

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

**133rd General Assembly
Regular Session
2019-2020**

Sub. H. B. No. 62

Representative Oelslager

**Cosponsors: Representatives Blessing, Carruthers, Cera, DeVitis, Hambley,
Howse, Manning, D., O'Brien, Patterson, Perales, Seitz, Smith, K., Sobecki
Senator Uecker**

A B I L L

To amend sections 9.54, 107.03, 119.14, 122.14, 1
164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 2
723.52, 723.53, 1349.61, 3327.07, 4111.03, 3
4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4
4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 5
4503.10, 4503.103, 4503.41, 4504.10, 4504.201, 6
4505.101, 4506.09, 4506.11, 4506.17, 4507.01, 7
4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 8
4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 9
4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 10
4513.64, 4513.65, 4513.66, 4513.69, 4582.12, 11
4582.31, 5501.21, 5501.41, 5543.19, 5575.01, 12
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 13
5735.053, 5735.142, 5735.27, 5739.023, and 14
5747.71; to enact sections 3.112, 306.353, 15
4504.173, 4504.181, 4507.18, 4926.01, 4926.02, 16
4926.03, 4926.04, 4926.05, 4926.06, 4926.07, 17
4926.08, 4926.09, 5517.07, 5534.014, 5534.407, 18
5534.807, and 5735.50; and to repeal section 9.57 19
of the Revised Code and to amend Sections 213.20 20

and 223.15 of H.B. 529 of the 132nd General 21
Assembly, as subsequently amended, and to repeal 22
Section 3 of Am. Sub. S.B. 20 of the 120th General 23
Assembly, as subsequently amended, to increase the 24
rate of and modify the distribution of revenue 25
from motor fuel excise taxes, to make 26
appropriations for programs related to 27
transportation and public safety for the biennium 28
beginning July 1, 2019, and ending June 30, 2021, 29
and to provide authorization and conditions for 30
the operation of those programs. 31

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

Section 101.01. That sections 9.54, 107.03, 119.14, 122.14, 32
164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 723.52, 723.53, 33
1349.61, 3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 34
4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 35
4503.103, 4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 36
4506.17, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 37
4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 4513.60, 4513.601, 38
4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 39
4582.12, 4582.31, 5501.21, 5501.41, 5543.19, 5575.01, 5577.15, 40
5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 41
5739.023, and 5747.71 be amended and sections 3.112, 306.353, 42
4504.173, 4504.181, 4507.18, 4926.01, 4926.02, 4926.03, 4926.04, 43
4926.05, 4926.06, 4926.07, 4926.08, 4926.09, 5517.07, 5534.014, 44
5534.407, 5534.807, and 5735.50 of the Revised Code be enacted to 45
read as follows: 46

Sec. 3.112. An elected officer or an employee of a county, 47
township, or municipal corporation may simultaneously serve as a 48
member or officer of the board of trustees of a transportation 49

improvement district created under Chapter 5540. of the Revised 50
Code. Neither the simultaneous holding of the two positions nor 51
the financial or contractual relationship between a county, 52
township, or municipal corporation and the transportation 53
improvement district shall constitute the holding of incompatible 54
offices or employment and are permissible, notwithstanding Ohio 55
common law or any contrary provision of the Revised Code. An 56
elected officer or an employee of a county, township, or municipal 57
corporation who serves simultaneously as a member or officer of 58
the board of trustees of a transportation improvement district 59
does not have an unlawful interest in a public contract under 60
section 2921.42 of the Revised Code by virtue of a financial or 61
contractual relationship between the county, township, or 62
municipal corporation and the transportation improvement district. 63

Sec. 9.54. Whoever erects or replaces a sign containing the 64
international symbol of access shall use do both of the following: 65

(A) Use forms of the word "accessible" rather than forms of 66
the words "handicapped" or "disabled" whenever words are included 67
on the sign; 68

(B) For the international symbol of access, use a logo that 69
depicts a dynamic character leaning forward with a sense of 70
movement. 71

Sec. 107.03. (A) As used in this section, "transportation 72
budget" means the biennial budget that primarily includes the 73
following: 74

(1) Motor fuel excise tax-related appropriations for the 75
department of transportation, public works commission, and 76
development services agency; 77

(2) Other appropriations that pertain to transportation and 78

infrastructure related to transportation. 79

(B) The governor shall submit a transportation budget to the 80
general assembly not later than four weeks after the general 81
assembly's organization. 82

(C) The governor shall submit to the general assembly, not 83
later than four weeks after its organization, a state budget 84
containing a complete financial plan for the ensuing fiscal 85
biennium, excluding items of revenue and expenditure described in 86
section 126.022 of the Revised Code. However, in years of a new 87
governor's inauguration, ~~the~~ this budget shall be submitted not 88
later than the fifteenth day of March. ~~In~~ 89

(D) In years of a new governor's inauguration, only the new 90
governor shall submit a budget to the general assembly. In 91
addition to other things required by law, each of the governor's 92
~~budget~~ budgets shall contain: 93

~~(A)~~(1) A general budget summary by function and agency 94
setting forth the proposed total expenses from each and all funds 95
and the anticipated resources for meeting such expenses; such 96
resources to include any available balances in the several funds 97
at the beginning of the biennium and a classification by totals of 98
all revenue receipts estimated to accrue during the biennium under 99
existing law and proposed legislation. 100

~~(B)~~(2) A detailed statement showing the amounts recommended 101
to be appropriated from each fund for each fiscal year of the 102
biennium for current expenses, including, but not limited to, 103
personal services, supplies and materials, equipment, subsidies 104
and revenue distribution, merchandise for resale, transfers, and 105
nonexpense disbursements, obligations, interest on debt, and 106
retirement of debt, and for the biennium for capital outlay, to 107
the respective departments, offices, institutions, as defined in 108
section 121.01 of the Revised Code, and all other public purposes; 109

and, in comparative form, the actual expenses by source of funds 110
during each fiscal year of the previous two bienniums for each 111
such purpose. No alterations shall be made in the requests for the 112
legislative and judicial branches of the state filed with the 113
director of budget and management under section 126.02 of the 114
Revised Code. If any amount of federal money is recommended to be 115
appropriated or has been expended for a purpose for which state 116
money also is recommended to be appropriated or has been expended, 117
the amounts of federal money and state money involved shall be 118
separately identified. 119

~~(C)~~(3) A detailed estimate of the revenue receipts in each 120
fund from each source under existing laws during each year of the 121
biennium; and, in comparative form, actual revenue receipts in 122
each fund from each source for each year of the two previous 123
bienniums; 124

~~(D)~~(4) The estimated cash balance in each fund at the 125
beginning of the biennium covered by the budget; the estimated 126
liabilities outstanding against each such balance; and the 127
estimated net balance remaining and available for new 128
appropriations; 129

~~(E)~~(5) A detailed estimate of the additional revenue receipts 130
in each fund from each source under proposed legislation, if 131
enacted, during each year of the biennium; 132

~~(F)~~(6) A description of each tax expenditure; a detailed 133
estimate of the amount of revenues not available to the general 134
revenue fund under existing laws during each fiscal year of the 135
biennium covered by the budget due to the operation of each tax 136
expenditure; and, in comparative form, the amount of revenue not 137
available to the general revenue fund during each fiscal year of 138
the immediately preceding biennium due to the operation of each 139
tax expenditure. The report prepared by the department of taxation 140
pursuant to section 5703.48 of the Revised Code shall be submitted 141

to the general assembly as an appendix to the governor's budget. 142
As used in this division, "tax expenditure" has the same meaning 143
as in section 5703.48 of the Revised Code. 144

~~(G)~~(7) The most recent report prepared by the tax expenditure 145
review committee under division (F) of section 5703.95 of the 146
Revised Code, which shall be submitted to the general assembly as 147
an appendix to the governor's budget. 148

Sec. 119.14. (A) For any small business that engages in a 149
paperwork violation, the state agency or regulatory authority that 150
regulates the field of operation in which the business operates 151
shall waive any and all administrative fines or civil penalties on 152
that small business for the violation, if the paperwork violation 153
is a first-time offense. 154

(B) When an agency or regulatory authority waives an 155
administrative fine or civil penalty under this section, the state 156
agency or regulatory authority shall require the small business to 157
correct the violation within a reasonable period of time. 158

(C) Notwithstanding this section, a state agency or 159
regulatory authority may impose administrative fines or civil 160
penalties on a small business for a paperwork violation that is a 161
first-time offense for any of the following reasons: 162

(1) The violation has the potential to cause serious harm to 163
the public interest as determined by a state agency or regulatory 164
authority director; 165

(2) The violation involves a small business knowingly or 166
willfully engaging in conduct that may result in a felony 167
conviction; 168

(3) Failure to impose an administrative fine or civil penalty 169
for the violation would impede or interfere with the detection of 170
criminal activity; 171

(4) The violation is of a law concerning the assessment or	172
collection of any tax, debt, revenue, or receipt;	173
(5) The violation presents a direct danger to the public	174
health or safety, results in a financial loss to an employee as	175
defined in section 4111.03 of the Revised Code , or presents the	176
risk of severe environmental harm, as determined by the head of	177
the agency or regulatory authority;	178
(6) The violation is a failure to comply with a federal	179
requirement for a program that has been delegated from the federal	180
government to a state agency or regulatory authority and where the	181
federal requirement includes a requirement to impose a fine.	182
(D)(1) Nothing in this section shall prohibit a state agency	183
or regulatory authority from waiving administrative fines or civil	184
penalties incurred by a small business for a paperwork violation	185
that is not a first-time offense.	186
(2) Any administrative fine or civil penalty that is waived	187
under this section ⁷ , may be reinstated and imposed in addition to	188
any additional fines or penalties associated with a subsequent	189
violation for noncompliance with the same paperwork requirement.	190
(E) This section shall not apply to any violation by a small	191
business of a statutory or regulatory requirement mandating the	192
collection of information by a state agency or regulatory body if	193
that small business previously violated any such requirement	194
mandating the collection of information.	195
(F) Nothing in this section shall be construed to diminish	196
the responsibility for any citizen or business to apply for and	197
obtain a permit, license, or authorizing document that is required	198
to engage in a regulated activity, or otherwise comply with state	199
or federal law.	200
(G) As used in this section:	201

