 4592
hereby created. 4593

(B) Moneys received in payment of fines levied pursuant to 4594
section 4749.99 of the Revised Code shall be distributed as 4595
follows: 4596

(1) One-third to the general fund of the municipal 4597
corporation or township in which the prosecution occurs; 4598

(2) One-third to the general fund of the county in which the 4599
prosecution occurs; 4600

(3) One-third to the private investigator and security guard 4601
provider fund. 4602

Sec. 5501.08. The department of transportation, in order to 4603
assist in statewide strategic transportation planning, shall 4604
develop metrics that allow the comparison of data across 4605
transportation modes and that also incorporate the full spectrum 4606

of state strategic transportation goals, including all of the 4607
following: 4608

(A) Anticipated future costs of maintaining infrastructure in 4609
acceptable condition, both short-term and long-term; 4610

(B) Short-term economic impact, one to five years, and 4611
long-term economic impact, thirty years and longer; 4612

(C) Economic impact on a region's future rate of job growth 4613
and job retention; 4614

(D) Motorist, bicyclist, and pedestrian counts, and number of 4615
accidents by mode. 4616

Sec. 5501.55. (A) The department of transportation is the 4617
designated state agency responsible for overseeing the safety 4618
practices of rail fixed guideway systems and the administration of 4619
49 U.S.C. 5329 and 5330. The director of transportation shall 4620
develop any guidelines necessary to oversee the safety practices 4621
of rail fixed guideway systems that are consistent with the 4622
federal act and rules adopted thereunder. 4623

(B) In accordance with guidelines developed by the director, 4624
the department shall do all of the following: 4625

(1) Establish a safety program ~~plan~~ documentation standard 4626
for transit agencies operating ~~a~~, implementing, or significantly 4627
enhancing an applicable rail fixed guideway system within the 4628
state; 4629

(2) ~~Adopt~~ Oversee adoption of standards and oversee 4630
enforcement of laws for the personal safety and security of 4631
passengers and employees of rail fixed guideway systems; 4632

(3) Review and approve or disapprove the annual internal 4633
safety audit conducted by a transit agency under section 5501.56 4634
of the Revised Code; 4635

(4) Periodically, conduct an on-site safety review of each transit agency safety program based on the agency's safety program documentation and make recommendations ~~based on the review of~~ for changes or enhancements to the ~~system~~ transit agency safety program plan;

(5)(a) Establish procedures for the investigation of accidents and ~~unacceptable~~ hazardous conditions, and for coordinating and addressing immediate conditions at a transit agency, as defined in the guidelines developed by the director;

(b) Investigate accidents and ~~unacceptable~~ hazardous conditions at transit agencies;

(c) Approve or disapprove any corrective action plan of a transit agency intended to minimize, control, correct, or eliminate any investigated hazard;

(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.

(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;

(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.

(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.

(D)(1) Reports of any investigation or audit conducted by the

department, a transit agency operating a rail fixed guideway 4666
system, or a contractor acting on behalf of the department or such 4667
a transit agency are confidential and are not subject to 4668
disclosure, inspection, or copying under section 149.43 of the 4669
Revised Code. Information contained in investigative files shall 4670
be disclosed only at the discretion of the director or as 4671
otherwise provided in this section. 4672

(2) Reports of any investigation or audit conducted by the 4673
department, a transit agency operating a rail fixed guideway 4674
system, or a contractor acting on behalf of the department or such 4675
a transit agency shall not be admitted in evidence or used for any 4676
purpose in any action or proceeding arising out of any matter 4677
referred to in the investigation or audit, except in actions or 4678
proceedings instituted by the state or by the department on behalf 4679
of the state, nor shall any member of the department or its 4680
employees, a transit agency acting on behalf of the department, or 4681
a contractor acting on behalf of the department or such a transit 4682
agency be required to testify to any facts ascertained in, or 4683
information obtained by reason of, the person's official capacity, 4684
or to testify as an expert witness in any action or proceeding 4685
involving or pertaining to rail fixed guideway systems to which 4686
the state is not a party. 4687

(E) In accordance with the guidelines developed by the 4688
director, the department may establish such programs, procedures, 4689
and administrative mandates as may be necessary to carry out its 4690
duties under this section and section 5501.56 of the Revised Code 4691
and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ 4692
thereunder. 4693

(F) As used in this section and in section 5501.56 of the 4694
Revised Code: 4695

(1) "Rail fixed guideway system" means any light, heavy, or 4696
rapid rail system, monorail, inclined plane, funicular, trolley, 4697

or automated guideway that is included in the federal transit 4698
administration's calculation of fixed guideway route miles or 4699
receives funding for urbanized areas under 49 U.S.C. 5336 and is 4700
not regulated by the federal railroad administration. 4701

(2) "Transit agency" means an entity operating a rail fixed 4702
guideway system. 4703

Sec. 5501.56. (A) Each transit agency shall do all of the 4704
following: 4705

(1) Develop a system safety program ~~plan~~ documentation that 4706
complies with the safety program ~~plan~~ documentation standards 4707
adopted by the department of transportation under section 5501.55 4708
of the Revised Code and includes standards and laws for the 4709
personal safety and security of passengers and employees; 4710

(2) Conduct an annual internal safety audit and submit the 4711
audit to the department for input and approval; 4712

(3) Report accidents and ~~unacceptable~~ hazardous conditions, 4713
as defined in the guidelines developed by the director of 4714
transportation under section 5501.55 of the Revised Code, to the 4715
department within a time period specified by the department; 4716

(4) Minimize, control, correct, or eliminate any identified 4717
and investigated ~~unacceptable~~ hazardous condition within a time 4718
period specified by the department and in accordance with a plan 4719
approved by the department; 4720

(5) Provide all necessary assistance to the department as 4721
required to allow the department to conduct or participate in 4722
appropriate on-site investigations of accidents and ~~unacceptable~~ 4723
hazardous conditions or audits at the transit ~~system~~ agency. 4724

(B) Any part of a transit agency's system safety program ~~plan~~ 4725
that concerns security for the system is confidential and is not 4726
subject to disclosure, inspection, or copying under section 149.43 4727

of the Revised Code. Security information shall be disclosed only 4728
at the discretion of the director or as otherwise provided in 4729
section 5501.55 of the Revised Code. 4730

Sec. 5502.03. (A) There is hereby created in the department 4731
of public safety a division of homeland security. 4732

(B) The division shall do all of the following: 4733

(1) Coordinate all homeland security activities of all state 4734
agencies and be the liaison between state agencies and local 4735
entities for the purposes of communicating homeland security 4736
funding and policy initiatives; 4737

(2) Collect, analyze, maintain, and disseminate information 4738
to support local, state, and federal law enforcement agencies, 4739
other government agencies, and private organizations in detecting, 4740
deterring, preventing, preparing for, responding to, and 4741
recovering from threatened or actual terrorist events. This 4742
information is not a public record pursuant to section 149.43 of 4743
the Revised Code. 4744

(3) Coordinate efforts of state and local governments and 4745
private organizations to enhance the security and protection of 4746
critical infrastructure, including casino facilities, and key 4747
assets in this state; 4748

(4) Develop and coordinate policies, protocols, and 4749
strategies that may be used to prevent, detect, prepare for, 4750
respond to, and recover from terrorist acts or threats; 4751

(5) Develop, update, and coordinate the implementation of an 4752
Ohio homeland security strategic plan that will guide state and 4753
local governments in the achievement of homeland security in this 4754
state. 4755

(C) The director of public safety shall appoint an executive 4756
director, who shall be head of the division of homeland security 4757

and who regularly shall advise the governor and the director on 4758
matters pertaining to homeland security. The executive director 4759
shall serve at the pleasure of the director of public safety. To 4760
carry out the duties assigned under this section, the executive 4761
director, subject to the direction and control of the director of 4762
public safety, may appoint and maintain necessary staff and may 4763
enter into any necessary agreements. 4764

(D) Except as otherwise provided by law, nothing in this 4765
section shall be construed to give the director of public safety 4766
or the executive director of the division of homeland security 4767
authority over the incident management structure or 4768
responsibilities of local emergency response personnel. 4769

~~(E) There is hereby created in the state treasury the 4770
homeland security fund. The fund shall consist of sixty cents of 4771
each fee collected under sections 4501.34, 4503.26, 4506.08, and 4772
4509.05 of the Revised Code as specified in those sections, plus 4773
on and after October 1, 2009, sixty cents of each fee collected 4774
under sections 4505.14 and 4519.63 of the Revised Code as 4775
specified in those sections. The fund shall be used to pay the 4776
expenses of administering the law relative to the powers and 4777
duties of the executive director of the division of homeland 4778
security, except that the director of budget and management may 4779
transfer excess money from the homeland security fund to the state 4780
highway safety fund if the director of public safety determines 4781
that the amount of money in the homeland security fund exceeds the 4782
amount required to cover such costs incurred by the division of 4783
homeland security and requests the director of budget and 4784
management to make the transfer. 4785~~

Sec. 5502.39. There is hereby created in the state treasury 4786
the emergency management agency service and reimbursement fund. 4787
The fund shall consist of ~~one dollar and twenty five cents of each~~ 4788

~~fee collected under sections 4501.34, 4503.26, 4506.08, and 4789
4509.05 of the Revised Code as specified in those sections, plus 4790
on and after October 1, 2009, one dollar and twenty five cents of 4791
each fee collected under sections 4505.14 and 4519.63 of the 4792
Revised Code as specified in those sections, and the money 4793
collected under sections 5502.21 to 5502.38 of the Revised Code. 4794
All money in the fund shall be used to pay the costs of 4795
administering programs of the emergency management agency, ~~except 4796
that the director of budget and management may transfer excess 4797
money from the emergency management agency service and 4798
reimbursement fund to the state highway safety fund if the 4799
director of public safety determines that the amount of money in 4800
the emergency management agency service and reimbursement fund 4801
exceeds the amount required to cover such costs incurred by the 4802
emergency management agency and requests the director of budget 4803
and management to make the transfer. 4804~~~~

Sec. 5502.67. There is hereby created in the state treasury 4805
the justice program services fund. The fund shall consist of the 4806
court costs designated for the fund pursuant to section 2949.094 4807
of the Revised Code, ~~twenty five cents of each fee collected under 4808
sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised 4809
Code as specified in those sections, plus on and after October 1, 4810
2009, twenty five cents of each fee collected under sections 4811
4505.14 and 4519.63 of the Revised Code as specified in those 4812
sections, and all money collected by the division of criminal 4813
justice services for nonfederal purposes, including subscription 4814
fees for participating in the Ohio incident-based reporting system 4815
under division (C) of section 5502.62 of the Revised Code, unless 4816
otherwise designated by law. The justice program services fund 4817
shall be used to pay costs of administering the operations of the 4818
division of criminal justice services, ~~except that the director of 4819~~~~

~~budget and management may transfer excess money from the justice 4820
program services fund to the state highway safety fund if the 4821
director of public safety determines that the amount of money in 4822
the justice program services fund exceeds the amount required to 4823
cover such costs incurred by the office of criminal justice 4824
services and requests the director of budget and management to 4825
make the transfer. 4826~~

Sec. 5528.31. Notes as used in section 5528.30 and this 4827
section of the Revised Code includes notes issued in anticipation 4828
of the issuance of bonds, which notes may be renewed from time to 4829
time, and which renewal notes and bonds issued to fund other 4830
obligations, shall not be counted against the aggregate principal 4831
amount of highway obligations which may be issued in any calendar 4832
year or which may be outstanding at any one time under authority 4833
of Section 2i of Article VIII, Ohio Constitution. 4834

If notes are issued in anticipation of bonds, the 4835
commissioners of the sinking fund shall issue bonds to retire such 4836
notes at their maturity unless the commissioners have provided for 4837
such retirement from the proceeds of renewal notes issued in 4838
anticipation of bonds, ~~or moneys to be available on the maturity 4839
date in the highway obligations bond retirement fund created by 4840
section 5528.32 of the Revised Code, or both. So long as any notes 4841
are outstanding and while any bonds are outstanding there shall be 4842
paid annually into the highway obligations bond retirement fund 4843
from the excises, taxes, and fees authorized for payment of 4844
highway obligations at least two and one half per cent of the 4845
total amount of such notes or bonds and such amounts paid with 4846
respect to such notes or bonds in anticipation of which such notes 4847
have been issued shall be used only for the payment of principal 4848
of such notes or of bonds in anticipation of which such notes have 4849
been issued, and such amounts paid with respect to bonds for which 4850
anticipatory notes have not been issued shall be used only for the 4851~~