(1) "Small business" has the same meaning as defined by the Code of Federal Regulations, Title 13, Chapter 1, Part 121.	202 203
(2) "Paperwork violation" means the violation of any statutory or regulatory requirement in the Revised Code mandating the collection of information by a state agency or regulatory body.	204 205 206 207
(3) "First-time offense" means the first instance of a violation of the particular statutory or regulatory requirement mandating the collection of information by a state agency or regulatory body.	208 209 210 211
<u>(4) "Employee" means any individual employed by an employer but does not include:</u>	212 213
<u>(a) Any individual employed by the United States;</u>	214
<u>(b) Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;</u>	215 216 217 218
<u>(c) Any individual engaged in the delivery of newspapers to the consumer;</u>	219 220
<u>(d) Any individual employed as an outside salesperson compensated by commissions or employed in a bona fide executive, administrative, or professional capacity as such terms are defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended;</u>	221 222 223 224 225
<u>(e) Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;</u>	226 227 228
<u>(f) A member of a police or fire protection agency or student employed on a part-time or seasonal basis by a political subdivision of this state;</u>	229 230 231

(g) Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a nonprofit organization or group of organizations described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code; 232
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(h) Any individual employed directly by the house of representatives or directly by the senate. 238
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Sec. 122.14. (A) There is hereby created in the state treasury the roadwork development fund. The fund shall consist of the investment earnings of the security deposit fund created by section 4509.27 of the Revised Code and revenue transferred to it by the director of budget and management from the highway operating fund created in section 5735.051 of the Revised Code. The fund shall be used by the development services agency in accordance with Section 5a of Article XII, Ohio Constitution, to make road improvements associated with retaining or attracting business for this state, including both of the construction following: 240
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(1) Construction, reconstruction, maintenance, or repair of public roads that provide access to a public airport or are located within a public airport; 251
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(2) Construction, reconstruction, maintenance, or repair of public roads that provide or improve access to tourism attractions. All 254
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(B) All investment earnings of the fund shall be credited to the fund. 257
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Sec. 164.08. (A) Except as provided in sections 151.01 and 151.08 or section 164.09 of the Revised Code, the net proceeds of obligations issued and sold by the treasurer of state pursuant to 259
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section 164.09 of the Revised Code before September 30, 2000, or 262
pursuant to sections 151.01 and 151.08 of the Revised Code, for 263
the purpose of financing or assisting in the financing of the cost 264
of public infrastructure capital improvement projects of local 265
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 266
Article VIII, Ohio Constitution, and this chapter, shall be paid 267
into the state capital improvements fund, which is hereby created 268
in the state treasury. Investment earnings on moneys in the fund 269
shall be credited to the fund. 270

(B) Beginning July 1, 2016, each program year the amount of 271
obligations authorized by the general assembly in accordance with 272
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 273
excluding the proceeds of refunding or renewal obligations, shall 274
be allocated by the director of the Ohio public works commission 275
as follows: 276

(1) First, ten per cent of the amount of obligations 277
authorized shall be allocated to provide financial assistance to 278
villages and to townships with populations in the unincorporated 279
areas of the township of less than five thousand persons, for 280
capital improvements in accordance with section 164.051 and 281
division (D) of section 164.06 of the Revised Code. As used in 282
division (B)(1) of this section, "capital improvements" includes 283
resurfacing and improving roads. 284

(2) Following the allocation required by division (B)(1) of 285
this section, the director may allocate two per cent of the 286
authorized obligations to provide financial assistance to local 287
subdivisions for capital improvement projects which in the 288
judgment of the director of the Ohio public works commission are 289
necessary for the immediate preservation of the health, safety, 290
and welfare of the citizens of the local subdivision requesting 291
assistance. Starting July 1, 2021, the director may allocate up to 292
six per cent of authorized obligations as provided in this 293

<u>division.</u>	294
(3) For program years twelve and fourteen that obligations are authorized and available for allocation under this chapter, two million dollars each program year shall be allocated to the small county capital improvement program for use in providing financial assistance under division (F) of section 164.02 of the Revised Code.	295 296 297 298 299 300
(4) The director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share.	301 302 303 304 305 306 307 308
(5) After making the allocation required by division (B)(4) of this section, the director shall allocate the remaining amount to each district on a per capita basis.	309 310 311
(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions for capital improvements pursuant to this chapter. Investment earnings on moneys in the fund shall be credited to the fund.	312 313 314 315 316
(2) There may also be deposited in the state capital improvements revolving loan fund moneys obtained from federal or private grants, or from other sources, which are to be used for any of the purposes authorized by this chapter. Such moneys shall be allocated each year in accordance with division (B)(5) of this section.	317 318 319 320 321 322
(3) Moneys deposited into the state capital improvements revolving loan fund shall be used to make loans for the purpose of	323 324

financing or assisting in the financing of the cost of capital 325
improvement projects of local subdivisions. 326

(4) Investment earnings credited to the state capital 327
improvements revolving loan fund that exceed the amounts required 328
to meet estimated federal arbitrage rebate requirements shall be 329
used to pay costs incurred by the public works commission in 330
administering this section. Investment earnings credited to the 331
state capital improvements revolving loan fund that exceed the 332
amounts required to pay for the administrative costs and estimated 333
rebate requirements shall be allocated to each district on a per 334
capita basis. 335

(5) Each program year, loan repayments received and on 336
deposit in the state capital improvements revolving loan fund 337
shall be allocated as follows: 338

(a) Each district public works integrating committee shall be 339
allocated an amount equal to the sum of all loan repayments made 340
to the state capital improvements revolving loan fund by local 341
subdivisions that are part of the district. Moneys not used in a 342
program year may be used in the next program year in the same 343
manner and for the same purpose as originally allocated. 344

(b) Loan repayments made pursuant to projects approved under 345
division (B)(1) of this section shall be used to make loans in 346
accordance with section 164.051 and division (D) of section 164.06 347
of the Revised Code. Allocations for this purpose made pursuant to 348
division (C)(5) of this section shall be in addition to the 349
allocation provided in division (B)(1) of this section. 350

(c) Loan repayments made pursuant to projects approved under 351
division (B)(2) of this section shall be used to make loans in 352
accordance with division (B)(2) of this section. Allocations for 353
this purpose made pursuant to division (C)(5) of this section 354
shall be in addition to the allocation provided in division (B)(2) 355

of this section. 356

(d) Loans made from the state capital improvements revolving 357
loan fund shall not be limited in their usage by divisions (E), 358
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 359

(D) Investment earnings credited to the state capital 360
improvements fund that exceed the amounts required to meet 361
estimated federal arbitrage rebate requirements shall be used to 362
pay costs incurred by the public works commission in administering 363
sections 164.01 to 164.12 of the Revised Code. 364

(E) The director of the Ohio public works commission shall 365
notify the director of budget and management of the amounts 366
allocated pursuant to this section and such information shall be 367
entered into the state accounting system. The director of budget 368
and management shall establish appropriation line items as needed 369
to track these allocations. 370

(F) If the amount of a district's allocation in a program 371
year exceeds the amount of financial assistance approved for the 372
district by the commission for that year, the remaining portion of 373
the district's allocation shall be added to the district's 374
allocation pursuant to division (B) of this section for the next 375
succeeding year for use in the same manner and for the same 376
purposes as it was originally allocated, except that any portion 377
of a district's allocation which was available for use on new or 378
expanded infrastructure pursuant to division (H) of section 164.05 379
of the Revised Code shall be available in succeeding years only 380
for the repair and replacement of existing infrastructure. 381

(G) When an allocation based on population is made by the 382
director pursuant to division (B) of this section, the director 383
shall use the most recent decennial census statistics, and shall 384
not make any reallocations based upon a change in a district's 385
population. 386

Sec. 306.353. This section applies only to a regional transit authority whose territory includes a county having a population of more than seven hundred fifty thousand but less than nine hundred thousand as of the most recent federal decennial census.

A regional transit authority to which this section applies may levy a tax, in accordance with section 5739.023 of the Revised Code, in part for the specific purpose of funding the general construction or maintenance of roads or bridges related to the provision of service by the regional transit authority. If a regional transit authority levies such a tax, the authority shall enter into agreements with counties, municipal corporations, and townships located within the authority's territorial boundaries to fund such projects. Such agreements shall be entered into before the authority may spend any portion of the revenue from such a tax for general construction or maintenance of any roads or bridges. Such agreements are subject to all of the following:

(A) The regional transit authority shall submit each such agreement for approval to the appropriate public works integrating committee designated under section 164.03 of the Revised Code.

(B) The integrating committee shall, on at least an annual basis, review and approve or deny agreements submitted to it under division (A) of this section.

(C) Notwithstanding anything to the contrary in section 164.04 of the Revised Code, approvals and denials shall be by an affirmative vote of six of the members of the integrating committee.

(D) The integrating committee shall notify the authority of the approval or denial.

(E) The regional transit authority shall expend funds only as

authorized in an approved agreement. 417

Sec. 306.70. A tax proposed to be levied by a board of county 418
commissioners or by the board of trustees of a regional transit 419
authority pursuant to sections 5739.023 and 5741.022 of the 420
Revised Code shall not become effective until it is submitted to 421
the electors residing within the county or within the territorial 422
boundaries of the regional transit authority and approved by a 423
majority of the electors voting on it. Such question shall be 424
submitted at a general election or at a special election on a day 425
specified in the resolution levying the tax and occurring not less 426
than ninety days after such resolution is certified to the board 427
of elections, in accordance with section 3505.071 of the Revised 428
Code. 429

The board of elections of the county or of each county in 430
which any territory of the regional transit authority is located 431
shall make the necessary arrangements for the submission of such 432
question to the electors of the county or regional transit 433
authority, and the election shall be held, canvassed, and 434
certified in the same manner as regular elections for the election 435
of county officers. Notice of the election shall be published in a 436
newspaper of general circulation in the territory of the county or 437
of the regional transit authority once a week for two consecutive 438
weeks prior to the election or as provided in section 7.16 of the 439
Revised Code. If the board of elections operates and maintains a 440
web site, notice of the election also shall be posted on that web 441
site for thirty days prior to the election. The notice shall state 442
the type, rate, and purpose of the tax to be levied, the length of 443
time during which the tax will be in effect, and the time and 444
place of the election. 445

More than one such question may be submitted at the same 446
election. The form of the ballots cast at such election shall be: 447