~~payment of principal of bonds, but provided that such annual 4852
payments shall be fixed so that the total amount thereof shall be 4853
sufficient to provide for the retirement of such notes or bonds 4854
within a period of thirty years from the date the debt was 4855
originally contracted. For the purpose only of determining the 4856
amounts and times of such payments into such bond retirement fund 4857
while such notes or bonds are outstanding the commissioners of the 4858
sinking fund in its resolution authorizing the issuance of such 4859
notes or bonds shall set forth a schedule of annual payments and 4860
the annual payment dates the first of which shall be no later than 4861
eighteen months after the date of issuance of such notes or bonds, 4862
and the annual payments shall be fixed in such schedule so that 4863
each annual payment is at least two and one half per cent of the 4864
total amount of such bonds or notes and so that the the total 4865
amount of such annual payments shall be sufficient to provide for 4866
the retirement of such notes or bonds within a period of thirty 4867
years from the date the debt was originally contracted. 4868~~

Sec. 5528.40. Upon the payment in full of all interest, 4869
principal, and charges for the retirement of all highway 4870
obligations issued pursuant to Section 2i of Article VIII, Ohio 4871
Constitution, and sections 5528.30 and 5528.31 of the Revised 4872
Code, the commissioners of the sinking fund shall make a 4873
certification of such fact to the clerk of the senate, the clerk 4874
of the house of representatives, and the treasurer of state. 4875

~~Upon receipt of such certification the treasurer of state 4876
shall transfer all moneys then remaining to the credit of the 4877
highway obligations bond retirement fund, created by section 4878
5528.32 of the Revised Code, to the highway operating fund. 4879~~

Sec. 5531.08. (A) In order to expedite a highway project 4880
involving the expenditure of federal and state funds and to 4881
utilize all privileges provided by the "Intermodal Surface 4882

Transportation Efficiency Act of 1991," 105 Stat. 1914, 49 4883
U.S.C.A. 101, the director of transportation may designate a 4884
project team for the purposes of certifying design review and 4885
performing field and office inspections and cost estimates, on 4886
behalf of the federal highway administration. 4887

(B)(1) Upon a written determination by the director that it 4888
would be in the best interests of the traveling public, the 4889
director, upon the written request of a county, township, or 4890
municipal corporation, may utilize moneys in the highway operating 4891
fund created by section 5735.291 of the Revised Code to pay that 4892
portion of the construction cost of a highway project which the 4893
county, township, or municipal corporation normally would be 4894
required to pay. 4895

(2) The director shall not utilize moneys in the highway 4896
operating fund for a highway project in the manner described in 4897
division (B)(1) of this section unless all of the following apply: 4898

(a) The preliminary engineering design of the project is 4899
complete, all necessary rights-of-way have been obtained, and all 4900
federal, state, and local environmental studies and permits have 4901
been performed or obtained; 4902

(b) The director of transportation has submitted the proposed 4903
project to the director of development for an evaluation of the 4904
potential economic benefit to the area. The county, township, or 4905
municipal corporation certifies to the director of development 4906
that the project will create not less than five permanent living 4907
wage jobs. This requirement shall be fulfilled during the 4908
three-year period following the completion date of the project, 4909
and the county, township, or municipal corporation may define the 4910
geographic area within which the jobs will be created. 4911

(c) The quotient resulting from the division of the total 4912
amount of moneys utilized to cover the portion of the construction 4913

cost of the highway project that a county, township, or municipal 4914
corporation would normally be required to pay, divided by the 4915
number of permanent living wage jobs certified to the director of 4916
development by the county, township, or municipal corporation 4917
pursuant to division (B)(2)(b) of this section is less than or 4918
equal to ten thousand dollars. 4919

(C) Upon a written determination by the director of 4920
transportation that it would be in the best interests of the 4921
traveling public, the director, upon the written request of a 4922
county, township, or municipal corporation, may declare a waiver 4923
of that portion of the ~~construction~~ cost of a highway project 4924
which the county, township, or municipal corporation normally 4925
would be required to pay. 4926

~~The director shall not declare a waiver described in this 4927
division for a highway project unless, prior to the declaration, 4928
the preliminary engineering design of the project is complete, all 4929
necessary rights of way have been obtained, and all federal, 4930
state, and local environmental studies and permits have been 4931
performed or obtained. 4932~~

(D) The director of development shall do all of the 4933
following: 4934

(1) Review all requests submitted by a county, township, or 4935
municipal corporation to the director of transportation pursuant 4936
to division (B) of this section for the expenditure of moneys from 4937
the highway operating fund; 4938

(2) Submit ~~its~~ findings and recommendations to the director 4939
of transportation upon completion of the review process; 4940

(3) Monitor the results of a highway project for which moneys 4941
in the highway operating fund are utilized in order to ascertain 4942
whether the number of permanent living wage jobs certified to the 4943
director of transportation pursuant to division (B)(2)(b) of this 4944

section actually are created as a result of the highway project 4945
within the three-year period following the completion of the 4946
project, and submit reports relating to this subject to the 4947
director as necessary. 4948

(E) The director of transportation may award eligible federal 4949
funds or state general revenue funds to local units of government, 4950
including regional transit authorities providing public 4951
transportation service and metropolitan planning organizations. 4952
These funds may be used for such purposes as alleviating traffic 4953
congestion or improving air quality in nonattainment areas of the 4954
state as defined by the "Clean Air Act of 1990," 104 Stat. 2399, 4955
42 U.S.C.A. 7401. The funds also may be used to acquire or 4956
construct park-and-ride facilities, to purchase traffic devices to 4957
improve vehicular flow, and for other travel demand management 4958
activities that meet the mandates of the Clean Air Act in 4959
nonattainment areas of the state. 4960

(F) As used in this section, "living wage job" means an 4961
employment position paying an annual average gross wage amount per 4962
full-time person of not less than twenty thousand dollars per 4963
year. 4964

Sec. 5531.30. (A)(1) The director of transportation may enter 4965
into agreements and cooperate with the United States department of 4966
transportation, or any other appropriate federal agency as 4967
provided in 23 U.S.C. 325 to 327 and as authorized under the 4968
"Moving Ahead for Progress in the 21st Century Act (MAP-21)," 126 4969
Stat. 405 (2012); the "Safe, Accountable, Flexible, Efficient 4970
Transportation Equity Act: A Legacy for Users (SAFETEA-LU)," 119 4971
Stat. 1144 (2005); and the "National Environmental Policy Act of 4972
1969," 83 Stat. 852 (1970). Pursuant to such an agreement the 4973
director may assume certain responsibilities of the secretary of 4974
the United States department of transportation, and take any other 4975

actions required by any such agreement or by such federal laws. 4976

(2) The director may adopt any rules necessary to implement 4977
an agreement pursuant to division (A) of this section and carry 4978
out any duties imposed under such an agreement. 4979

(3) The director may make expenditures of money in connection 4980
with an agreement authorized under division (A)(1) of this section 4981
from any funds of the department of transportation that are 4982
available to the director. 4983

(B) Notwithstanding Chapter 2743. of the Revised Code, this 4984
state hereby waives its immunity from civil liability, including 4985
the immunity from suit in a federal court under the eleventh 4986
amendment to the United States Constitution, and consents to the 4987
jurisdiction of the federal courts over its civil liability with 4988
regard to the compliance, discharge, or enforcement of the 4989
responsibilities assumed under division (A) of this section in 4990
accordance with the same procedural and substantive requirements 4991
applicable to a suit against a federal agency. Division (B) of 4992
this section applies only to actions that are authorized under 4993
division (A) of this section and does not create liability that 4994
exceeds the liability created under 23 U.S.C. 325 to 327. 4995

Sec. 5537.35. (A) The Ohio turnpike commission shall display 4996
the following flags at each ~~rest-area~~ service facility that is 4997
along the turnpike: 4998

(1) The flag of the United States; 4999

(2) The flag of Ohio; 5000

(3) The flag that depicts the profile of a prisoner of war 5001
against the background of a prisoner of war camp watchtower, 5002
commonly known as the POW/MIA flag. 5003

(B) In purchasing flags to comply with division (A) of this 5004

section, the turnpike commission shall, to the maximum extent 5005
possible, conform to the preference requirements of sections 5006
125.09 and 125.11 of the Revised Code and all rules adopted under 5007
those sections to ensure the purchase and use of products made in 5008
Ohio and the United States. 5009

Sec. 5543.22. Notwithstanding sections 153.65 to 153.71 of 5010
the Revised Code, a county engineer may combine the design and 5011
construction elements of a bridge, highway, or safety project into 5012
a single contract, but only if the cost of the project as bid does 5013
not exceed ~~one~~ five million ~~five hundred thousand~~ dollars. 5014

When required to use competitive bidding, the county engineer 5015
shall award a design-build contract in accordance with sections 5016
307.86 to 307.92 of the Revised Code. In lieu of the requirement 5017
for plans, the county engineer shall prepare and distribute a 5018
scope of work document upon which bidders shall base their bids. 5019

A county engineer may request the director of transportation 5020
to review and comment on the scope of work document or the 5021
construction plans for conformance with state and federal 5022
requirements. If so requested, the director shall review and 5023
comment on the document or plans. 5024

Sec. 5728.08. Except as provided in section 5728.03 of the 5025
Revised Code and except as otherwise provided in division (A) of 5026
section 5728.06 of the Revised Code, whoever is liable for the 5027
payment of the tax levied by section 5728.06 of the Revised Code, 5028
on or before the last day of each January, April, July, and 5029
October, shall file with the tax commissioner, on forms prescribed 5030
by the commissioner, a fuel use tax return and make payment of the 5031
full amount of the tax due for the operation of each commercial 5032
car and commercial tractor for the preceding three calendar 5033
months. 5034

The commissioner shall immediately forward to the treasurer 5035
of state all money received from the tax levied by section 5728.06 5036
of the Revised Code. 5037

The treasurer of state shall place to the credit of the tax 5038
refund fund created by section 5703.052 of the Revised Code, out 5039
of receipts from the taxes levied by section 5728.06 of the 5040
Revised Code, amounts equal to the refund certified by the tax 5041
commissioner pursuant to section 5728.061 of the Revised Code. 5042
Receipts from the tax shall be used by the commissioner to defray 5043
expenses incurred by the department of taxation in administering 5044
sections 5728.01 to 5728.14 of the Revised Code. 5045

All moneys received in the state treasury from taxes levied 5046
by section 5728.06 of the Revised Code and fees assessed under 5047
section 5728.03 of the Revised Code that are not required to be 5048
placed to the credit of the tax refund fund as provided by this 5049
section ~~shall~~, during each calendar year, shall be credited to the 5050
highway improvement bond retirement fund created by section 5051
5528.12 of the Revised Code until the commissioners of the sinking 5052
fund certify to the treasurer of state, as required by section 5053
5528.17 of the Revised Code, that there are sufficient moneys to 5054
the credit of the highway improvement bond retirement fund to meet 5055
in full all payments of interest, principal, and charges for the 5056
retirement of bonds and other obligations issued pursuant to 5057
Section 2g of Article VIII, Ohio Constitution, and sections 5058
5528.10 and 5528.11 of the Revised Code due and payable during the 5059
current calendar year and during the following calendar year. ~~From~~ 5060
~~the date of the receipt of the certification required by section~~ 5061
~~5528.17 of the Revised Code by the treasurer of state until the~~ 5062
~~thirty first day of December of the calendar year in which the~~ 5063
~~certification is made, all moneys received in the state treasury~~ 5064
~~from taxes levied under section 5728.06 of the Revised Code and~~ 5065
~~fees assessed under section 5728.03 of the Revised Code that are~~ 5066

not required to be placed to the credit of the tax refund fund as 5067
provided by this section shall be credited to the highway 5068
obligations bond retirement fund created by section 5528.32 of the 5069
Revised Code until the commissioners of the sinking fund certify 5070
to the treasurer of state, as required by section 5528.38 of the 5071
Revised Code, that there are sufficient moneys to the credit of 5072
the highway obligations bond retirement fund to meet in full all 5073
payments of interest, principal, and charges for the retirement of 5074
bonds and other obligations issued pursuant to Section 2i of 5075
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 5076
of the Revised Code due and payable during the current calendar 5077
year and during the following calendar year. From the date of the 5078
receipt of the certification required by section 5528.38 of the 5079
Revised Code by the treasurer of state until the thirty first day 5080
of December of the calendar year in which the certification is 5081
made, all All moneys received in the state treasury from taxes 5082
levied under section 5728.06 of the Revised Code and fees assessed 5083
under section 5728.03 of the Revised Code that are not required to 5084
be placed to the credit of the tax refund fund as provided by this 5085
section shall be credited to the highway operating fund created by 5086
section 5735.291 of the Revised Code, except as provided by the 5087
following paragraph of this section. 5088

From the date of the receipt by the treasurer of state of 5089
~~eertifications~~ certification from the commissioners of the sinking 5090
fund, as required by ~~sections~~ section 5528.18 and ~~5528.39~~ of the 5091
Revised Code, certifying that the moneys to the credit of the 5092
highway improvement bond retirement fund are sufficient to meet in 5093
full all payments of interest, principal, and charges for the 5094
retirement of all bonds and other obligations that may be issued 5095
pursuant to Section 2g of Article VIII, Ohio Constitution, and 5096
sections 5528.10 and 5528.11 of the Revised Code, and to the 5097
~~credit of the highway obligations bond retirement fund are~~ 5098
~~sufficient to meet in full all payments of interest, principal,~~ 5099

~~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, all moneys received in the state treasury from the taxes levied under section 5728.06 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 deposited to the credit of the highway operating fund.~~

Sec. 5735.23. (A) Out of receipts from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, and 5735.142 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund, the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund, and the amount required by section 5735.053 of the Revised Code to the motor fuel tax administration fund.