"Shall a(n) (sales and use) 448
tax be levied ~~for all transit purposes of~~ by the 449
..... (here insert name of the county or regional 450
transit authority) for the purpose of (here 451
insert the purpose or purposes of the levy) at a rate not 452
exceeding (here insert percentage) per cent 453
for (here insert number of years the tax is to be 454
in effect, or that it is to be in effect for a continuing period 455
of time)?" 456

If the tax proposed to be levied is a continuation of an 457
existing tax, whether at the same rate or at an increased or 458
reduced rate, or an increase in the rate of an existing tax, the 459
notice and ballot form shall so state. If one of the purposes of 460
the proposed tax is to fund public infrastructure projects as 461
described in section 306.353 of the Revised Code, the notice and 462
ballot shall also so state. When specified in a resolution adopted 463
under section 5739.023 of the Revised Code, the notice and ballot 464
may also state the percentage of the tax proceeds to be allocated 465
among each of the purposes of the proposed tax and, if one of the 466
purposes is to provide general revenue for the transit authority, 467
the percentage of the proceeds to be allocated among the specific 468
projects, functions, or other uses to be funded by that general 469
revenue. 470

The board of elections to which the resolution was certified 471
shall certify the results of the election to the county auditor of 472
the county or secretary-treasurer of the regional transit 473
authority levying the tax and to the tax commissioner of the 474
state. 475

Sec. 307.86. Anything to be purchased, leased, leased with an 476
option or agreement to purchase, or constructed, including, but 477
not limited to, any product, structure, construction, 478

reconstruction, improvement, maintenance, repair, or service, 479
except the services of an accountant, architect, attorney at law, 480
physician, professional engineer, construction project manager, 481
consultant, surveyor, or appraiser, by or on behalf of the county 482
or contracting authority, as defined in section 307.92 of the 483
Revised Code, at a cost in excess of fifty thousand dollars, 484
except as otherwise provided in division (D) of section 713.23 and 485
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 486
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 487
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 488
obtained through competitive bidding. However, competitive bidding 489
is not required when any of the following applies: 490

(A) The board of county commissioners, by a unanimous vote of 491
its members, makes a determination that a real and present 492
emergency exists, and that determination and the reasons for it 493
are entered in the minutes of the proceedings of the board, when 494
either of the following applies: 495

(1) The estimated cost is less than one hundred thousand 496
dollars. 497

(2) There is actual physical disaster to structures, radio 498
communications equipment, or computers. 499

For purposes of this division, "unanimous vote" means all 500
three members of a board of county commissioners when all three 501
members are present, or two members of the board if only two 502
members, constituting a quorum, are present. 503

Whenever a contract of purchase, lease, or construction is 504
exempted from competitive bidding under division (A)(1) of this 505
section because the estimated cost is less than one hundred 506
thousand dollars, but the estimated cost is fifty thousand dollars 507
or more, the county or contracting authority shall solicit 508
informal estimates from no fewer than three persons who could 509

perform the contract, before awarding the contract. With regard to 510
each such contract, the county or contracting authority shall 511
maintain a record of such estimates, including the name of each 512
person from whom an estimate is solicited. The county or 513
contracting authority shall maintain the record for the longer of 514
at least one year after the contract is awarded or the amount of 515
time the federal government requires. 516

(B)(1) The purchase consists of supplies or a replacement or 517
supplemental part or parts for a product or equipment owned or 518
leased by the county, and the only source of supply for the 519
supplies, part, or parts is limited to a single supplier. 520

(2) The purchase consists of services related to information 521
technology, such as programming services, that are proprietary or 522
limited to a single source. 523

(C) The purchase is from the federal government, the state, 524
another county or contracting authority of another county, or a 525
board of education, educational service center, township, or 526
municipal corporation. 527

(D) The purchase is made by a county department of job and 528
family services under section 329.04 of the Revised Code and 529
consists of family services duties or workforce development 530
activities or is made by a county board of developmental 531
disabilities under section 5126.05 of the Revised Code and 532
consists of program services, such as direct and ancillary client 533
services, child care, case management services, residential 534
services, and family resource services. 535

(E) The purchase consists of criminal justice services, 536
social services programs, family services, or workforce 537
development activities by the board of county commissioners from 538
nonprofit corporations or associations under programs funded by 539
the federal government or by state grants. 540

(F) The purchase consists of any form of an insurance policy 541
or contract authorized to be issued under Title XXXIX of the 542
Revised Code or any form of health care plan authorized to be 543
issued under Chapter 1751. of the Revised Code, or any combination 544
of such policies, contracts, plans, or services that the 545
contracting authority is authorized to purchase, and the 546
contracting authority does all of the following: 547

(1) Determines that compliance with the requirements of this 548
section would increase, rather than decrease, the cost of the 549
purchase; 550

(2) Requests issuers of the policies, contracts, plans, or 551
services to submit proposals to the contracting authority, in a 552
form prescribed by the contracting authority, setting forth the 553
coverage and cost of the policies, contracts, plans, or services 554
as the contracting authority desires to purchase; 555

(3) Negotiates with the issuers for the purpose of purchasing 556
the policies, contracts, plans, or services at the best and lowest 557
price reasonably possible. 558

(G) The purchase consists of computer hardware, software, or 559
consulting services that are necessary to implement a computerized 560
case management automation project administered by the Ohio 561
prosecuting attorneys association and funded by a grant from the 562
federal government. 563

(H) Child care services are purchased for provision to county 564
employees. 565

(I)(1) Property, including land, buildings, and other real 566
property, is leased for offices, storage, parking, or other 567
purposes, and all of the following apply: 568

(a) The contracting authority is authorized by the Revised 569
Code to lease the property. 570

(b) The contracting authority develops requests for proposals 571
for leasing the property, specifying the criteria that will be 572
considered prior to leasing the property, including the desired 573
size and geographic location of the property. 574

(c) The contracting authority receives responses from 575
prospective lessors with property meeting the criteria specified 576
in the requests for proposals by giving notice in a manner 577
substantially similar to the procedures established for giving 578
notice under section 307.87 of the Revised Code. 579

(d) The contracting authority negotiates with the prospective 580
lessors to obtain a lease at the best and lowest price reasonably 581
possible considering the fair market value of the property and any 582
relocation and operational costs that may be incurred during the 583
period the lease is in effect. 584

(2) The contracting authority may use the services of a real 585
estate appraiser to obtain advice, consultations, or other 586
recommendations regarding the lease of property under this 587
division. 588

(J) The purchase is made pursuant to section 5139.34 or 589
sections 5139.41 to 5139.46 of the Revised Code and is of programs 590
or services that provide case management, treatment, or prevention 591
services to any felony or misdemeanor delinquent, unruly youth, 592
or status offender under the supervision of the juvenile court, 593
including, but not limited to, community residential care, day 594
treatment, services to children in their home, or electronic 595
monitoring. 596

(K) The purchase is made by a public children services agency 597
pursuant to section 307.92 or 5153.16 of the Revised Code and 598
consists of family services, programs, or ancillary services that 599
provide case management, prevention, or treatment services for 600
children at risk of being or alleged to be abused, neglected, or 601

dependent children. 602

(L) The purchase is to obtain the services of emergency 603
medical service organizations under a contract made by the board 604
of county commissioners pursuant to section 307.05 of the Revised 605
Code with a joint emergency medical services district. 606

(M) The county contracting authority determines that the use 607
of competitive sealed proposals would be advantageous to the 608
county and the contracting authority complies with section 307.862 609
of the Revised Code. 610

(N) The purchase consists of used supplies and is made at a 611
public auction. 612

Any issuer of policies, contracts, plans, or services listed 613
in division (F) of this section and any prospective lessor under 614
division (I) of this section may have the issuer's or prospective 615
lessor's name and address, or the name and address of an agent, 616
placed on a special notification list to be kept by the 617
contracting authority, by sending the contracting authority that 618
name and address. The contracting authority shall send notice to 619
all persons listed on the special notification list. Notices shall 620
state the deadline and place for submitting proposals. The 621
contracting authority shall mail the notices at least six weeks 622
prior to the deadline set by the contracting authority for 623
submitting proposals. Every five years the contracting authority 624
may review this list and remove any person from the list after 625
mailing the person notification of that action. 626

Any contracting authority that negotiates a contract under 627
division (F) of this section shall request proposals and negotiate 628
with issuers in accordance with that division at least every three 629
years from the date of the signing of such a contract, unless the 630
parties agree upon terms for extensions or renewals of the 631
contract. Such extension or renewal periods shall not exceed six 632

years from the date the initial contract is signed. 633

Any real estate appraiser employed pursuant to division (I) 634
of this section shall disclose any fees or compensation received 635
from any source in connection with that employment. 636

As used in division (N) of this section, "supplies" means any 637
personal property including equipment, materials, and other 638
tangible assets. 639

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 640
health service district where the board of county commissioners 641
has established an alcohol and drug addiction services board, the 642
community mental health board established under former section 643
340.02 of the Revised Code shall serve as the entity responsible 644
for providing mental health services in the county. A community 645
mental health board has all the powers, duties, and obligations of 646
a board of alcohol, drug addiction, and mental health services 647
with regard to mental health services. An alcohol and drug 648
addiction services board has all the powers, duties, and 649
obligations of a board of alcohol, drug addiction, and mental 650
health services with regard to addiction services. Any provision 651
of the Revised Code that refers to a board of alcohol, drug 652
addiction, and mental health services with regard to mental health 653
services also refers to a community mental health board and any 654
provision that refers to a board of alcohol, drug addiction, and 655
mental health services with regard to alcohol and drug addiction 656
services also refers to an alcohol and drug addiction services 657
board. 658

An alcohol and drug addiction services board shall consist of 659
eighteen members or fourteen members, at the election of the 660
board. Not later than January 1, 2014, each alcohol and drug 661
addiction services board shall notify the department of mental 662
health and addiction services of its election to operate as an 663

eighteen-member board or to operate as a fourteen-member board. 664
The election shall be final. Failure to provide notice of its 665
election to the department on or before January 1, 2014, shall 666
constitute an election to continue to operate as an 667
eighteen-member board. If an existing board provides timely notice 668
of its election to operate as a fourteen-member board, the number 669
of board members may decline from eighteen to fourteen by 670
attrition as current members' terms expire. However, the 671
composition of the board must reflect the requirements set forth 672
in this section and in applicable provisions of section 340.02 of 673
the Revised Code for fourteen-member boards. For boards operating 674
as eighteen-member boards, six members shall be appointed by the 675
director of mental health and addiction services and twelve 676
members shall be appointed by the board of county commissioners. 677
The director of mental health and addiction services shall ensure 678
that at least one member of the board is a person who has received 679
or is receiving services for alcohol, drug, or gambling addiction, 680
at least one member is a parent or relative of such a person, and 681
at least one member is a clinician with experience in the delivery 682
of addiction services. The membership of the board shall, as 683
nearly as possible, reflect the composition of the population of 684
the service district as to race and sex. Members shall be 685
residents of the service district and shall be interested in 686
alcohol, drug, or gambling addiction services. Requirements for 687
membership, including prohibitions against certain family and 688
business relationships, and terms of office shall be the same as 689
those for members of boards of alcohol, drug addiction, and mental 690
health services. 691