(B) Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, ~~after receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund 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, as follows:~~

(1) To the state and local government highway distribution fund, which is hereby created in the state treasury, an amount that is the same percentage of the balance to be credited as that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code is of the total tax per gallon determined under divisions (B)(2)(a) and (b) of that section.

(2) After making the distribution to the state and local government highway distribution fund, the remainder shall be credited as follows:

(a) Thirty per cent to the gasoline excise tax fund for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code;

(b) Twenty-five per cent to the gasoline excise tax fund for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code;

(c) Except as provided in division (D) of this section, forty-five per cent to the highway operating fund for distribution pursuant to division (B)(1) of section 5735.27 of the Revised Code.

(C) From the balance in the state and local government highway distribution fund on the last day of each month there shall be paid the following amounts:

(1) To the local transportation improvement program fund created by section 164.14 of the Revised Code, an amount equal to a fraction of the balance in the state and local government highway distribution fund, the numerator of which fraction is one and the denominator of which fraction is that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code;

(2) An amount equal to five cents multiplied by the number of

gallons of motor fuel sold at stations operated by the Ohio 5162
turnpike and infrastructure commission, such gallonage to be 5163
certified by the commission to the treasurer of state not later 5164
than the last day of the month following. The funds paid to the 5165
commission pursuant to this section shall be expended for the 5166
construction, reconstruction, maintenance, and repair of turnpike 5167
projects, except that the funds may not be expended for the 5168
construction of new interchanges. The funds also may be expended 5169
for the construction, reconstruction, maintenance, and repair of 5170
those portions of connecting public roads that serve existing 5171
interchanges and are determined by the commission and the director 5172
of transportation to be necessary for the safe merging of traffic 5173
between the turnpike and those public roads. 5174

The remainder of the balance shall be distributed as follows 5175
on the fifteenth day of the following month: 5176

(a) Ten and seven-tenths per cent shall be paid to municipal 5177
corporations for distribution pursuant to division (A)(1) of 5178
section 5735.27 of the Revised Code and may be used for any 5179
purpose for which payments received under that division may be 5180
used. Through July 15, 2005, the sum of two hundred forty-eight 5181
thousand six hundred twenty-five dollars shall be monthly 5182
subtracted from the amount so computed and credited to the highway 5183
operating fund. Beginning August 15, 2005, the sum of seven 5184
hundred forty-five thousand eight hundred seventy-five dollars 5185
shall be monthly subtracted from the amount so computed and 5186
credited to the highway operating fund. 5187

(b) Five per cent shall be paid to townships for distribution 5188
pursuant to division (A)(5) of section 5735.27 of the Revised Code 5189
and may be used for any purpose for which payments received under 5190
that division may be used. Through July 15, 2005, the sum of 5191
eighty-seven thousand seven hundred fifty dollars shall be monthly 5192
subtracted from the amount so computed and credited to the highway 5193

operating fund. Beginning August 15, 2005, the sum of two hundred 5194
sixty-three thousand two hundred fifty dollars shall be monthly 5195
subtracted from the amount so computed and credited to the highway 5196
operating fund. 5197

(c) Nine and three-tenths per cent shall be paid to counties 5198
for distribution pursuant to division (A)(3) of section 5735.27 of 5199
the Revised Code and may be used for any purpose for which 5200
payments received under that division may be used. Through July 5201
15, 2005, the sum of two hundred forty-eight thousand six hundred 5202
twenty-five dollars shall be monthly subtracted from the amount so 5203
computed and credited to the highway operating fund. Beginning 5204
August 15, 2005, the sum of seven hundred forty-five thousand 5205
eight hundred seventy-five dollars shall be monthly subtracted 5206
from the amount so computed and credited to the highway operating 5207
fund. 5208

(d) Except as provided in division (D) of this section, the 5209
balance shall be transferred to the highway operating fund and 5210
used for the purposes set forth in division (B)(1) of section 5211
5735.27 of the Revised Code. 5212

(D) Monthly from September to February of each fiscal year, 5213
an amount equal to one-sixth of the amount certified in July of 5214
that year by the treasurer of state pursuant to division (Q) of 5215
section 151.01 of the Revised Code shall, from amounts required to 5216
be credited or transferred to the highway operating fund pursuant 5217
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 5218
transferred to the highway capital improvement bond service fund 5219
created in section 151.06 of the Revised Code. If, in any of those 5220
months, the amount available to be credited or transferred to the 5221
bond service fund is less than one-sixth of the amount so 5222
certified, the shortfall shall be added to the amount due the next 5223
succeeding month. Any amount still due at the end of the six-month 5224
period shall be credited or transferred as the money becomes 5225

available, until such time as the office of budget and management 5226
receives certification from the treasurer of state or the 5227
treasurer of state's designee that sufficient money has been 5228
credited or transferred to the bond service fund to meet in full 5229
all payments of debt service and financing costs due during the 5230
fiscal year from that fund. 5231

Sec. 5735.26. The treasurer of state shall place to the 5232
credit of the tax refund fund created by section 5703.052 of the 5233
Revised Code, out of receipts from the tax levied by section 5234
5735.25 of the Revised Code, amounts equal to the refunds 5235
certified by the tax commissioner pursuant to sections 5735.142 5236
and 5735.25 of the Revised Code, which shall be paid from such 5237
fund. The treasurer of state shall then transfer the amount 5238
required by section 5735.051 of the Revised Code to the waterways 5239
safety fund and the amount required by section 5735.053 of the 5240
Revised Code to the motor fuel tax administration fund. 5241

The balance of taxes collected under section 5735.25 of the 5242
Revised Code shall be credited as follows, after the credits to 5243
the tax refund fund and the transfers to the waterways safety fund 5244
and motor fuel tax administration fund, and after receipt by the 5245
treasurer of state of ~~certifications~~ certification from the 5246
commissioners of the sinking fund certifying, as required by 5247
~~sections~~ section 5528.15 and ~~5528.35~~ of the Revised Code, there 5248
are sufficient moneys to the credit of the highway improvement 5249
bond retirement fund to meet in full all payments of interest, 5250
principal, and charges for the retirement of bonds and other 5251
obligations issued pursuant to Section 2g of Article VIII, Ohio 5252
Constitution, and sections 5528.10 and 5528.11 of the Revised Code 5253
due and payable during the current calendar year, ~~and that there~~ 5254
~~are sufficient moneys to the credit of the highway obligations~~ 5255
~~bond retirement fund to meet in full all payments of interest,~~ 5256
~~principal, and charges for the retirement of highway obligations~~ 5257

~~issued pursuant to Section 2i of Article VIII, Ohio Constitution, 5258
and sections 5528.30 and 5528.31 of the Revised Code due and 5259
payable during the current calendar year: 5260~~

(A) Sixty-seven and one-half per cent to the highway 5261
operating fund for distribution pursuant to division (B)(2) of 5262
section 5735.27 of the Revised Code; 5263

(B) Seven and one-half per cent to the gasoline excise tax 5264
fund for distribution pursuant to division (A)(2) of such section; 5265

(C) Seven and one-half per cent to the gasoline excise tax 5266
fund for distribution pursuant to division (A)(4) of such section; 5267

(D) Seventeen and one-half per cent to the gasoline excise 5268
tax fund for distribution pursuant to division (A)(5) of such 5269
section. 5270

Sec. 5735.291. (A) The treasurer of state shall place to the 5271
credit of the tax refund fund created by section 5703.052 of the 5272
Revised Code, out of receipts from the tax levied by section 5273
5735.29 of the Revised Code, amounts equal to the refunds 5274
certified by the tax commissioner pursuant to sections 5735.142 5275
and 5735.29 of the Revised Code. The refunds provided for by 5276
sections 5735.142 and 5735.29 of the Revised Code shall be paid 5277
from such fund. The treasurer of state shall then transfer the 5278
amount required by section 5735.051 of the Revised Code to the 5279
waterways safety fund and the amount required by section 5735.053 5280
of the Revised Code to the motor fuel tax administration fund. 5281

The specified portion of the balance of taxes collected under 5282
section 5735.29 of the Revised Code, after the credits to the tax 5283
refund fund and the transfers to the waterways safety fund and the 5284
motor fuel tax administration fund, shall be credited to the 5285
gasoline excise tax fund. Subject to division (B) of this section, 5286
forty-two and eighty-six hundredths per cent of the specified 5287

portion shall be distributed among the municipal corporations 5288
within the state in accordance with division (A)(2) of section 5289
5735.27 of the Revised Code, thirty-seven and fourteen hundredths 5290
per cent of the specified portion shall be distributed among the 5291
counties within the state in accordance with division (A)(3) of 5292
section 5735.27 of the Revised Code, and twenty per cent of the 5293
specified portion shall be combined with twenty per cent of any 5294
amounts transferred from the highway operating fund to the 5295
gasoline excise tax fund through biennial appropriations acts of 5296
the general assembly pursuant to the planned phase-in of a new 5297
source of funding for the state highway patrol, and shall be 5298
distributed among the townships within the state in accordance 5299
with division (A)(5)(b) of section 5735.27 of the Revised Code. 5300
Subject to division (B) of this section, the remainder of the tax 5301
levied by section 5735.29 of the Revised Code after receipt by the 5302
treasurer of state of certifications from the commissioners of the 5303
sinking fund certifying, as required by ~~sections~~ section 5528.15 5304
~~and 5528.35~~ of the Revised Code, that there are sufficient moneys 5305
to the credit of the highway improvement bond retirement fund 5306
created by section 5528.12 of the Revised Code to meet in full all 5307
payments of interest, principal, and charges for the retirement of 5308
bonds and other obligations issued pursuant to Section 2g of 5309
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 5310
of the Revised Code due and payable during the current calendar 5311
year, ~~and that there are sufficient moneys to the credit of the~~ 5312
~~highway obligations bond retirement fund created by section~~ 5313
~~5528.32 of the Revised Code to meet in full all payments of~~ 5314
~~interest, principal, and charges for the retirement of highway~~ 5315
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 5316
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 5317
~~due and payable during the current calendar year, shall be~~ 5318
credited to the highway operating fund, which is hereby created in 5319
the state treasury and shall be used solely for the purposes 5320

enumerated in section 5735.29 of the Revised Code. All investment 5321
earnings of the fund shall be credited to the fund. 5322

(B)(1) Effective August 15, 2003, prior to the distribution 5323
from the gasoline excise tax fund to municipal corporations of the 5324
forty-two and eighty-six hundredths per cent of the specified 5325
portion as provided in division (A) of this section, the 5326
department of taxation shall deduct thirty-three and one-third per 5327
cent of the amount specified in division (A)(5)(c) of section 5328
5735.27 of the Revised Code and use it for distribution to 5329
townships pursuant to division (A)(5)(b) of that section. 5330