A community mental health board shall consist of eighteen 692
members or fourteen members, at the election of the board. Not 693
later than January 1, 2014, each community mental health board 694
shall notify the department of mental health and addiction 695
services of its election to operate as an eighteen-member board or 696

to operate as a fourteen-member board. The election shall be 697
final. Failure to provide notice of its election to the department 698
on or before January 1, 2014, shall constitute an election to 699
continue to operate as an eighteen-member board. If an existing 700
board provides timely notice of its election to operate as a 701
fourteen-member board, the number of board members may decline 702
from eighteen to fourteen by attrition as current members' terms 703
expire. However, the composition of the board must reflect the 704
requirements set forth in this section and in applicable 705
provisions of section 340.02 of the Revised Code for 706
fourteen-member boards. For boards operating as eighteen-member 707
boards, six members shall be appointed by the director of mental 708
health and addiction services and twelve members shall be 709
appointed by the board of county commissioners. The director of 710
mental health and addiction services shall ensure that at least 711
one member of the board is a person who has received or is 712
receiving mental health services, at least one member is a parent 713
or relative of such a person, and at least one member is a 714
clinician with experience in the delivery of mental health 715
services. The membership of the board as nearly as possible shall 716
reflect the composition of the population of the service district 717
as to race and sex. Members shall be residents of the service 718
district and shall be interested in mental health services. 719
Requirements for membership, including prohibitions against 720
certain family and business relationships, and terms of office 721
shall be the same as those for members of boards of alcohol, drug 722
addiction, and mental health services. 723

(B)(1) If a board of county commissioners subject to division 724
(A) of this section did not adopt a final resolution providing for 725
a board of alcohol, drug addiction, and mental health services on 726
or before July 1, 2007, the board of county commissioners may 727
establish a board of alcohol, drug addiction, and mental health 728
services on or after September 23, 2008. To establish the board, 729

the board of county commissioners shall adopt a resolution 730
providing for the board's establishment. The composition of the 731
board, the procedures for appointing members, and all other 732
matters related to the board and its members are subject to 733
section 340.02 of the Revised Code, with the following exceptions: 734

(a) For initial appointments to the board, the county's 735
community mental health board and alcohol and drug addiction 736
services board shall jointly recommend members of those boards for 737
reappointment and shall submit the recommendations to the board of 738
county commissioners and the director of mental health and 739
addiction services. 740

(b) ~~To the greatest extent possible, the~~ The appointing 741
authorities shall appoint the initial members from among the 742
members jointly recommended under division (B)(1)(a) of this 743
section unless the appointment is otherwise prohibited by law. 744

(2) If a board of alcohol, drug addiction, and mental health 745
services is established pursuant to division (B)(1) of this 746
section, the board has the same rights, privileges, immunities, 747
powers, and duties that were possessed by the county's community 748
mental health board and alcohol and drug addiction services board. 749
When the board is established, all property and obligations of the 750
community mental health board and alcohol and drug addiction 751
services board shall be transferred to the board of alcohol, drug 752
addiction, and mental health services. 753

Sec. 505.267. (A) As used in this section: 754

(1) "Lease-purchase agreement" has the same meaning as a 755
lease with an option to purchase. 756

(2) "Public obligation" has the same meaning as in section 757
133.01 of the Revised Code. 758

(B) For any purpose for which a board of township trustees, a 759

joint police district board, a township fire district, a joint 760
fire district, a joint ambulance district, or a fire and ambulance 761
district is authorized to acquire real or personal property, that 762
board may enter into a lease-purchase agreement in accordance with 763
this section to acquire the property. The board's resolution 764
authorizing the lease-purchase agreement may provide for the 765
issuance of certificates of participation or other evidences of 766
fractionalized interests in the lease-purchase agreement, for the 767
purpose of financing, or refinancing or refunding, any public 768
obligation that financed or refinanced the acquisition of the 769
property. Sections 9.94, 133.03, and 133.30 of the Revised Code 770
shall apply to any such fractionalized interests. 771

The lease-purchase agreement shall provide for a series of 772
terms in which no term extends beyond the end of the fiscal year 773
of the township or district in which that term commences. In 774
total, the terms provided for in the agreement shall be for not 775
more than the useful life of the real or personal property that is 776
the subject of the agreement. A property's useful life shall be 777
determined either by the maximum number of installment payments 778
permitted under the statute that authorizes the board to acquire 779
the property or, if there is no such provision, by the maximum 780
number of years to maturity provided for the issuance of bonds in 781
division (B) of section 133.20 of the Revised Code for that 782
property. If the useful life cannot be determined under either of 783
those statutes, it shall be estimated as provided in division (C) 784
of section 133.20 of the Revised Code. 785

The lease-purchase agreement shall provide that, at the end 786
of the final term in the agreement, if all obligations of the 787
township or district have been satisfied, the title to the leased 788
property shall vest in the township or district executing the 789
lease-purchase agreement, if that title has not vested in the 790
township or district before or during the lease terms; except that 791

the lease-purchase agreement may require the township or district 792
to pay an additional lump sum payment as a condition of obtaining 793
that title. 794

(C) A board of trustees that enters into a lease-purchase 795
agreement under this section may do any of the following with the 796
property that is the subject of the agreement: 797

(1) If the property is personal property, assign the board's 798
rights to that property; 799

(2) Grant the lessor a security interest in the property; 800

(3) If the property is real property, grant leases, 801
easements, or licenses for underlying land or facilities under the 802
board's control for terms not exceeding five years beyond the 803
final term of the lease-purchase agreement. 804

(D) The authority granted in this section is in addition to, 805
and not in derogation of, any other financing authority provided 806
by law. 807

Sec. 505.71. The boards of township trustees of one or more 808
townships and the legislative authorities of any one or more 809
municipal corporations within or adjoining those townships, or the 810
boards of township trustees of two or more townships, or the 811
legislative authorities of two or more municipal corporations, 812
may, by adoption of a joint resolution by a majority of the 813
members of each board of township trustees and by a majority of 814
the members of the legislative authority of each municipal 815
corporation, create a joint ambulance district comprising the 816
municipal corporations and all or any portions of the townships as 817
are mutually agreed upon, except that no portion of a township or 818
municipal corporation being served by a joint emergency medical 819
services district shall be part of a joint ambulance district. A 820
district so created shall be given a name different from the name 821

of any participating township or municipal corporation. 822

The governing body of a district shall be a board of 823
trustees, which shall include one representative appointed by each 824
board of township trustees and one representative appointed by the 825
legislative authority of each municipal corporation in the 826
district. Members of the board of trustees may be compensated at a 827
rate not to exceed seventy-five dollars per meeting, not to exceed 828
fifteen meetings per year, and may be reimbursed for all necessary 829
expenses incurred. The board shall employ a clerk. Before entering 830
upon official duties, the clerk shall execute a bond, in the 831
amount and with surety to be approved by the board, payable to the 832
state, and conditioned for the faithful performance of all 833
official duties required of the clerk. The bond shall be deposited 834
with the presiding officer of the board, and copies of it, 835
certified by the presiding officer, shall be filed with the county 836
auditor of each county with a subdivision included in the 837
district. 838

To provide the services and equipment it considers necessary 839
for the district, the board may levy taxes, subject to Chapter 840
5705. of the Revised Code, and issue bonds and other evidences of 841
indebtedness, subject to Chapter 133. of the Revised Code, after 842
submitting the question of that issuance to the electors of the 843
district in the manner provided by Chapter 133. of the Revised 844
Code. The district may purchase, lease, lease with an option to 845
purchase, construct, maintain, and use all materials, equipment, 846
vehicles, buildings, and land necessary to perform its duties. 847

Any municipal corporation or township may join an existing 848
district by the adoption of a resolution requesting membership and 849
upon approval of the board of the district. Any municipal 850
corporation or township may withdraw from a district by the 851
adoption of a resolution ordering withdrawal. On or after the 852

first day of January of the year following the adoption of the 853
resolution of withdrawal, the municipal corporation or township 854
withdrawing ceases to be a part of the district, and the power of 855
the district to levy a tax upon taxable property in the 856
withdrawing township or municipal corporation terminates, except 857
that the district shall continue to levy and collect taxes for the 858
payment of indebtedness within the territory of the district as it 859
was comprised at the time the indebtedness was incurred. 860

Upon the withdrawal of any township or municipal corporation 861
from a district, the county auditor shall ascertain, apportion, 862
and order a division of the funds on hand, moneys and taxes in the 863
process of collection, except for taxes levied for the payment of 864
indebtedness, credits, and real and personal property, either in 865
money or in kind, on the basis of the valuation of the respective 866
tax duplicates of the withdrawing municipal corporation or 867
township and the remaining territory of the district. 868

When the number of townships and municipal corporations 869
constituting a district is reduced to one, the district ceases to 870
exist by operation of law, and the funds, credits, and property 871
remaining after apportionments to withdrawing municipal 872
corporations or townships shall be assumed by the one remaining 873
township or municipal corporation. When a district ceases to exist 874
and an indebtedness remains unpaid, the board of county 875
commissioners shall continue to levy and collect taxes for the 876
payment of that indebtedness within the territory of the district 877
as it was comprised at the time the indebtedness was incurred. 878

Sec. 723.52. Before letting or making any contract for the 879
construction, reconstruction, widening, resurfacing, or repair of 880
a street or other public way, the director of public service in a 881
city, or the legislative authority in a village, shall make an 882
estimate of the cost of such work using the force account project 883

assessment form developed by the auditor of state under section 884
117.16 of the Revised Code. In municipal corporations having an 885
engineer, or an officer having a different title but the duties 886
and functions of an engineer, the estimate shall be made by the 887
engineer or other officer. Where the total estimated cost of any 888
such work is ~~thirty~~ sixty thousand dollars or less, the proper 889
officers may proceed by force account. 890