(2) Effective August 15, 2003, prior to the distribution from 5331
the gasoline excise tax fund to counties of the thirty-seven and 5332
fourteen hundredths per cent of the specified portion as provided 5333
in division (A) of this section, the department of taxation shall 5334
deduct thirty-three and one-third per cent of the amount specified 5335
in division (A)(5)(c) of section 5735.27 of the Revised Code and 5336
use it for distribution to townships pursuant to division 5337
(A)(5)(b) of that section. 5338

(3) Effective August 15, 2003, prior to crediting any revenue 5339
resulting from the tax levied by section 5735.29 of the Revised 5340
Code to the highway operating fund, the department of taxation 5341
shall deduct thirty-three and one-third per cent of the amount 5342
specified in division (A)(5)(c) of section 5735.27 of the Revised 5343
Code and use it for distribution to townships pursuant to division 5344
(A)(5)(b) of that section. 5345

(C) As used in this section, "specified portion" means all of 5346
the following: 5347

(1) Until August 15, 2003, none of the taxes collected under 5348
section 5735.29 of the Revised Code; 5349

(2) Effective August 15, 2003, one-eighth of the balance of 5350
taxes collected under section 5735.29 of the Revised Code, after 5351

the credits to the tax refund fund and the transfers to the 5352
waterways safety fund and the motor fuel tax administration fund; 5353

(3) Effective August 15, 2004, one-sixth of the balance of 5354
taxes described in division (C)(2) of this section; 5355

(4) Effective August 15, 2005, three-sixteenths of the 5356
balance of taxes described in division (C)(2) of this section. 5357

Sec. 5735.30. (A) For the purpose of providing funds to pay 5358
the state's share of the cost of constructing and reconstructing 5359
highways and eliminating railway grade crossings on the major 5360
thoroughfares of the state highway system and urban extensions 5361
thereof, to pay that portion of the construction cost of a highway 5362
project which a county, township, or municipal corporation 5363
normally would be required to pay, but which the director of 5364
transportation, pursuant to division (B) of section 5531.08 of the 5365
Revised Code, determines instead will be paid from moneys in the 5366
highway operating fund, to pay the interest, principal, and 5367
charges on bonds and other obligations issued pursuant to Section 5368
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5369
5528.11 of the Revised Code, to pay the interest, principal, and 5370
charges on highway obligations issued pursuant to Section 2i of 5371
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 5372
of the Revised Code, to provide revenues for the purposes of 5373
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 5374
expenses of the department of taxation incident to the 5375
administration of the motor fuel laws, a motor fuel excise tax is 5376
hereby imposed on all motor fuel dealers upon their receipt of 5377
motor fuel within the state, at the rate of one cent on each 5378
gallon so received, to be reported, computed, paid, collected, 5379
administered, enforced, refunded, and subject to the same 5380
exemptions and penalties as provided in this chapter of the 5381
Revised Code. 5382

The tax imposed by this section shall be in addition to the 5383
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 5384
Revised Code. 5385

(B) The treasurer of state shall place to the credit of the 5386
tax refund fund created by section 5703.052 of the Revised Code, 5387
out of receipts from the tax levied by this section, amounts equal 5388
to the refunds certified by the tax commissioner pursuant to this 5389
section. The refund provided for by division (A) of this section 5390
shall be paid from such fund. The treasurer shall then transfer 5391
the amount required by section 5735.051 of the Revised Code to the 5392
waterways safety fund and the amount required by section 5735.053 5393
of the Revised Code to the motor fuel tax administration fund. The 5394
balance of taxes for which the liability has become fixed prior to 5395
July 1, 1955, under this section, after the credit to the tax 5396
refund fund, shall be credited to the highway operating fund. 5397

(C)(1) The moneys derived from the tax levied by this 5398
section, after the credit and transfers required by division (B) 5399
of this section, ~~shall~~, during each calendar year, shall be 5400
credited to the highway improvement bond retirement fund created 5401
by section 5528.12 of the Revised Code, until the commissioners of 5402
the sinking fund certify to the treasurer of state, as required by 5403
section 5528.17 of the Revised Code, that there are sufficient 5404
moneys to the credit of the highway improvement bond retirement 5405
fund to meet in full all payments of interest, principal, and 5406
charges for the retirement of bonds and other obligations issued 5407
pursuant to Section 2g of Article VIII, Ohio Constitution, and 5408
sections 5528.10 and 5528.11 of the Revised Code due and payable 5409
during the current calendar year and during the next succeeding 5410
calendar year. ~~From the date of the receipt of the certification~~ 5411
~~required by section 5528.17 of the Revised Code by the treasurer~~ 5412
~~of state until the thirty first day of December of the calendar~~ 5413
~~year in which such certification is made, all moneys received in~~ 5414

~~the state treasury from the tax levied by this section, after the~~ 5415
~~credit and transfers required by division (B) of this section,~~ 5416
~~shall be credited to the highway obligations bond retirement fund~~ 5417
~~created by section 5528.32 of the Revised Code, until the~~ 5418
~~commissioners of the sinking fund certify to the treasurer of~~ 5419
~~state, as required by section 5528.38 of the Revised Code, that~~ 5420
~~there are sufficient moneys to the credit of the highway~~ 5421
~~obligations bond retirement fund to meet in full all payments of~~ 5422
~~interest, principal, and charges for the retirement of obligations~~ 5423
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 5424
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 5425
~~payable during the current calendar year and during the next~~ 5426
~~succeeding calendar year.~~ 5427

(2) ~~From the date of the receipt of the certification~~ 5428
~~required by section 5528.38 of the Revised Code by the treasurer~~ 5429
~~of state until the thirty first day of December of the calendar~~ 5430
~~year in which such certification is made, all All moneys received~~ 5431
~~in the state treasury from the tax levied by this section, after~~ 5432
~~the credit and transfers required by division (B) of this section,~~ 5433
~~shall be credited to the highway operating fund, except as~~ 5434
~~provided in division (C)(3) of this section.~~ 5435

(3) ~~From the date of the receipt by the treasurer of state of~~ 5436
~~certifications certification from the commissioners of the sinking~~ 5437
~~fund, as required by ~~sections~~ section 5528.18 and ~~5528.39~~ of the~~ 5438
~~Revised Code, certifying that the moneys to the credit of the~~ 5439
~~highway improvement bond retirement fund are sufficient to meet in~~ 5440
~~full all payments of interest, principal, and charges for the~~ 5441
~~retirement of all bonds and other obligations which may be issued~~ 5442
~~pursuant to Section 2g of Article VIII, Ohio Constitution, and~~ 5443
~~sections 5528.10 and 5528.11 of the Revised Code, and to the~~ 5444
~~credit of the highway obligations bond retirement fund are~~ 5445
~~sufficient to meet in full all payments of interest, principal,~~ 5446

~~and charges for the retirement of all obligations issued pursuant~~ 5447
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 5448
~~5528.30 and 5528.31 of the Revised Code,~~ the moneys derived from 5449
the tax levied by this section, after the credit and transfers 5450
required by division (B) of this section, shall be credited to the 5451
highway operating fund. 5452

Section 101.02. That existing sections 125.834, 126.06, 5453
127.14, 1547.15, 1548.07, 4501.03, 4501.04, 4501.044, 4501.045, 5454
4501.06, 4501.11, 4501.26, 4501.34, 4503.102, 4503.103, 4503.233, 5455
4503.26, 4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 5456
4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 5457
4506.15, 4506.16, 4506.17, 4506.20, 4506.21, 4507.23, 4508.01, 5458
4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 4509.05, 5459
4509.101, 4509.81, 4513.263, 4519.63, 4749.07, 5501.55, 5501.56, 5460
5502.03, 5502.39, 5502.67, 5528.31, 5528.40, 5531.08, 5537.35, 5461
5543.22, 5728.08, 5735.23, 5735.26, 5735.291, and 5735.30 of the 5462
Revised Code are hereby repealed. 5463

Section 105.01. That sections 4501.19, 4501.28, 5502.131, 5464
5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 5528.38, and 5528.39 5465
of the Revised Code are hereby repealed. 5466

Section 201.10. Except as otherwise provided in this act, all 5467
appropriation items in this act are appropriated out of any moneys 5468
in the state treasury to the credit of the designated fund that 5469
are not otherwise appropriated. For all appropriations made in 5470
this act, the amounts in the first column are for fiscal year 2016 5471
and the amounts in the second column are for fiscal year 2017. 5472

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 5473
Highway Operating Fund Group 5474
2120 772426 Highway \$ 3,500,000 \$ 3,500,000 5475

		Infrastructure Bank - Federal				
2120	772427	Highway	\$	9,825,000	\$	9,825,000 5476
		Infrastructure Bank - State				
2120	772430	Infrastructure Debt Reserve Title 23-49	\$	525,000	\$	525,000 5477
2130	772431	Roadway	\$	3,500,000	\$	3,500,000 5478
		Infrastructure Bank - State				
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000 5479
2130	777477	Aviation	\$	2,000,000	\$	2,000,000 5480
		Infrastructure Bank - State				
7002	770003	Transportation Facilities Lease Rental Bond Payments	\$	10,100,000	\$	12,162,500 5481
7002	771411	Planning and Research - State	\$	20,616,087	\$	23,590,435 5482
7002	771412	Planning and Research - Federal	\$	33,405,195	\$	30,780,847 5483
7002	772421	Highway Construction - State	\$	600,691,058	\$	577,413,383 5484
7002	772422	Highway Construction - Federal	\$	1,006,223,456	\$	1,032,306,620 5485
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000 5486
7002	772437	Major New State Infrastructure Bond Debt Service - State	\$	24,802,700	\$	25,859,100 5487
7002	772438	Major New State Infrastructure Bond	\$	152,033,800	\$	146,534,600 5488

		Debt Service -				
		Federal				
7002	773431	Highway Maintenance -	\$	506,200,000	\$	519,400,000
		State				5489
7002	775452	Public Transportation	\$	31,232,549	\$	31,232,549
		- Federal				5490
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000
		- Other				5491
7002	776462	Grade Crossings -	\$	14,098,000	\$	14,072,000
		Federal				5492
7002	777472	Airport Improvements	\$	405,000	\$	405,000
		- Federal				5493
7002	777475	Aviation	\$	6,620,899	\$	6,666,416
		Administration				5494
7002	779491	Administration -	\$	89,292,626	\$	92,690,582
		State				5495
		TOTAL HOF Highway Operating				5496
		Fund Group	\$	2,597,221,370	\$	2,614,614,032
		Dedicated Purpose Fund Group				5498
4N40	776664	Rail Transportation -	\$	2,875,800	\$	2,875,800
		Other				5499
5W90	777615	County Airport	\$	620,000	\$	620,000
		Maintenance				5500
		TOTAL DPF Dedicated Purpose				5501
		Fund Group	\$	3,495,800	\$	3,495,800
		Capital Projects Fund Group				5503
7042	772723	Highway Construction	\$	146,330,382	\$	166,254,827
		- Bonds				5504
7045	772428	Highway	\$	131,209,431	\$	206,053,254
		Infrastructure Bank -				5505
		Bonds				
		TOTAL CPF Capital Projects				5506

Fund Group	\$ 277,539,813	\$ 372,308,081	5507
TOTAL ALL BUDGET FUND GROUPS	\$ 2,878,256,983	\$ 2,990,417,913	5508

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 5509
PAYMENTS 5510

The foregoing appropriation item 770003, Transportation 5511
Facilities Lease Rental Bond Payments, shall be used to meet all 5512
payments during the period from July 1, 2015, through June 30, 5513
2017, by the Department of Transportation under the leases and 5514
agreements for facilities made under Chapter 154. of the Revised 5515
Code. This appropriation is the source of funds pledged for bond 5516
service charges on related obligations issued under Chapter 154. 5517
of the Revised Code. 5518

Should the appropriation in appropriation item 770003, 5519
Transportation Facilities Lease Rental Bond Payments, exceed the 5520
debt service payments in either fiscal year of the biennium ending 5521
June 30, 2017, then the balance may be transferred to 5522
appropriation item 772421, Highway Construction - State, 773431, 5523
Highway Maintenance - State, or 779491, Administration - State, 5524
upon the written request of the Director of Transportation and 5525
with the approval of the Director of Budget and Management. The 5526
transfer shall be reported to the Controlling Board. 5527

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 5528
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 5529

(A) Notwithstanding section 5511.06 of the Revised Code, the 5530
Director of Transportation shall, in each fiscal year of the 5531
biennium ending June 30, 2017, determine portions of the foregoing 5532
appropriation item 772421, Highway Construction - State, which 5533
shall be used for: 5534

(1) The construction, reconstruction, or maintenance of 5535
public access roads, including support features, to and within 5536

state facilities owned or operated by the Department of Natural Resources; and 5537
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(2) The construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks. 5539
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(B) The Department of Transportation may use the foregoing appropriation item 772421, Highway Construction - State, to perform: 5541
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(1) Related road work on behalf of the Ohio Expositions Commission at the state fairgrounds, including reconstruction or maintenance of public access roads and support features to and within fairgrounds facilities, as requested by the Commission and approved by the Director of Transportation; and 5544
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(2) Related road work on behalf of the Ohio History Connection, including reconstruction or maintenance of public access roads and support features to and within Ohio History Connection facilities, as requested by the Ohio History Connection and approved by the Director of Transportation. 5549
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Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 5554

(A) Of the foregoing appropriation item 772421, Highway Construction - State, \$3,500,000 in each fiscal year shall be made available for distribution by the Director of Transportation to Transportation Improvement Districts that have facilitated funding for the cost of a project or projects in conjunction with and through other governmental agencies. 5555
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(B) A Transportation Improvement District shall submit requests for project funding to the Ohio Department of Transportation not later than the first day of September in each fiscal year. The Ohio Department of Transportation shall notify the Transportation Improvement District whether the Department has approved or disapproved the project funding request within 90 days 5561
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after the day the request was submitted by the Transportation Improvement District. 5567
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(C) Any funding provided to a Transportation Improvement District specified in this section shall not be used for the purposes of administrative costs or administrative staffing and must be used to fund a specific project or projects within that District's area. The total amount of a specific project's cost shall not be fully funded by the amount of funds provided under this section. The total amount of funding provided for each project is limited to 25% of total project costs not to exceed \$250,000 per fiscal year. Transportation Improvement Districts that are co-sponsoring a specific project may individually apply for up to \$250,000 for that project. However, not more than 25% of a project's total costs per biennium shall be funded through moneys provided under this section. 5569
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(D) Funding provided under this section may be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of the specific project and such other project costs that are defined in section 5540.01 of the Revised Code and approved by the Director of Transportation. Upon receipt of a copy of an invoice for work performed on the specific project, the Director of Transportation shall reimburse a Transportation Improvement District for the expenditures described above, subject to the requirements of this section. 5582
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(E) Any Transportation Improvement District that is requesting funds under this section shall register with the Director of Transportation. The Director of Transportation shall register a Transportation Improvement District only if the district has a specific, eligible project and may cancel the registration of a Transportation Improvement District that is not eligible to receive funds under this section. The Director shall not provide funds to any Transportation Improvement District under 5591
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this section if the district is not registered. The Director of 5599
Transportation shall not register a Transportation Improvement 5600
District and shall cancel the registration of a currently 5601
registered Transportation Improvement District unless at least one 5602
of the following applies: 5603

(1) The Transportation Improvement District, by a resolution 5604
or resolutions, designated a project or program of projects and 5605
facilitated, including in conjunction with and through other 5606
governmental agencies, funding for costs of a project or program 5607
of projects in an aggregate amount of not less than \$10,000,000 5608
within the eight-year period commencing January 1, 2005. 5609

(2) The Transportation Improvement District, by a resolution 5610
or resolutions, designated a project or program of projects and 5611
facilitated, including in conjunction with and through other 5612
governmental agencies, funding for costs of a project or program 5613
of projects in an aggregate amount of not less than \$15,000,000 5614
from the commencement date of the project or program of projects. 5615

(3) The Transportation Improvement District has designated, 5616
by a resolution or resolutions, a project or program of projects 5617
that has estimated aggregate costs in excess of \$10,000,000 and 5618
the County Engineer of the county in which the Transportation 5619
Improvement District is located has attested by a sworn affidavit 5620
that the costs of the project or program of projects exceeds 5621
\$10,000,000 and that the Transportation Improvement District is 5622
facilitating a portion of funding for that project or program of 5623
projects. 5624

(F) For purposes of this section: 5625

(1) "Project" shall have the same meaning as in division (D) 5626
of section 5540.01 of the Revised Code. 5627

(2) "Governmental agency" shall have the same meaning as in 5628
division (B) of section 5540.01 of the Revised Code. 5629

(3) "Cost" shall have the same meaning as in division (C) of section 5540.01 of the Revised Code.

Section 203.50. ISSUANCE OF BONDS

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, in the aggregate amount of \$313,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly.

The obligations shall be issued and sold from time to time in amounts necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 7042) created by section 5528.53 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Transportation, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000 original principal amount of such obligations are outstanding at any one time.

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND ADMINISTRATION

The Director of Budget and Management may approve requests from the Director of Transportation for transfer of Highway Operating Fund (Fund 7002) appropriations for planning and research (appropriation items 771411 and 771412), highway

construction and debt service (appropriation items 772421, 772422, 5660
772424, 772425, 772437, 772438, and 770003), highway maintenance 5661
(appropriation item 773431), public transportation - federal 5662
(appropriation item 775452), elderly and disabled special 5663
equipment (appropriation item 775459), rail grade crossings 5664
(appropriation item 776462), aviation (appropriation item 777475), 5665
and administration (appropriation item 779491). The Director of 5666
Budget and Management may not make transfers out of debt service 5667
appropriation items unless the Director determines that the 5668
appropriated amounts exceed the actual and projected debt service 5669
requirements. Transfers of appropriations may be made upon the 5670
written request of the Director of Transportation and with the 5671
approval of the Director of Budget and Management. The transfers 5672
shall be reported to the Controlling Board at the next regularly 5673
scheduled meeting of the board. 5674

This transfer authority is intended to provide for emergency 5675
situations and flexibility to meet unforeseen conditions that 5676
could arise during the biennium ending June 30, 2017. It also is 5677
intended to allow the department to optimize the use of available 5678
resources and adjust to circumstances affecting the obligation and 5679
expenditure of federal funds. 5680

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 5681
AVIATION, AND RAIL AND LOCAL TRANSIT 5682

The Director of Budget and Management may approve written 5683
requests from the Director of Transportation for the transfer of 5684
appropriations between appropriation items 772422, Highway 5685
Construction - Federal, 775452, Public Transportation - Federal, 5686
775454, Public Transportation - Other, 775459, Elderly and 5687
Disabled Special Equipment, 776475, Federal Rail Administration, 5688
and 777472, Airport Improvements - Federal. The transfers shall be 5689
reported to the Controlling Board at its next regularly scheduled 5690
meeting. 5691

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	5692
BANK	5693
The Director of Budget and Management may approve requests	5694
from the Director of Transportation for transfer of appropriations	5695
and cash of the Infrastructure Bank funds created in section	5696
5531.09 of the Revised Code, including transfers between fiscal	5697
years 2016 and 2017. The transfers shall be reported to the	5698
Controlling Board at its next regularly scheduled meeting.	5699
The Director of Budget and Management may approve requests	5700
from the Director of Transportation for transfer of appropriations	5701
and cash from the Highway Operating Fund (Fund 7002) to the	5702
Infrastructure Bank funds created in section 5531.09 of the	5703
Revised Code. The Director of Budget and Management may transfer	5704
from the Infrastructure Bank funds to the Highway Operating Fund	5705
up to the amounts originally transferred to the Infrastructure	5706
Bank funds under this section. However, the Director may not make	5707
transfers between modes or transfers between different funding	5708
sources. The transfers shall be reported to the Controlling Board	5709
at its next regularly scheduled meeting.	5710
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	5711
The Director of Budget and Management may approve requests	5712
from the Director of Transportation for transfer of appropriations	5713
and cash of the Ohio Toll Fund and any subaccounts created in	5714
section 5531.14 of the Revised Code, including transfers between	5715
fiscal years 2016 and 2017. The transfers shall be reported to the	5716
Controlling Board at its next regularly scheduled meeting.	5717
INCREASING APPROPRIATIONS: STATE FUNDS	5718
In the event that receipts or unexpended balances credited to	5719
the Highway Operating Fund (Fund 7002) exceed the estimates upon	5720
which the appropriations have been made in this act, upon the	5721
request of the Director of Transportation, the Controlling Board	5722

may increase those appropriations in the manner prescribed in 5723
section 131.35 of the Revised Code. 5724

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 5725

In the event that receipts or unexpended balances credited to 5726
the Highway Operating Fund (Fund 7002) or apportionments or 5727
allocations made available from the federal and local government 5728
exceed the estimates upon which the appropriations have been made 5729
in this act, upon the request of the Director of Transportation, 5730
the Controlling Board may increase those appropriations in the 5731
manner prescribed in section 131.35 of the Revised Code. 5732

REAPPROPRIATIONS 5733

In each fiscal year of the biennium ending June 30, 2017, the 5734
Director of Transportation may request that the Director of Budget 5735
and Management transfer any remaining unencumbered balances of 5736
prior years' appropriations to the Highway Operating Fund (Fund 5737
7002), the Highway Capital Improvement Fund (Fund 7042), and the 5738
Infrastructure Bank funds created in section 5531.09 of the 5739
Revised Code for the same purpose in the following fiscal year. In 5740
the request, the Director of Transportation shall identify the 5741
appropriate fund and appropriation item of the transfer, and the 5742
requested transfer amount. The Director of Budget and Management 5743
may request additional information necessary for evaluating the 5744
transfer request, and the Director of Transportation shall provide 5745
the requested information to the Director of Budget and 5746
Management. Based on the information provided by the Director of 5747
Transportation, the Director of Budget and Management shall 5748
determine the amount to be transferred by fund and appropriation 5749
item, and those amounts are hereby reappropriated. The Director of 5750
Transportation shall report the reappropriations to the 5751
Controlling Board. 5752

Any balances of prior years' unencumbered appropriations to 5753

the Highway Operating Fund (Fund 7002), the Highway Capital 5754
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 5755
created in section 5531.09 of the Revised Code for which the 5756
Director of Transportation requests reappropriations, and for 5757
which reappropriations are approved by the Director of Budget and 5758
Management, are subject to the availability of revenue as 5759
determined by the Director of Transportation. 5760

LIQUIDATION OF UNFORESEEN LIABILITIES 5761

Any appropriation made from the Highway Operating Fund (Fund 5762
7002) not otherwise restricted by law is available to liquidate 5763
unforeseen liabilities arising from contractual agreements of 5764
prior years when the prior year encumbrance is insufficient. 5765

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 5766

The Director of Transportation may remove snow and ice and 5767
maintain, repair, improve, or provide lighting upon interstate 5768
highways that are located within the boundaries of municipal 5769
corporations, in a manner adequate to meet the requirements of 5770
federal law. When agreed in writing by the Director of 5771
Transportation and the legislative authority of a municipal 5772
corporation and notwithstanding sections 125.01 and 125.11 of the 5773
Revised Code, the Department of Transportation may reimburse a 5774
municipal corporation for all or any part of the costs, as 5775
provided by such agreement, incurred by the municipal corporation 5776
in maintaining, repairing, lighting, and removing snow and ice 5777
from the interstate system. 5778

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 5779

The Director of Transportation may use revenues from the 5780
state motor vehicle fuel tax to match approved federal grants 5781
awarded to the Department of Transportation, regional transit 5782
authorities, or eligible public transportation systems, for public 5783

transportation highway purposes, or to support local or state 5784
funded projects for public transportation highway purposes. Public 5785
transportation highway purposes include: the construction or 5786
repair of high-occupancy vehicle traffic lanes, the acquisition or 5787
construction of park-and-ride facilities, the acquisition or 5788
construction of public transportation vehicle loops, the 5789
construction or repair of bridges used by public transportation 5790
vehicles or that are the responsibility of a regional transit 5791
authority or other public transportation system, or other similar 5792
construction that is designated as an eligible public 5793
transportation highway purpose. Motor vehicle fuel tax revenues 5794
may not be used for operating assistance or for the purchase of 5795
vehicles, equipment, or maintenance facilities. 5796