Where the total estimated cost of any such work exceeds 891
~~thirty~~ sixty thousand dollars, the proper officers of the 892
municipal corporation shall be required to invite and receive 893
competitive bids for furnishing all the labor, materials, and 894
equipment and doing the work, after newspaper advertisement as 895
provided by law. The officers shall consider and may reject such 896
bids. If the bids are rejected, the officers may order the work 897
done by force account or direct labor. When such bids are 898
received, considered, and rejected, and the work done by force 899
account or direct labor, such work shall be performed in 900
compliance with the plans and specifications upon which the bids 901
were based. It shall be unlawful to divide a street or connecting 902
streets into separate sections for the purpose of defeating this 903
section and section 723.53 of the Revised Code. 904

"Street," as used in such sections, includes portions of 905
connecting streets on which the same or similar construction, 906
reconstruction, widening, resurfacing, or repair is planned or 907
projected. 908

Sec. 723.53. Where the proper officers of any municipal 909
corporation construct, reconstruct, widen, resurface, or repair a 910
street or other public way by force account or direct labor, and 911
the estimated cost of the work as defined in section 723.52 of the 912
Revised Code exceeds ~~thirty~~ sixty thousand dollars, such municipal 913
authorities shall cause to be kept by the engineer of the 914

municipal corporation, or other officer or employee of the 915
municipal corporation in charge of such work, a complete and 916
accurate account, in detail, of the cost of doing the work. The 917
account shall include labor, materials, freight, fuel, hauling, 918
overhead expense, workers' compensation premiums, and all other 919
items of cost and expense, including a reasonable allowance for 920
the use of all tools and equipment used on or in connection with 921
such work and for the depreciation on the tools and equipment. The 922
engineer or other officer or employee shall keep such account, and 923
within ninety days after the completion of any such work shall 924
prepare a detailed and itemized statement of such cost and file 925
the statement with the officer or board vested with authority to 926
direct the doing of the work in question. Such officer or board 927
shall thereupon examine the statement, correct it if necessary, 928
and file it in the office of the officer or board. Such statement 929
shall be kept on file for not less than two years and shall be 930
open to public inspection. 931

This section and section 723.52 of the Revised Code do not 932
apply to any municipal corporations having a charter form of 933
government. 934

Sec. 1349.61. (A)(1) Subject to division (C) of this section, 935
no person or entity shall sell a gift card to a purchaser 936
containing an expiration date that is less than two years after 937
the date the gift card is issued. 938

(2) No person or entity, within two years after a gift card 939
is issued, shall charge service charges or fees relative to that 940
gift card, including dormancy fees, latency fees, or 941
administrative fees, that have the effect of reducing the total 942
amount for which the holder of the gift card may redeem the gift 943
card. 944

(B) A gift card sold without an expiration date is valid 945

until redeemed or replaced with a new gift card. 946

(C) Division (A) of this section does not apply to any of the 947
following gift cards: 948

(1) A gift card that is distributed by the issuer to a 949
consumer pursuant to an awards, loyalty, or promotional program 950
without any money or anything of value being given in exchange for 951
the gift card by the consumer; 952

(2) A gift card that is sold below face value at a volume 953
discount to employers or to nonprofit and charitable organizations 954
for fundraising purposes, if the expiration date on that gift card 955
is not more than thirty days after the date of sale; 956

(3) A gift card that is sold by a nonprofit or charitable 957
organization for fundraising purposes; 958

(4) A gift card that an employer gives to an employee if use 959
of the gift card is limited to the employer's business 960
establishment, which may include a group of merchants that are 961
affiliated with that business establishment; 962

(5) A gift certificate issued in accordance with section 963
1533.131 of the Revised Code that may be used to obtain hunting 964
and fishing licenses, fur taker, special deer, and special wild 965
turkey permits, and wetlands habitat stamps; 966

(6) A gift card that is usable with multiple, unaffiliated 967
sellers of goods or services; 968

(7) A gift card that an employer issues to an employee in 969
recognition of services performed by the employee. 970

(D) Whoever violates division (A)(2) of this section is 971
liable to the holder for any amount that the redemption value of 972
the gift card was reduced, any court costs incurred, and 973
reasonable attorney's fees. 974

(E) As used in this section: 975

(1) "Gift card" means a certificate, electronic card, or other medium issued by a merchant that evidences the giving of consideration in exchange for the right to redeem the certificate, electronic card, or other medium for goods, food, services, credit, or money of at least an equal value, including any electronic card issued by a merchant with a monetary value where the issuer has received payment for the full monetary value for the future purchase or delivery of goods or services and any certificate issued by a merchant where the issuer has received payment for the full monetary face value of the certificate for the future purchase or delivery of goods and services. "Gift card" does not include a prepaid calling card used to make telephone calls.

(2) "Employee" ~~has the same meaning as in section 4121.01 of the Revised Code~~ means every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

(3) "Employer" means every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment, or employee.

Sec. 3327.07. (A) The governing authority of a chartered nonpublic school that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a

chartered nonpublic school and is eligible for transportation by a 1007
school district under section 3327.01 of the Revised Code may 1008
decline that transportation and accept transportation from the 1009
chartered nonpublic school. The governing authority of a chartered 1010
nonpublic school may charge a fee under division (A) of this 1011
section regardless of whether a student is eligible for 1012
transportation under section 3327.01 of the Revised Code. 1013

(C) The offering by the governing authority of a chartered 1014
nonpublic school of transportation to and from the school does not 1015
relieve any school district board of education from any duty 1016
imposed by sections 3327.01 and 3327.02 of the Revised Code with 1017
respect to the chartered nonpublic school's students. 1018

Sec. 4111.03. (A) An employer shall pay an employee for 1019
overtime at a wage rate of one and one-half times the employee's 1020
wage rate for hours worked in excess of forty hours in one 1021
workweek, in the manner and methods provided in and subject to the 1022
exemptions of section 7 and section 13 of the "Fair Labor 1023
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 1024
amended. 1025

Any employee employed in agriculture shall not be covered by 1026
the overtime provision of this section. 1027

A motor carrier may elect to apply the overtime provision of 1028
this section to an individual who is excluded from the provision 1029
under division (D)(3)(i) of this section. 1030

(B) If a county employee elects to take compensatory time off 1031
in lieu of overtime pay, for any overtime worked, compensatory 1032
time may be granted by the employee's administrative superior, on 1033
a time and one-half basis, at a time mutually convenient to the 1034
employee and the administrative superior within one hundred eighty 1035
days after the overtime is worked. 1036

(C) A county appointing authority with the exception of the county department of job and family services may, by rule or resolution as is appropriate, indicate the authority's intention not to be bound by division (B) of this section, and to adopt a different policy for the calculation and payment of overtime than that established by that division. Upon adoption, the alternative overtime policy prevails. Prior to the adoption of an alternative overtime policy, a county appointing authority with the exception of the county department of job and family services shall give a written notice of the alternative policy to each employee at least ten days prior to its effective date.

(D) As used in this section:

(1) "Employ" means to suffer or to permit to work.

(2) "Employer" means the state of Ohio, its instrumentalities, and its political subdivisions and their instrumentalities, any individual, partnership, association, corporation, business trust, or any person or group of persons, acting in the interest of an employer in relation to an employee, but does not include either of the following:

(a) An employer whose annual gross volume of sales made for business done is less than one hundred fifty thousand dollars, exclusive of excise taxes at the retail level which are separately stated;

(b) A franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division,

"franchisor" and "franchisee" have the same meanings as in 16	1068
C.F.R. 436.1.	1069
(3) "Employee" means any individual employed by an employer	1070
but does not include:	1071
(a) Any individual employed by the United States;	1072
(b) Any individual employed as a baby-sitter in the	1073
employer's home, or a live-in companion to a sick, convalescing,	1074
or elderly person whose principal duties do not include	1075
housekeeping;	1076
(c) Any individual engaged in the delivery of newspapers to	1077
the consumer;	1078
(d) Any individual employed as an outside salesperson	1079
compensated by commissions or employed in a bona fide executive,	1080
administrative, or professional capacity as such terms are defined	1081
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	1082
U.S.C.A. 201, as amended;	1083
(e) Any individual who works or provides personal services of	1084
a charitable nature in a hospital or health institution for which	1085
compensation is not sought or contemplated;	1086
(f) A member of a police or fire protection agency or student	1087
employed on a part-time or seasonal basis by a political	1088
subdivision of this state;	1089
(g) Any individual in the employ of a camp or recreational	1090
area for children under eighteen years of age and owned and	1091
operated by a nonprofit organization or group of organizations	1092
described in Section 501(c)(3) of the "Internal Revenue Code of	1093
1954," and exempt from income tax under Section 501(a) of that	1094
code;	1095
(h) Any individual employed directly by the house of	1096
representatives or directly by the senate;	1097

(i) An individual who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property and to whom all of the following factors apply: 1098
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(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services. 1102
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(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service. 1110
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(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended. 1113
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(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 1117
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(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee. 1120
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(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal 1125
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expenses, except that the individual may be paid by the carrier 1129
the carrier's fuel surcharge and incidental costs, including 1130
tolls, permits, and lumper fees. 1131

(vii) The individual is responsible for any economic loss or 1132
economic gain from the arrangement with the carrier. 1133

(4) "Motor carrier" has the same meaning as in section 1134
4923.01 of the Revised Code. 1135

Sec. 4111.14. (A) Pursuant to the general assembly's 1136
authority to establish a minimum wage under Section 34 of Article 1137
II, Ohio Constitution, this section is in implementation of 1138
Section 34a of Article II, Ohio Constitution. In implementing 1139
Section 34a of Article II, Ohio Constitution, the general assembly 1140
hereby finds that the purpose of Section 34a of Article II, Ohio 1141
Constitution, is to: 1142

(1) Ensure that Ohio employees, as defined in division (B)(1) 1143
of this section, are paid the wage rate required by Section 34a of 1144
Article II, Ohio Constitution; 1145

(2) Ensure that covered Ohio employers maintain certain 1146
records that are directly related to the enforcement of the wage 1147
rate requirements in Section 34a of Article II, Ohio Constitution; 1148

(3) Ensure that Ohio employees who are paid the wage rate 1149
required by Section 34a of Article II, Ohio Constitution, may 1150
enforce their right to receive that wage rate in the manner set 1151
forth in Section 34a of Article II, Ohio Constitution; and 1152