Section 203.90. The federal payments made to the state for 5797
highway infrastructure or for transit agencies under Title XII of 5798
Division A of the American Recovery and Reinvestment Act of 2009 5799
shall be deposited to the credit of the Highway Operating Fund 5800
(Fund 7002), which is created in section 5735.291 of the Revised 5801
Code. 5802

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 5803
Highway Safety Fund Group 5804
4W40 762321 Operating Expense - \$ 126,201,615 \$ 126,201,615 5805
BMV
4W40 762636 Financial \$ 4,785,067 \$ 4,785,067 5806
Responsibility
Compliance
4W40 762637 Local Immobilization \$ 200,000 \$ 200,000 5807
Reimbursement
7036 761321 Operating Expense - \$ 7,449,331 \$ 7,449,331 5808
Information and

		Education				
7036	761401	Public Safety	\$	2,435,800	\$	2,433,200 5809
		Facilities Lease				
		Rental Bond Payments				
7036	764321	Operating Expense -	\$	270,232,602	\$	270,232,602 5810
		Highway Patrol				
7036	764605	Motor Carrier	\$	2,860,000	\$	2,860,000 5811
		Enforcement Expenses				
8300	761603	Salvage and Exchange -	\$	20,053	\$	20,053 5812
		Administration				
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 5813
83C0	764630	Contraband,	\$	622,894	\$	622,894 5814
		Forfeiture, and Other				
83F0	764657	Law Enforcement	\$	8,500,000	\$	8,500,000 5815
		Automated Data System				
83G0	764633	OMVI	\$	641,927	\$	641,927 5816
		Enforcement/Education				
83M0	765624	Operating - EMS	\$	3,601,220	\$	3,601,220 5817
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 5818
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354 5819
8400	764617	Security and	\$	9,514,236	\$	9,514,236 5820
		Investigations				
8400	764626	State Fairgrounds	\$	1,084,559	\$	1,084,559 5821
		Police Force				
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399 5822
		Highway Patrol				
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563 5823
		Education				
8490	762627	Automated Title	\$	16,367,293	\$	16,367,293 5824
		Processing Board				
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000 5825
		Titles				
TOTAL	HSF	Highway Safety Fund Group	\$	477,784,872	\$	477,782,272 5826

Dedicated Purpose Fund Group				5827
5390	762614	Motor Vehicle Dealers Board	\$ 140,000 \$ 140,000	5828
5B90	766632	Private Investigator and Security Guard Provider	\$ 1,400,000 \$ 1,400,000	5829
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$ 2,000,000 \$ 2,000,000	5830
TOTAL DPF Dedicated Purpose Fund Group				5831
Fiduciary Fund Group				5832
5J90	761678	Federal Salvage/GSA	\$ 1,500,000 \$ 1,500,000	5833
5V10	762682	License Plate Contributions	\$ 2,100,000 \$ 2,100,000	5834
TOTAL FID Fiduciary Fund Group				5835
Holding Account Fund Group				5836
R024	762619	Unidentified Motor Vehicle Receipts	\$ 1,885,000 \$ 1,885,000	5837
R052	762623	Security Deposits	\$ 350,000 \$ 350,000	5838
TOTAL HLD Holding Account Fund Group				5839
Federal Fund Group				5840
3DU0	762628	BMV Grants	\$ 850,000 \$ 850,000	5841
3GR0	764693	Highway Patrol Justice Contraband	\$ 2,100,000 \$ 2,100,000	5842
3GS0	764694	Highway Patrol Treasury Contraband	\$ 21,000 \$ 21,000	5843
3GU0	761610	Information and Education Grant	\$ 300,000 \$ 300,000	5844
3GU0	764608	Fatality Analysis Report System Grant	\$ 175,000 \$ 175,000	5845

3GU0 764610	Highway Safety	\$	2,250,000	\$	2,250,000	5846
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,200,000	\$	5,200,000	5847
	Assistance Program					
	Grant					
3GU0 765610	Emergency Medical	\$	225,000	\$	225,000	5848
	Services Grants					
3GV0 761612	Traffic Safety Action	\$	24,200,000	\$	24,200,000	5849
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	35,321,000	\$	35,321,000	5850
TOTAL ALL BUDGET FUND GROUPS		\$	522,480,872	\$	522,478,272	5851

MOTOR VEHICLE REGISTRATION 5852

The Director of Public Safety may deposit revenues to meet 5853
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 5854
4W40) established in section 4501.25 of the Revised Code, obtained 5855
under sections 4503.02 and 4504.02 of the Revised Code, less all 5856
other available cash. Revenue deposited pursuant to this paragraph 5857
shall support, in part, appropriations for operating expenses and 5858
defray the cost of manufacturing and distributing license plates 5859
and license plate stickers and enforcing the law relative to the 5860
operation and registration of motor vehicles. Notwithstanding 5861
section 4501.03 of the Revised Code, the revenues shall be paid 5862
into Fund 4W40 before any revenues obtained pursuant to sections 5863
4503.02 and 4504.02 of the Revised Code are paid into any other 5864
fund. The deposit of revenues to meet the aforementioned cash 5865
needs shall be in approximately equal amounts on a monthly basis 5866
or as otherwise approved by the Director of Budget and Management 5867
pursuant to a plan submitted by the Director of Public Safety. 5868

OPERATING EXPENSE - INFORMATION AND EDUCATION 5869

Of the foregoing appropriation item 761321, Operating Expense 5870
- Information and Education, \$450,000 in each year shall be used 5871
to purchase portable driving simulators. 5872

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS	5873
The foregoing appropriation item 761401, Public Safety	5874
Facilities Lease Rental Bond Payments, shall be used to meet all	5875
payments during the period July 1, 2015, through June 30, 2017, by	5876
the Department of Public Safety under the leases and agreements	5877
for facilities under Chapters 152. and 154. of the Revised Code.	5878
The appropriations are the source of funds pledged for bond	5879
service charges on related obligations issued under Chapters 152.	5880
and 154. of the Revised Code.	5881
CASH TRANSFERS BETWEEN FUNDS	5882
Upon written request of the Director of Public Safety, the	5883
Director of Budget and Management may transfer cash between the	5884
State Bureau of Motor Vehicles Fund (Fund 4W40) and the State	5885
Highway Safety Fund (Fund 7036).	5886
CASH TRANSFERS - HIGHWAY PATROL	5887
Upon written request of the Director of Public Safety, the	5888
Director of Budget and Management may transfer cash from the State	5889
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0)	5890
or the Highway Safety Salvage and Exchange Highway Patrol Fund	5891
(Fund 8410) to the Security, Investigations and Policing Fund	5892
(Fund 8400).	5893
CASH TRANSFERS TO THE HIGHWAY SAFETY FUND - SHIPLEY UPGRADES	5894
Pursuant to a plan submitted by the Director of Public	5895
Safety, or as otherwise determined by the Director of Budget and	5896
Management, the Director of Budget and Management may make	5897
appropriate cash transfers on a pro-rata basis as approved by the	5898
Director of Budget and Management from other funds used by the	5899
Department of Public Safety, excluding the Public Safety Building	5900
Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) in	5901
order to reimburse expenditures for capital upgrades to the	5902
Shipley Building.	5903

CASH TRANSFERS - FEDERAL FUNDS	5904
Upon written request of the Director of Public Safety, the	5905
Director of Budget and Management may transfer cash from the	5906
Highway Safety Federal Reimbursement Fund (Fund 8310) to the	5907
Highway Safety Federal Reimbursement Fund (Fund 3GU0).	5908
Upon written request of the Director of Public Safety, the	5909
Director of Budget and Management may transfer cash from the	5910
Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund	5911
3GV0).	5912
Upon written request of the Director of Public Safety, the	5913
Director of Budget and Management may transfer cash from the	5914
Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway	5915
Patrol Justice Contraband Fund (Fund 3GR0).	5916
Upon written request of the Director of Public Safety, the	5917
Director of Budget and Management may transfer cash from the	5918
Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway	5919
Patrol Treasury Contraband Fund (Fund 3GS0).	5920
CREDITING OF MONEYS RECEIVED	5921
Beginning July 1, 2015, or as soon as possible thereafter,	5922
all moneys received pursuant to section 4501.08 of the Revised	5923
Code shall be deposited to the credit of the Highway Safety	5924
Federal Reimbursement Fund (Fund 3GU0).	5925
Beginning July 1, 2015, or as soon as possible thereafter,	5926
all moneys received pursuant to section 4501.09 of the Revised	5927
Code shall be deposited to the credit of the Traffic Safety Fund	5928
(Fund 3GV0).	5929
Beginning July 1, 2015, or as soon as possible thereafter,	5930
all moneys received pursuant to section 2981.14 of the Revised	5931
Code shall be deposited to the credit of the Highway Patrol	5932
Justice Contraband Fund (Fund 3GR0).	5933

Beginning July 1, 2015, or as soon as possible thereafter, 5934
all moneys received pursuant to section 2981.14 of the Revised 5935
Code shall be deposited to the credit of the Highway Patrol 5936
Treasury Contraband Fund (Fund 3GS0). 5937

COLLECTIVE BARGAINING INCREASES 5938

Notwithstanding division (D) of section 127.14 and division 5939
(B) of section 131.35 of the Revised Code, except for the General 5940
Revenue Fund, the Controlling Board may, upon the request of 5941
either the Director of Budget and Management, or the Department of 5942
Public Safety with the approval of the Director of Budget and 5943
Management, authorize expenditures in excess of appropriations and 5944
transfer appropriations, as necessary, for any fund used by the 5945
Department of Public Safety, to assist in paying the costs of 5946
increases in employee compensation that have occurred pursuant to 5947
collective bargaining agreements under Chapter 4117. of the 5948
Revised Code and, for exempt employees, under section 124.152 of 5949
the Revised Code. Any money approved for expenditure under this 5950
paragraph is hereby appropriated. 5951

CASH BALANCE FUND REVIEW 5952

The Director of Public Safety shall review the cash balances 5953
for each fund in the State Highway Safety Fund Group, and may 5954
submit a request in writing to the Director of Budget and 5955
Management to transfer amounts from any fund in the State Highway 5956
Safety Fund Group to the credit of the State Highway Safety Fund 5957
(Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 5958
4W40), as appropriate. Upon receipt of such a request, the 5959
Director of Budget and Management may make appropriate transfers 5960
as requested by the Director of Public Safety or as otherwise 5961
determined by the Director of Budget and Management. 5962

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 5963

Dedicated Purpose Fund Group				5964	
4W00 195629 Roadwork Development	\$	15,200,000	\$	15,200,000	5965
TOTAL DPF Dedicated Purpose				5966	
Fund Group	\$	15,200,000	\$	15,200,000	5967
TOTAL ALL BUDGET FUND GROUPS	\$	15,200,000	\$	15,200,000	5968

ROADWORK DEVELOPMENT FUND 5969

The Roadwork Development Fund shall be used for road 5970
improvements associated with economic development opportunities 5971
that will retain or attract businesses for Ohio. "Road 5972
improvements" are improvements to public roadway facilities 5973
located on, or serving or capable of serving, a project site. 5974

The Department of Transportation, under the direction of the 5975
Development Services Agency, shall provide these funds in 5976
accordance with all guidelines and requirements established for 5977
other Development Services Agency programs, including Controlling 5978
Board review and approval as well as the requirements for usage of 5979
motor vehicle fuel tax revenue prescribed in Section 5a of Article 5980
XII, Ohio Constitution. Should the Development Services Agency 5981
require the assistance of the Department of Transportation to 5982
bring a project to completion, the Department of Transportation 5983
shall use its authority under Title 55 of the Revised Code to 5984
provide such assistance and may enter into contracts on behalf of 5985
the Development Services Agency. In addition, these funds may be 5986
used in conjunction with any other state funds appropriated for 5987
infrastructure improvements. 5988

The Director of Budget and Management, pursuant to a plan 5989
submitted by the Director of Development Services or as otherwise 5990
determined by the Director of Budget and Management, shall set a 5991
cash transfer schedule to meet the cash needs of the Development 5992
Services Agency Roadwork Development Fund (Fund 4W00), less any 5993
other available cash. The Director shall transfer to the Roadwork 5994
Development Fund from the Highway Operating Fund (Fund 7002), 5995

established in section 5735.291 of the Revised Code, such amounts 5996
at such times as determined by the transfer schedule. 5997