(4) Protect the privacy of Ohio employees' pay and personal 1153
information specified in Section 34a of Article II, Ohio 1154
Constitution, by restricting an employee's access, and access by a 1155
person acting on behalf of that employee, to the employee's own 1156
pay and personal information. 1157

(B) In accordance with Section 34a of Article II, Ohio 1158

Constitution, the terms "employer," "employee," "employ," "1159
"person," and "independent contractor" have the same meanings as 1160
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 1161
U.S.C. 203, as amended. In construing the meaning of these terms, 1162
due consideration and great weight shall be given to the United 1163
States department of labor's and federal courts' interpretations 1164
of those terms under the Fair Labor Standards Act and its 1165
regulations. As used in division (B) of this section: 1166

(1) "Employee" means individuals employed in Ohio, but does 1167
not mean individuals who are excluded from the definition of 1168
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 1169
from the minimum wage requirements in 29 U.S.C. 213 and from the 1170
definition of "employee" in this chapter. 1171

(2) "Employ" and "employee" do not include any person acting 1172
as a volunteer. In construing who is a volunteer, "volunteer" 1173
shall have the same meaning as in sections 553.101 to 553.106 of 1174
Title 29 of the Code of Federal Regulations, as amended, and due 1175
consideration and great weight shall be given to the United States 1176
department of labor's and federal courts' interpretations of the 1177
term "volunteer" under the Fair Labor Standards Act and its 1178
regulations. 1179

(3) "Employer" does not include a franchisor with respect to 1180
the franchisor's relationship with a franchisee or an employee of 1181
a franchisee, unless the franchisor agrees to assume that role in 1182
writing or a court of competent jurisdiction determines that the 1183
franchisor exercises a type or degree of control over the 1184
franchisee or the franchisee's employees that is not customarily 1185
exercised by a franchisor for the purpose of protecting the 1186
franchisor's trademark, brand, or both. For purposes of this 1187
division, "franchisor" and "franchisee" have the same meanings as 1188
in 16 C.F.R. 436.1. 1189

(4) Subject to division (B)(5) of this section, "employee" 1190

does not include an individual who operates a vehicle or vessel in 1191
the performance of services for or on behalf of a motor carrier 1192
transporting property and to whom all of the following factors 1193
apply: 1194

(a) The individual owns the vehicle or vessel that is used in 1195
performing the services for or on behalf of the carrier, or the 1196
individual leases the vehicle or vessel under a bona fide lease 1197
agreement that is not a temporary replacement lease agreement. For 1198
purposes of this division, a bona fide lease agreement does not 1199
include an agreement between the individual and the motor carrier 1200
transporting property for which, or on whose behalf, the 1201
individual provides services. 1202

(b) The individual is responsible for supplying the necessary 1203
personal services to operate the vehicle or vessel used to provide 1204
the service. 1205

(c) The compensation paid to the individual is based on 1206
factors related to work performed, including on a mileage-based 1207
rate or a percentage of any schedule of rates, and not solely on 1208
the basis of the hours or time expended. 1209

(d) The individual substantially controls the means and 1210
manner of performing the services, in conformance with regulatory 1211
requirements and specifications of the shipper. 1212

(e) The individual enters into a written contract with the 1213
carrier for whom the individual is performing the services that 1214
describes the relationship between the individual and the carrier 1215
to be that of an independent contractor and not that of an 1216
employee. 1217

(f) The individual is responsible for substantially all of 1218
the principal operating costs of the vehicle or vessel and 1219
equipment used to provide the services, including maintenance, 1220
fuel, repairs, supplies, vehicle or vessel insurance, and personal 1221

expenses, except that the individual may be paid by the carrier 1222
the carrier's fuel surcharge and incidental costs, including 1223
tolls, permits, and lumper fees. 1224

(g) The individual is responsible for any economic loss or 1225
economic gain from the arrangement with the carrier. 1226

(5) A motor carrier may elect to consider an individual 1227
described in division (B)(4) of this section as an employee for 1228
purposes of this section. 1229

(6) "Motor carrier" has the same meaning as in section 1230
4923.01 of the Revised Code. 1231

(C) In accordance with Section 34a of Article II, Ohio 1232
Constitution, the state may issue licenses to employers 1233
authorizing payment of a wage below that required by Section 34a 1234
of Article II, Ohio Constitution, to individuals with mental or 1235
physical disabilities that may otherwise adversely affect their 1236
opportunity for employment. In issuing such licenses, the state 1237
shall abide by the rules adopted pursuant to section 4111.06 of 1238
the Revised Code. 1239

(D)(1) In accordance with Section 34a of Article II, Ohio 1240
Constitution, individuals employed in or about the property of an 1241
employer or an individual's residence on a casual basis are not 1242
included within the coverage of Section 34a of Article II, Ohio 1243
Constitution. As used in division (D) of this section: 1244

(a) "Casual basis" means employment that is irregular or 1245
intermittent and that is not performed by an individual whose 1246
vocation is to be employed in or about the property of the 1247
employer or individual's residence. In construing who is employed 1248
on a "casual basis," due consideration and great weight shall be 1249
given to the United States department of labor's and federal 1250
courts' interpretations of the term "casual basis" under the Fair 1251
Labor Standards Act and its regulations. 1252

(b) "An individual employed in or about the property of an employer or individual's residence" means an individual employed on a casual basis or an individual employed in or about a residence on a casual basis, respectively.

(2) In accordance with Section 34a of Article II, Ohio Constitution, employees of a solely family-owned and operated business who are family members of an owner are not included within the coverage of Section 34a of Article II, Ohio Constitution. As used in division (D)(2) of this section, "family member" means a parent, spouse, child, stepchild, sibling, grandparent, grandchild, or other member of an owner's immediate family.

(E) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall at the time of hire provide an employee with the employer's name, address, telephone number, and other contact information and update such information when it changes. As used in division (E) of this section:

(1) "Other contact information" may include, where applicable, the address of the employer's internet site on the world wide web, the employer's electronic mail address, fax number, or the name, address, and telephone number of the employer's statutory agent. "Other contact information" does not include the name, address, telephone number, fax number, internet site address, or electronic mail address of any employee, shareholder, officer, director, supervisor, manager, or other individual employed by or associated with an employer.

(2) "When it changes" means that the employer shall provide its employees with the change in its name, address, telephone number, or other contact information within sixty business days after the change occurs. The employer shall provide the changed information by using any of its usual methods of communicating with its employees, including, but not limited to, listing the

change on the employer's internet site on the world wide web, 1285
internal computer network, or a bulletin board where it commonly 1286
posts employee communications or by insertion or inclusion with 1287
employees' paychecks or pay stubs. 1288

(F) In accordance with Section 34a of Article II, Ohio 1289
Constitution, an employer shall maintain a record of the name, 1290
address, occupation, pay rate, hours worked for each day worked, 1291
and each amount paid an employee for a period of not less than 1292
three years following the last date the employee was employed by 1293
that employer. As used in division (F) of this section: 1294

(1) "Address" means an employee's home address as maintained 1295
in the employer's personnel file or personnel database for that 1296
employee. 1297

(2)(a) With respect to employees who are not exempt from the 1298
overtime pay requirements of the Fair Labor Standards Act or this 1299
chapter, "pay rate" means an employee's base rate of pay. 1300

(b) With respect to employees who are exempt from the 1301
overtime pay requirements of the Fair Labor Standards Act or this 1302
chapter, "pay rate" means an employee's annual base salary or 1303
other rate of pay by which the particular employee qualifies for 1304
that exemption under the Fair Labor Standards Act or this chapter, 1305
but does not include bonuses, stock options, incentives, deferred 1306
compensation, or any other similar form of compensation. 1307

(3) "Record" means the name, address, occupation, pay rate, 1308
hours worked for each day worked, and each amount paid an employee 1309
in one or more documents, databases, or other paper or electronic 1310
forms of record-keeping maintained by an employer. No one 1311
particular method or form of maintaining such a record or records 1312
is required under this division. An employer is not required to 1313
create or maintain a single record containing only the employee's 1314
name, address, occupation, pay rate, hours worked for each day 1315

worked, and each amount paid an employee. An employer shall 1316
maintain a record or records from which the employee or person 1317
acting on behalf of that employee could reasonably review the 1318
information requested by the employee or person. 1319

An employer is not required to maintain the records specified 1320
in division (F)(3) of this section for any period before January 1321
1, 2007. On and after January 1, 2007, the employer shall maintain 1322
the records required by division (F)(3) of this section for three 1323
years from the date the hours were worked by the employee and for 1324
three years after the date the employee's employment ends. 1325

(4)(a) Except for individuals specified in division (F)(4)(b) 1326
of this section, "hours worked for each day worked" means the 1327
total amount of time worked by an employee in whatever increments 1328
the employer uses for its payroll purposes during a day worked by 1329
the employee. An employer is not required to keep a record of the 1330
time of day an employee begins and ends work on any given day. As 1331
used in division (F)(4) of this section, "day" means a fixed 1332
period of twenty-four consecutive hours during which an employee 1333
performs work for an employer. 1334

(b) An employer is not required to keep records of "hours 1335
worked for each day worked" for individuals for whom the employer 1336
is not required to keep those records under the Fair Labor 1337
Standards Act and its regulations or individuals who are not 1338
subject to the overtime pay requirements specified in section 1339
4111.03 of the Revised Code. 1340

(5) "Each amount paid an employee" means the total gross 1341
wages paid to an employee for each pay period. As used in division 1342
(F)(5) of this section, "pay period" means the period of time 1343
designated by an employer to pay an employee the employee's gross 1344
wages in accordance with the employer's payroll practices under 1345
section 4113.15 of the Revised Code. 1346

(G) In accordance with Section 34a of Article II, Ohio Constitution, an employer must provide such information without charge to an employee or person acting on behalf of an employee upon request. As used in division (G) of this section:

(1) "Such information" means the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the specific employee who has requested that specific employee's own information and does not include the name, address, occupation, pay rate, hours worked for each day worked, or each amount paid of any other employee of the employer. "Such information" does not include hours worked for each day worked by individuals for whom an employer is not required to keep that information under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in section 4111.03 of the Revised Code.

(2) "Acting on behalf of an employee" means a person acting on behalf of an employee as any of the following:

(a) The certified or legally recognized collective bargaining representative for that employee under the applicable federal law or Chapter 4117. of the Revised Code;

(b) The employee's attorney;

(c) The employee's parent, guardian, or legal custodian.

A person "acting on behalf of an employee" must be specifically authorized by an employee in order to make a request for that employee's own name, address, occupation, pay rate, hours worked for each day worked, and each amount paid to that employee.

(3) "Provide" means that an employer shall provide the requested information within thirty business days after the date the employer receives the request, unless either of the following occurs:

(a) The employer and the employee or person acting on behalf of the employee agree to some alternative time period for providing the information. 1377
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(b) The thirty-day period would cause a hardship on the employer under the circumstances, in which case the employer must provide the requested information as soon as practicable. 1380
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(4) A "request" made by an employee or a person acting on behalf of an employee means a request by an employee or a person acting on behalf of an employee for the employee's own information. The employer may require that the employee provide the employer with a written request that has been signed by the employee and notarized and that reasonably specifies the particular information being requested. The employer may require that the person acting on behalf of an employee provide the employer with a written request that has been signed by the employee whose information is being requested and notarized and that reasonably specifies the particular information being requested. 1383
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(H) In accordance with Section 34a of Article II, Ohio Constitution, an employee, person acting on behalf of one or more employees, and any other interested party may file a complaint with the state for a violation of any provision of Section 34a of Article II, Ohio Constitution, or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. As used in division (H) of this section: 1395
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(1) "Complaint" means a complaint of an alleged violation pertaining to harm suffered by the employee filing the complaint, by a person acting on behalf of one or more employees, or by an interested party. 1405
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(2) "Acting on behalf of one or more employees" has the same meaning as "acting on behalf of an employee" in division (G)(2) of this section. Each employee must provide a separate written and notarized authorization before the person acting on that employee's or those employees' behalf may request the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the particular employee.

(3) "Interested party" means a party who alleges to be injured by the alleged violation and who has standing to file a complaint under common law principles of standing.

(4) "Resolved by the state" means that the complaint has been resolved to the satisfaction of the state.

(5) "Shall be kept confidential" means that the state shall keep the name of the employee confidential as required by division (H) of this section.

(I) In accordance with Section 34a of Article II, Ohio Constitution, the state may on its own initiative investigate an employer's compliance with Section 34a of Article II, Ohio Constitution, and any law or regulation implementing Section 34a of Article II, Ohio Constitution. The employer shall make available to the state any records related to such investigation and other information required for enforcement of Section 34a of Article II, Ohio Constitution or any law or regulation implementing Section 34a of Article II, Ohio Constitution. The state shall investigate an employer's compliance with this section in accordance with the procedures described in section 4111.04 of the Revised Code. All records and information related to investigations by the state are confidential and are not a public record subject to section 149.43 of the Revised Code. This division does not prevent the state from releasing to or exchanging with other state and federal wage and hour regulatory authorities information related to investigations.

(J) In accordance with Section 34a of Article II, Ohio 1441
Constitution, damages shall be calculated as an additional two 1442
times the amount of the back wages and in the case of a violation 1443
of an anti-retaliation provision an amount set by the state or 1444
court sufficient to compensate the employee and deter future 1445
violations, but not less than one hundred fifty dollars for each 1446
day that the violation continued. The "not less than one hundred 1447
fifty dollar" penalty specified in division (J) of this section 1448
shall be imposed only for violations of the anti-retaliation 1449
provision in Section 34a of Article II, Ohio Constitution. 1450

(K) In accordance with Section 34a of Article II, Ohio 1451
Constitution, an action for equitable and monetary relief may be 1452
brought against an employer by the attorney general and/or an 1453
employee or person acting on behalf of an employee or all 1454
similarly situated employees in any court of competent 1455
jurisdiction, including the court of common pleas of an employee's 1456
county of residence, for any violation of Section 34a of Article 1457
II, Ohio Constitution, or any law or regulation implementing its 1458
provisions within three years of the violation or of when the 1459
violation ceased if it was of a continuing nature, or within one 1460
year after notification to the employee of final disposition by 1461
the state of a complaint for the same violation, whichever is 1462
later. 1463

(1) As used in division (K) of this section, "notification" 1464
means the date on which the notice was sent to the employee by the 1465
state. 1466

(2) No employee shall join as a party plaintiff in any civil 1467
action that is brought under division (K) of this section by an 1468
employee, person acting on behalf of an employee, or person acting 1469
on behalf of all similarly situated employees unless that employee 1470
first gives written consent to become such a party plaintiff and 1471
that consent is filed with the court in which the action is 1472

brought. 1473

(3) A civil action regarding an alleged violation of this 1474
section shall be maintained only under division (K) of this 1475
section. This division does not preclude the joinder in a single 1476
civil action of an action under this division and an action under 1477
section 4111.10 of the Revised Code. 1478

(4) Any agreement between an employee and employer to work 1479
for less than the wage rate specified in Section 34a of Article 1480
II, Ohio Constitution, is no defense to an action under this 1481
section. 1482

(L) In accordance with Section 34a of Article II, Ohio 1483
Constitution, there shall be no exhaustion requirement, no 1484
procedural, pleading, or burden of proof requirements beyond those 1485
that apply generally to civil suits in order to maintain such 1486
action and no liability for costs or attorney's fees on an 1487
employee except upon a finding that such action was frivolous in 1488
accordance with the same standards that apply generally in civil 1489
suits. Nothing in division (L) of this section affects the right 1490
of an employer and employee to agree to submit a dispute under 1491
this section to alternative dispute resolution, including, but not 1492
limited to, arbitration, in lieu of maintaining the civil suit 1493
specified in division (K) of this section. Nothing in this 1494
division limits the state's ability to investigate or enforce this 1495
section. 1496

(M) An employer who provides such information specified in 1497
Section 34a of Article II, Ohio Constitution, shall be immune from 1498
any civil liability for injury, death, or loss to person or 1499
property that otherwise might be incurred or imposed as a result 1500
of providing that information to an employee or person acting on 1501
behalf of an employee in response to a request by the employee or 1502
person, and the employer shall not be subject to the provisions of 1503
Chapters 1347. and 1349. of the Revised Code to the extent that 1504

such provisions would otherwise apply. As used in division (M) of 1505
this section, "such information," "acting on behalf of an 1506
employee," and "request" have the same meanings as in division (G) 1507
of this section. 1508

(N) As used in this section, "the state" means the director 1509
of commerce. 1510

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 1511
the Revised Code: 1512

(1) "Place of employment" means every place, whether indoors 1513
or out, or underground, and the premises appurtenant thereto, 1514
where either temporarily or permanently any industry, trade, or 1515
business is carried on, or where any process or operation, 1516
directly or indirectly related to any industry, trade, or 1517
business, is carried on and where any person is directly or 1518
indirectly employed by another for direct or indirect gain or 1519
profit, but does not include any place where persons are employed 1520
in private domestic service or agricultural pursuits which do not 1521
involve the use of mechanical power. 1522

(2) "Employment" means any trade, occupation, or process of 1523
manufacture or any method of carrying on such trade, occupation, 1524
or process of manufacture in which any person may be engaged, 1525
except in such private domestic service or agricultural pursuits 1526
as do not involve the use of mechanical power. 1527

(3) "Employer" means every person, firm, corporation, agent, 1528
manager, representative, or other person having control or custody 1529
of any employment, place of employment, or employee. "Employer" 1530
does not include a franchisor with respect to the franchisor's 1531
relationship with a franchisee or an employee of a franchisee, 1532
unless the franchisor agrees to assume that role in writing or a 1533
court of competent jurisdiction determines that the franchisor 1534
exercises a type or degree of control over the franchisee or the 1535

franchisee's employees that is not customarily exercised by a 1536
franchisor for the purpose of protecting the franchisor's 1537
trademark, brand, or both. For purposes of this division, 1538
"franchisor" and "franchisee" have the same meanings as in 16 1539
C.F.R. 436.1. 1540

(4)(a) "Employee" means ~~every~~ a person who may be required or 1541
directed by any employer, in consideration of direct or indirect 1542
gain or profit, to engage in any employment, or to go, or work, or 1543
be at any time in any place of employment, including a person 1544
described in division (A)(4)(b) of this section if a motor carrier 1545
elects to consider the person to be an employee. 1546

(b) "Employee" does not include a person who operates a 1547
vehicle or vessel in the performance of services for or on behalf 1548
of a motor carrier transporting property and to whom all of the 1549
following factors apply: 1550

(i) The person owns the vehicle or vessel that is used in 1551
performing the services for or on behalf of the carrier, or the 1552
person leases the vehicle or vessel under a bona fide lease 1553
agreement that is not a temporary replacement lease agreement. For 1554
purposes of this division, a bona fide lease agreement does not 1555
include an agreement between the person and the motor carrier 1556
transporting property for which, or on whose behalf, the person 1557
provides services. 1558

(ii) The person is responsible for supplying the necessary 1559
personal services to operate the vehicle or vessel used to provide 1560
the service. 1561

(iii) The compensation paid to the person is based on factors 1562
related to work performed, including on a mileage-based rate or a 1563
percentage of any schedule of rates, and not solely on the basis 1564
of the hours or time expended. 1565

(iv) The person substantially controls the means and manner 1566

of performing the services, in conformance with regulatory requirements and specifications of the shipper. 1567
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(v) The person enters into a written contract with the carrier for whom the person is performing the services that describes the relationship between the person and the carrier to be that of an independent contractor and not that of an employee. 1569
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(vi) The person is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees. 1573
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(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier. 1580
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(5) "Frequenter" means every person, other than an employee, who may go in or be in a place of employment under circumstances which render the person other than a trespasser. 1582
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(6) "Deputy" means any person employed by the industrial commission or the bureau of workers' compensation, designated as a deputy by the commission or the administrator of workers' compensation, who possesses special, technical, scientific, managerial, professional, or personal abilities or qualities in matters within the jurisdiction of the commission or the bureau, and who may be engaged in the performance of duties under the direction of the commission or the bureau calling for the exercise of such abilities or qualities. 1585
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(7) "Order" means any decision, rule, regulation, direction, requirement, or standard, or any other determination or decision that the bureau is empowered to and does make. 1594
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(8) "General order" means an order that applies generally 1597

throughout the state to all persons, employments, or places of 1598
employment, or all persons, employments, or places of employment 1599
of a class under the jurisdiction of the bureau. All other orders 1600
shall be considered special orders. 1601

(9) "Local order" means any ordinance, order, rule, or 1602
determination of the legislative authority of any municipal 1603
corporation, or any trustees, or board or officers of any 1604
municipal corporation upon any matter over which the bureau has 1605
jurisdiction. 1606

(10) "Welfare" means comfort, decency, and moral well-being. 1607

(11) "Safe" or "safety," as applied to any employment or a 1608
place of employment, means such freedom from danger to the life, 1609
health, safety, or welfare of employees or frequenters as the 1610
nature of the employment will reasonably permit, including 1611
requirements as to the hours of labor with relation to the health 1612
and welfare of employees. 1613

(12) "Employee organization" means any labor or bona fide 1614
organization in which employees participate and that exists for 1615
the purpose, in whole or in part, of dealing with employers 1616
concerning grievances, labor disputes, wages, hours, terms, and 1617
other conditions of employment. 1618

(13) "Motor carrier" has the same meaning as in section 1619
4923.01 of the Revised Code. 1620

(B) As used in the Revised Code: 1621

(1) "Industrial commission" means the chairperson of the 1622
three-member industrial commission created pursuant to section 1623
4121.02 of the Revised Code when the context refers to the 1624
authority vested in the chairperson as the chief executive officer 1625
of the three-member industrial commission pursuant to divisions 1626
(A), (B), (C), and (D) of section 4121.03 of the Revised Code. 1627

(2) "Industrial commission" means the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the three-member industrial commission pursuant to division (E) of section 4121.03 of the Revised Code.