Section 209.10. PWC PUBLIC WORKS COMMISSION 5998

Dedicated Purpose Fund Group 5999

7052 150402 Local Transportation \$ 289,020 \$ 291,269 6000
Improvement Program -
Operating

7052 150701 Local Transportation \$ 56,000,000 \$ 58,000,000 6001
Improvement Program

TOTAL DPF Dedicated Purpose 6002

Fund Group \$ 56,289,020 \$ 58,291,269 6003

Capital Projects Fund Group 6004

7038 150321 State Capital \$ 899,507 \$ 905,807 6005
Improvements Program
- Operating Expenses

TOTAL CPF Capital Projects 6006

Fund Group \$ 899,507 \$ 905,807 6007

TOTAL ALL BUDGET FUND GROUPS \$ 57,188,527 \$ 59,197,076 6008

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 6009

The foregoing appropriation item 150321, State Capital 6010
Improvements Program - Operating Expenses, shall be used by the 6011
Ohio Public Works Commission to administer the State Capital 6012
Improvement Program under sections 164.01 to 164.16 of the Revised 6013
Code. 6014

DISTRICT ADMINISTRATION COSTS 6015

The Director of the Public Works Commission is authorized to 6016
create a District Administration Costs Program from proceeds of 6017
the Capital Improvements Fund and Local Transportation Improvement 6018
Program Fund. The program shall be used to provide for the direct 6019
costs of district administration of the nineteen public works 6020

districts. Districts choosing to participate in the program shall 6021
only expend State Capital Improvements Fund moneys for State 6022
Capital Improvements Fund costs and Local Transportation 6023
Improvement Program Fund moneys for Local Transportation 6024
Improvement Program Fund costs. The District Administration Costs 6025
Program account shall not exceed \$1,235,000 per fiscal year. Each 6026
public works district may be eligible for up to \$65,000 per fiscal 6027
year from its district allocation as provided in sections 164.08 6028
and 164.14 of the Revised Code. 6029

The Director, by rule, shall define allowable and 6030
nonallowable costs for the purpose of the District Administration 6031
Costs Program. Nonallowable costs include indirect costs, elected 6032
official salaries and benefits, and project-specific costs. No 6033
district public works committee may participate in the District 6034
Administration Costs Program without the approval of those costs 6035
by the district public works committee under section 164.04 of the 6036
Revised Code. 6037

REAPPROPRIATIONS 6038

All capital appropriations from the Local Transportation 6039
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 6040
129th General Assembly remaining unencumbered as of June 30, 2015, 6041
are reappropriated for use during the period July 1, 2015, through 6042
June 30, 2016, for the same purpose. 6043

Notwithstanding division (B) of section 127.14 of the Revised 6044
Code, all capital appropriations and reappropriations from the 6045
Local Transportation Improvement Program Fund (Fund 7052) in this 6046
act remaining unencumbered as of June 30, 2016, are reappropriated 6047
for use during the period July 1, 2016, through June 30, 2017, for 6048
the same purposes, subject to the availability of revenue as 6049
determined by the Director of the Public Works Commission. 6050

TEMPORARY TRANSFERS 6051

Notwithstanding section 127.14 of the Revised Code, the 6052
Director of the Public Works Commission may request the Director 6053
of Budget and Management to transfer moneys from the Local 6054
Transportation Improvement Fund (Fund 7052) to the State Capital 6055
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 6056
(Fund 7056). The Director of Budget and Management may approve 6057
temporary transfers if such transfers are needed for capital 6058
outlays for which notes or bonds will be issued. Any transfers 6059
executed under this section shall be reported to the Controlling 6060
Board by June 30 of the fiscal year in which the transfer 6061
occurred. 6062

Section 401.10. All items set forth in this section are 6063
hereby appropriated out of any moneys in the state treasury to the 6064
credit of the Building Improvement Fund (Fund 5KZ0) that are not 6065
otherwise appropriated for the biennium ending June 30, 2016: 6066

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 6067

C10035	Building Improvement	\$	1,252,000	6068
TOTAL	Department of Administrative Services	\$	1,252,000	6069

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 6071

The appropriations made in this act, excluding those made 6072
from the State Capital Improvement Fund (Fund 7038) and the State 6073
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 6074
or structures, including remodeling and renovations, are limited 6075
to: 6076

(A) Acquisition of real property or interests in real 6077
property; 6078

(B) Buildings and structures, which includes construction, 6079
demolition, complete heating and cooling, lighting and lighting 6080
fixtures, and all necessary utilities, ventilating, plumbing, 6081
sprinkling, water, and sewer systems, when such systems are 6082

authorized or necessary;	6083
(C) Architectural, engineering, and professional services expenses directly related to the projects;	6084 6085
(D) Machinery that is a part of structures at the time of initial acquisition or construction;	6086 6087
(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;	6088 6089 6090 6091
(F) Equipment that meets all the following criteria:	6092
(1) The equipment is essential in bringing the facility up to its intended use;	6093 6094
(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more;	6095 6096
(3) The equipment has a useful life of five years or more; and	6097 6098
(4) The equipment is necessary for the functioning of the particular facility or project.	6099 6100
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.	6101 6102 6103 6104 6105
Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION	6106
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	6107 6108 6109 6110 6111

government in order to maintain the exclusion from gross income 6112
for federal income tax purposes of interest on those state 6113
obligations under section 148(f) of the Internal Revenue Code. 6114

Rebate payments shall be approved and vouchered by the Office 6115
of Budget and Management. 6116

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 6117
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 6118

The Director of Budget and Management shall initiate and 6119
process payments from lease rental payment appropriation items 6120
during the period from July 1, 2015, to June 30, 2017, pursuant to 6121
the lease and other agreements relating to bonds or notes issued 6122
under Section 2i of Article VIII of the Ohio Constitution and 6123
Chapters 152. and 154. of the Revised Code. Payments shall be made 6124
upon certification by the Treasurer of State of the dates and 6125
amounts due on those dates. 6126

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 6127

Certain appropriations are in this act for the purpose of 6128
lease rental and other payments under leases and agreements 6129
relating to bonds or notes issued under the Ohio Constitution and 6130
acts of the General Assembly. If it is determined that additional 6131
appropriations are necessary for this purpose, such amounts are 6132
hereby appropriated. 6133

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 6134
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 6135

Upon the request of the Director of Transportation, the 6136
Director of Budget and Management may transfer cash from the 6137
Highway Operating Fund (Fund 7002) to the Highway Capital 6138
Improvement Fund (Fund 7042) created in section 5528.53 of the 6139
Revised Code. The Director of Budget and Management may transfer 6140

cash from Fund 7042 to Fund 7002 up to the amount of cash 6141
previously transferred to Fund 7042 under this section. 6142

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 6143

The Director of Budget and Management shall transfer cash in 6144
equal monthly increments totaling \$165,664,404 in each fiscal year 6145
of the biennium ending June 30, 2017 from the Highway Operating 6146
Fund (Fund 7002), created in section 5735.291 of the Revised Code, 6147
to the Gasoline Excise Tax Fund (Fund 7060) created in division 6148
(A) of section 5735.27 of the Revised Code. The monthly amounts 6149
transferred under this section shall be distributed as follows: 6150
42.86 per cent shall be distributed among the municipal 6151
corporations within the state under division (A)(2) of section 6152
5735.27 of the Revised Code; 37.14 per cent shall be distributed 6153
among the counties within the state under division (A)(3) of 6154
section 5735.27 of the Revised Code; and 20 per cent shall be 6155
distributed among the townships within the state under division 6156
(A)(5)(b) of section 5735.27 of the Revised Code. 6157

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 6158

On July 1, 2015, and on January 1, 2016, or as soon as 6159
possible thereafter, respectively, the Director of Budget and 6160
Management shall transfer \$200,000 in cash, for each period, from 6161
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 6162
General for ODOT Fund (Fund 5FA0). 6163

On July 1, 2016, and on January 1, 2017, or as soon as 6164
possible thereafter, respectively, the Director of Budget and 6165
Management shall transfer \$200,000 in cash, for each period, from 6166
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 6167
General for ODOT Fund (Fund 5FA0). 6168

Should additional amounts be necessary, the Inspector 6169
General, with the consent of the Director of Budget and 6170

Management, may seek Controlling Board approval for additional 6171
transfers of cash and to increase the amount appropriated from 6172
appropriation item 965603, Deputy Inspector General for ODOT, in 6173
the amount of the additional cash transfers. 6174

Section 512.40. ABOLISHMENT OF FUNDS 6175

On July 1, 2015, or as soon as possible thereafter, the 6176
Director of Budget and Management shall transfer the cash balance 6177
in the MARCS Operations Fund (Fund 4W60) to the MARCS 6178
Administration Fund (Fund 5C20). Upon completion of the transfer, 6179
Fund 4W60 is abolished. 6180

On July 1, 2015, or as soon as possible thereafter, the 6181
Highway Obligation Bond Retirement Fund (Fund 7071) is abolished. 6182

On January 1, 2016, or as soon as possible thereafter, the 6183
Director of Budget and Management shall transfer the cash balance 6184
in the Financial Responsibility Compliance Fund (Fund 8350) to the 6185
State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion 6186
of the transfer, Fund 8350 is abolished. 6187

On January 1, 2016, or as soon as possible thereafter, the 6188
Director of Budget and Management shall transfer the cash balance 6189
in the Law Enforcement Reimbursement Fund (Fund 83R0) to the State 6190
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 6191
transfer, Fund 83R0 is abolished. 6192

On March 1, 2016, or as soon as possible thereafter, the 6193
Director of Budget and Management shall transfer the cash balance 6194
in the Homeland Security Fund (Fund 5DS0) to the State Bureau of 6195
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 6196
Fund 5DS0 is abolished. 6197

On March 1, 2016, or as soon as possible thereafter, the 6198
Director of Budget and Management shall transfer the cash balance 6199
in the Investigations Fund (Fund 5FL0) to the State Bureau of 6200

Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 6201
Fund 5FL0 is abolished. 6202

On March 1, 2016, or as soon as possible thereafter, the 6203
Director of Budget and Management shall transfer the cash balance 6204
in the Highway Safety Federal Reimbursement Fund (Fund 8310) to 6205
the Highway Safety Federal Reimbursement Fund (Fund 3GU0). Upon 6206
completion of the transfer, Fund 8310 is abolished. 6207

The Director shall cancel any existing encumbrances against 6208
Fund 8310 appropriation item 761610, Information and Education - 6209
Federal, and reestablish them against Fund 3GU0 appropriation item 6210
761610, Information and Education Grant. The reestablished 6211
encumbrance amounts are hereby appropriated. 6212

The Director shall cancel any existing encumbrances against 6213
Fund 8310 appropriation item 764608, FARS Grant Federal, and 6214
reestablish them against Fund 3GU0 appropriation item 764608, 6215
Fatality Analysis Report System Grant. The reestablished 6216
encumbrance amounts are hereby appropriated. 6217

The Director shall cancel any existing encumbrances against 6218
Fund 8310 appropriation item 764610, Patrol - Federal, and 6219
reestablish them against Fund 3GU0 appropriation item 764610, 6220
Highway Safety Programs Grant. The reestablished encumbrance 6221
amounts are hereby appropriated. 6222

The Director shall cancel any existing encumbrances against 6223
Fund 8310 appropriation item 764659, Transportation Enforcement - 6224
Federal, and reestablish them against Fund 3GU0 appropriation item 6225
764659, Motor Carrier Safety Assistance Program Grant. The 6226
reestablished encumbrance amounts are hereby appropriated. 6227

The Director shall cancel any existing encumbrances against 6228
Fund 8310 appropriation item 765610, EMS - Federal, and 6229
reestablish them against Fund 3GU0 appropriation item 765610, 6230
Emergency Medical Services Grants. The reestablished encumbrance 6231

amounts are hereby appropriated. 6232

The Director shall cancel any existing encumbrances against 6233
Fund 8310 appropriation item 769610, Investigative Unit Federal 6234
Reimbursement, and reestablish them against Fund 3GU0 6235
appropriation item 769610, Investigations Grants - Food Stamps, 6236
Liquor and Tobacco Laws. The reestablished encumbrance amounts are 6237
hereby appropriated. 6238

The Director shall cancel any existing encumbrances against 6239
Fund 8310 appropriation item 769631, Homeland Security - Federal, 6240
and reestablish them against Fund 3GU0 appropriation item 769631, 6241
Homeland Security Disaster Grants. The reestablished encumbrance 6242
amounts are hereby appropriated. 6243

On March 1, 2016, or as soon as possible thereafter, the 6244
Director of Budget and Management shall transfer the cash balance 6245
in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund 6246
(Fund 3GV0). Upon completion of the transfer, Fund 8320 is 6247
abolished. 6248

The Director shall cancel any existing encumbrances against 6249
Fund 8320 appropriation item 761612, Traffic Safety - Federal, and 6250
reestablish them against Fund 3GV0 appropriation item 761612, 6251
Traffic Safety - Federal. The reestablished encumbrance amounts 6252
are hereby appropriated. 6253

On March 1, 2016, or as soon as possible thereafter, the 6254
Director of Budget and Management shall transfer the cash balance 6255
in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the 6256
Highway Patrol Justice Contraband Fund (Fund 3GR0). Upon 6257
completion of the transfer, Fund 83J0 is abolished. 6258

The Director shall cancel any existing encumbrances against 6259
Fund 83J0 appropriation item 764693, Highway Patrol Justice 6260
Contraband, and reestablish them against Fund 3GR0 appropriation 6261
item 764693, Highway Patrol Justice Contraband. The reestablished 6262

encumbrance amounts are hereby appropriated. 6263

On March 1, 2016, or as soon as possible thereafter, the 6264
Director of Budget and Management shall transfer the cash balance 6265
in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the 6266
Highway Patrol Treasury Contraband Fund (Fund 3GS0). Upon 6267
completion of the transfer, Fund 83T0 is abolished. 6268

The Director shall cancel any existing encumbrances against 6269
Fund 83T0 appropriation item 764694, Highway Patrol Treasury 6270
Contraband, and reestablish them against Fund 3GS0 appropriation 6271
item 764694, Highway Patrol Treasury Contraband. The reestablished 6272
encumbrance amounts are hereby appropriated. 6273

Section 521.10. To the extent permitted by federal law, 6274
federal money received by the state for fiscal stabilization and 6275
recovery purposes shall be used in accordance with the preferences 6276
for products and services made or performed in the United States 6277
and Ohio established in section 125.09 of the Revised Code. 6278

Section 610.10. That Section 227.10 of Am. H.B. 497 of the 6279
130th General Assembly be amended to read as follows: 6280

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 6281

Administrative Building Fund (Fund 7026) 6282

C76034 EMA Building System and Equipment \$ 526,600 6283

C76039 Clinton County Farmer's and Sportsman's 6284
Association \$ 50,000

C76040 Wayne County Emergency Services \$ 589,000 6285
Infrastructure

TOTAL Administrative Building Fund \$ 1,165,600 6286

Highway Safety Fund (Fund 7036) 6287

C76000 Platform Scales Improvements \$ 350,000 6288

C76036 Shipley Building Renovations and \$ 2,250,000 6289

	Improvements			
C76037	Cincinnati Consolidated Center	\$	3,500,000	6290
	Renovations and Improvements			
C76038	Brook Park Facility Renovations and	\$	900,000	6291
	Improvements			
<u>C76043</u>	<u>Minor Capital Projects</u>	<u>\$</u>	<u>1,250,000</u>	6292
TOTAL Highway Safety Fund		\$	7,000,000	6293
			<u>8,250,000</u>	
TOTAL ALL FUNDS		\$	8,165,600	6294
			<u>9,415,600</u>	

Section 610.11. That existing Section 227.10 of Am. H.B. 497 6296
of the 130th General Assembly is hereby repealed. 6297

Section 755.10. The Director of Transportation may enter into 6298
agreements as provided in this section with the United States or 6299
any department or agency of the United States, including, but not 6300
limited to, the United States Army Corps of Engineers, the United 6301
States Forest Service, the United States Environmental Protection 6302
Agency, and the United States Fish and Wildlife Service. An 6303
agreement entered into pursuant to this section shall be solely 6304
for the purpose of dedicating staff to the expeditious and timely 6305
review of environmentally related documents submitted by the 6306
Director of Transportation, as necessary for the approval of 6307
federal permits. The agreements may include provisions for advance 6308
payment by the Director of Transportation for labor and all other 6309
identifiable costs of the United States or any department or 6310
agency of the United States providing the services, as may be 6311
estimated by the United States, or the department or agency of the 6312
United States. The Director shall submit a request to the 6313
Controlling Board indicating the amount of the agreement, the 6314
services to be performed by the United States or the department or 6315
agency of the United States, and the circumstances giving rise to 6316

the agreement. 6317

Section 755.20. (A) As used in this section, "indefinite 6318
delivery indefinite quantity contract" means a contract for an 6319
indefinite quantity, within stated limits, of supplies or services 6320
that will be delivered by the awarded bidder over a defined 6321
contract period. 6322

(B) The Director of Transportation shall advertise and seek 6323
bids for, and shall award, indefinite delivery indefinite quantity 6324
contracts for not more than two projects in fiscal year 2016 and 6325
for not more than two projects in fiscal year 2017. For purposes 6326
of entering into indefinite delivery indefinite quantity 6327
contracts, the Director shall do all of the following: 6328

(1) Prepare bidding documents; 6329

(2) Establish contract forms; 6330

(3) Determine contract terms and conditions, including the 6331
following: 6332

(a) The maximum overall value of the contract, which may 6333
include an allowable increase of one hundred thousand dollars or 6334
five per cent of the advertised contract value, whichever is less; 6335

(b) The duration of the contract, including a time extension 6336
of up to one year if determined appropriate by the Director; 6337

(c) The defined geographical area to which the contract 6338
applies, which shall be not greater than the size of one district 6339
of the Department of Transportation. 6340

(4) Develop and implement a work order process in order to 6341
provide the awarded bidder adequate notice of requested supplies 6342
or services, the anticipated quantities of supplies, and work 6343
location information for each work order. 6344

(5) Take any other action necessary to fulfill the duties and 6345

obligations of the Director under this section. 6346

(C) Section 5525.01 of the Revised Code applies to indefinite 6347
delivery indefinite quantity contracts. 6348

Section 755.30. Not later than December 31, 2015, the 6349
Director of Transportation shall submit written notice to the 6350
President of the Senate and the Speaker of the House of 6351
Representatives expressing the Department of Transportation's 6352
intention to proceed or not proceed with the highway construction 6353
project commonly known as the Eastern Corridor project, which 6354
project currently is a Tier 3 project of the Transportation Review 6355
Advisory Council. If it is the intention of the Department not to 6356
proceed with that highway construction project, the Department 6357
shall expend all the money that it would have expended on the 6358
portions or components of that project that would have been 6359
located within Hamilton County solely on other Department highway 6360
projects located within Hamilton County. The Transportation Review 6361
Advisory Council shall allocate that money in accordance with this 6362
section. 6363

Section 755.40. There is hereby created the Joint Legislative 6364
Task Force on Department of Transportation Funding. The Task Force 6365
shall consist of three members of the House Finance and 6366
Appropriations Committee, one of whom is a member of the Minority 6367
party, all of whom shall be appointed by the Speaker of the House 6368
of Representatives; and three members of the Senate Transportation 6369
Committee, one of whom is a member of the Minority party, all of 6370
whom shall be appointed by the President of the Senate. In making 6371
Minority party appointments, the Speaker shall consult with the 6372
Minority Leader of the House of Representatives, and the President 6373
shall consult with the Minority Leader of the Senate. 6374

The Task Force shall examine the funding needs of the Ohio 6375

Department of Transportation. The Task Force also shall study 6376
specifically the issue of the effectiveness of the Ohio motor fuel 6377
tax in meeting those funding needs. Not later than December 15, 6378
2016, the Task Force shall issue a report containing its findings 6379
and recommendations to the President of the Senate, the Minority 6380
Leader of the Senate, the Speaker of the House of Representatives, 6381
and the Minority Leader of the House of Representatives. At that 6382
time, the Task Force shall cease to exist. 6383

Section 757.10. Beginning on July 31, 2015, and on the last 6384
day of the month for each month thereafter, before making any of 6385
the distributions specified in sections 5735.23, 5735.26, 6386
5735.291, and 5735.30 of the Revised Code but after any transfers 6387
to the tax refund fund as required by those sections and section 6388
5703.052 of the Revised Code, the Treasurer of State shall deposit 6389
the first two per cent of the amount of motor fuel tax received 6390
for the preceding calendar month to the credit of the Highway 6391
Operating Fund (Fund 7002). 6392

Section 757.20. Notwithstanding Chapter 5735. of the Revised 6393
Code, the following apply for the period of July 1, 2015, through 6394
June 30, 2017: 6395

(A) For the discount under section 5735.06 of the Revised 6396
Code, if the monthly report is timely filed and the tax is timely 6397
paid, one per cent of the total number of gallons of motor fuel 6398
received by the motor fuel dealer within the state during the 6399
preceding calendar month, less the total number of gallons 6400
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 6401
the Revised Code, less one-half of one per cent of the total 6402
number of gallons of motor fuel that were sold to a retail dealer 6403
during the preceding calendar month. 6404

(B) For the semiannual periods ending December 31, 2015, June 6405

30, 2016, December 31, 2016, and June 30, 2017, the refund 6406
provided to retail dealers under section 5735.141 of the Revised 6407
Code shall be one-half of one per cent of the Ohio motor fuel 6408
taxes paid on fuel purchased during those semiannual periods. 6409

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 6410
APPROPRIATIONS 6411

Law contained in the main operating appropriations act of the 6412
131st General Assembly that is generally applicable to the 6413
appropriations made in the main operating appropriations act also 6414
is generally applicable to the appropriations made in this act. 6415

Section 801.20. As used in the uncodified law of this act, 6416
"American Recovery and Reinvestment Act of 2009" means the 6417
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 6418
111-5, 123 Stat. 115. 6419

Section 806.10. The items of law contained in this act, and 6420
their applications, are severable. If any item of law contained in 6421
this act, or if any application of any item of law contained in 6422
this act, is held invalid, the invalidity does not affect other 6423
items of law contained in this act and their applications that can 6424
be given effect without the invalid item or application. 6425

Section 812.10. Except as otherwise provided in this act, the 6426
amendment, enactment, or repeal by this act of a section of law is 6427
subject to the referendum under Ohio Constitution, Article II, 6428
Section 1c and therefore takes effect on the ninety-first day 6429
after this act is filed with the Secretary of State or, if a later 6430
effective date is specified below, on that date. 6431

Section 812.20. In this section, an "appropriation" includes 6432
another provision of law in this act that relates to the subject 6433

of the appropriation. 6434

An appropriation of money made in this act is not subject to 6435
the referendum insofar as a contemplated expenditure authorized 6436
thereby is wholly to meet a current expense within the meaning of 6437
Ohio Constitution, Article II, Section 1d and section 1.471 of the 6438
Revised Code. To that extent, the appropriation takes effect 6439
immediately when this act becomes law. Conversely, the 6440
appropriation is subject to the referendum insofar as a 6441
contemplated expenditure authorized thereby is wholly or partly 6442
not to meet a current expense within the meaning of Ohio 6443
Constitution, Article II, Section 1d and section 1.471 of the 6444
Revised Code. To that extent, the appropriation takes effect on 6445
the ninety-first day after this act is filed with the Secretary of 6446
State. 6447

Section 815.10. The General Assembly, applying the principle 6448
stated in division (B) of section 1.52 of the Revised Code that 6449
amendments are to be harmonized if reasonably capable of 6450
simultaneous operation, finds that the following sections, 6451
presented in this act as composites of the sections as amended by 6452
the acts indicated, are the resulting versions of the sections in 6453
effect prior to the effective date of the sections as presented in 6454
this act: 6455

Section 4503.102 of the Revised Code as amended by both H.B. 6456
13 and Am. Sub. H.B. 119 of the 127th General Assembly. 6457

Section 4506.09 of the Revised Code as amended by both Am. 6458
Sub. H.B. 51 and Am. Sub. H.B. 98 of the 130th General Assembly. 6459