(3) "Industrial commission" means the industrial commission as a state agency when the context refers to the authority vested in the industrial commission as a state agency.

Sec. 4123.01. As used in this chapter:

(A)(1) "Employee" means:

(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers of boards of education, under any appointment or contract of hire, express or implied, oral or written, including any elected official of the state, or of any county, municipal corporation, or township, or members of boards of education.

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

(i) Off-duty peace officers. As used in division (A)(1)(a)(i)

of this section, "peace officer" has the same meaning as in 1658
section 2935.01 of the Revised Code. 1659

(ii) Off-duty firefighters, whether paid or volunteer, of a 1660
lawfully constituted fire department. 1661

(iii) Off-duty first responders, emergency medical 1662
technicians-basic, emergency medical technicians-intermediate, or 1663
emergency medical technicians-paramedic, whether paid or 1664
volunteer, of an ambulance service organization or emergency 1665
medical service organization pursuant to Chapter 4765. of the 1666
Revised Code. 1667

(b) Every person in the service of any person, firm, or 1668
private corporation, including any public service corporation, 1669
that (i) employs one or more persons regularly in the same 1670
business or in or about the same establishment under any contract 1671
of hire, express or implied, oral or written, including aliens and 1672
minors, household workers who earn one hundred sixty dollars or 1673
more in cash in any calendar quarter from a single household and 1674
casual workers who earn one hundred sixty dollars or more in cash 1675
in any calendar quarter from a single employer, or (ii) is bound 1676
by any such contract of hire or by any other written contract, to 1677
pay into the state insurance fund the premiums provided by this 1678
chapter. 1679

(c) Every person who performs labor or provides services 1680
pursuant to a construction contract, as defined in section 4123.79 1681
of the Revised Code, if at least ten of the following criteria 1682
apply: 1683

(i) The person is required to comply with instructions from 1684
the other contracting party regarding the manner or method of 1685
performing services; 1686

(ii) The person is required by the other contracting party to 1687
have particular training; 1688

(iii) The person's services are integrated into the regular functioning of the other contracting party;	1689 1690
(iv) The person is required to perform the work personally;	1691
(v) The person is hired, supervised, or paid by the other contracting party;	1692 1693
(vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time;	1694 1695 1696
(vii) The person's hours of work are established by the other contracting party;	1697 1698
(viii) The person is required to devote full time to the business of the other contracting party;	1699 1700
(ix) The person is required to perform the work on the premises of the other contracting party;	1701 1702
(x) The person is required to follow the order of work set by the other contracting party;	1703 1704
(xi) The person is required to make oral or written reports of progress to the other contracting party;	1705 1706
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	1707 1708
(xiii) The person's expenses are paid for by the other contracting party;	1709 1710
(xiv) The person's tools and materials are furnished by the other contracting party;	1711 1712
(xv) The person is provided with the facilities used to perform services;	1713 1714
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	1715 1716
(xvii) The person is not performing services for a number of	1717

employers at the same time; 1718

(xviii) The person does not make the same services available 1719
to the general public; 1720

(xix) The other contracting party has a right to discharge 1721
the person; 1722

(xx) The person has the right to end the relationship with 1723
the other contracting party without incurring liability pursuant 1724
to an employment contract or agreement. 1725

Every person in the service of any independent contractor or 1726
subcontractor who has failed to pay into the state insurance fund 1727
the amount of premium determined and fixed by the administrator of 1728
workers' compensation for the person's employment or occupation or 1729
who is a self-insuring employer and who has failed to pay 1730
compensation and benefits directly to the employer's injured and 1731
to the dependents of the employer's killed employees as required 1732
by section 4123.35 of the Revised Code, shall be considered as the 1733
employee of the person who has entered into a contract, whether 1734
written or verbal, with such independent contractor unless such 1735
employees or their legal representatives or beneficiaries elect, 1736
after injury or death, to regard such independent contractor as 1737
the employer. 1738

(d) Every person who operates a vehicle or vessel in the 1739
performance of services for or on behalf of a motor carrier 1740
transporting property, unless all of the following factors apply 1741
to the person: 1742

(i) The person owns the vehicle or vessel that is used in 1743
performing the services for or on behalf of the carrier, or the 1744
person leases the vehicle or vessel under a bona fide lease 1745
agreement that is not a temporary replacement lease agreement. For 1746
purposes of this division, a bona fide lease agreement does not 1747
include an agreement between the person and the motor carrier 1748

transporting property for which, or on whose behalf, the person provides services. 1749
1750

(ii) The person is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service. 1751
1752
1753

(iii) The compensation paid to the person is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended. 1754
1755
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(iv) The person substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 1758
1759
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(v) The person enters into a written contract with the carrier for whom the person is performing the services that describes the relationship between the person and the carrier to be that of an independent contractor and not that of an employee. 1761
1762
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(vi) The person is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees. 1765
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(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier. 1772
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(2) "Employee" does not mean any of the following: 1774

(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry; 1775
1776
1777

(b) Any officer of a family farm corporation; 1778

(c) An individual incorporated as a corporation; 1779

(d) An officer of a nonprofit corporation, as defined in 1780
section 1702.01 of the Revised Code, who volunteers the person's 1781
services as an officer; 1782

(e) An individual who otherwise is an employee of an employer 1783
but who signs the waiver and affidavit specified in section 1784
4123.15 of the Revised Code on the condition that the 1785
administrator has granted a waiver and exception to the 1786
individual's employer under section 4123.15 of the Revised Code; 1787

(f)(i) A qualifying employee described in division (A)(14)(a) 1788
of section 5703.94 of the Revised Code when the qualifying 1789
employee is performing disaster work in this state during a 1790
disaster response period pursuant to a qualifying solicitation 1791
received by the employee's employer; 1792

(ii) A qualifying employee described in division (A)(14)(b) 1793
of section 5703.94 of the Revised Code when the qualifying 1794
employee is performing disaster work in this state during a 1795
disaster response period on critical infrastructure owned or used 1796
by the employee's employer; 1797

(iii) As used in division (A)(2)(f) of this section, 1798
"critical infrastructure," "disaster response period," "disaster 1799
work," and "qualifying employee" have the same meanings as in 1800
section 5703.94 of the Revised Code. 1801

Any employer may elect to include as an "employee" within 1802
this chapter, any person excluded from the definition of 1803
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 1804
or (e) of this section in accordance with rules adopted by the 1805
administrator, with the advice and consent of the bureau of 1806
workers' compensation board of directors. If an employer is a 1807
partnership, sole proprietorship, individual incorporated as a 1808
corporation, or family farm corporation, such employer may elect 1809

to include as an "employee" within this chapter, any member of 1810
such partnership, the owner of the sole proprietorship, the 1811
individual incorporated as a corporation, or the officers of the 1812
family farm corporation. Nothing in this section shall prohibit a 1813
partner, sole proprietor, or any person excluded from the 1814
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 1815
or (e) of this section from electing to be included as an 1816
"employee" under this chapter in accordance with rules adopted by 1817
the administrator, with the advice and consent of the board. 1818

In the event of an election, the employer or person electing 1819
coverage shall serve upon the bureau of workers' compensation 1820
written notice naming the person to be covered and include the 1821
person's remuneration for premium purposes in all future payroll 1822
reports. No partner, sole proprietor, or person excluded from the 1823
definition of "employee" pursuant to division (A)(1)(d) or 1824
(A)(2)(a), (b), (c), or (e) of this section, shall receive 1825
benefits or compensation under this chapter until the bureau 1826
receives written notice of the election permitted by this section. 1827

For informational purposes only, the bureau shall prescribe 1828
such language as it considers appropriate, on such of its forms as 1829
it considers appropriate, to advise employers of their right to 1830
elect to include as an "employee" within this chapter a sole 1831
proprietor, any member of a partnership, or a person excluded from 1832
the definition of "employee" under division (A)(1)(d) or 1833
(A)(2)(a), (b), (c), or (e) of this section, that they should 1834
check any health and disability insurance policy, or other form of 1835
health and disability plan or contract, presently covering them, 1836
or the purchase of which they may be considering, to determine 1837
whether such policy, plan, or contract excludes benefits for 1838
illness or injury that they might have elected to have covered by 1839
workers' compensation. 1840

(B)(1) "Employer" means: 1841

(a) The state, including state hospitals, each county, 1842
municipal corporation, township, school district, and hospital 1843
owned by a political subdivision or subdivisions other than the 1844
state; 1845

(b) Every person, firm, professional employer organization, 1846
and private corporation, including any public service corporation, 1847
that (i) has in service one or more employees or shared employees 1848
regularly in the same business or in or about the same 1849
establishment under any contract of hire, express or implied, oral 1850
or written, or (ii) is bound by any such contract of hire or by 1851
any other written contract, to pay into the insurance fund the 1852
premiums provided by this chapter. 1853

All such employers are subject to this chapter. Any member of 1854
a firm or association, who regularly performs manual labor in or 1855
about a mine, factory, or other establishment, including a 1856
household establishment, shall be considered an employee in 1857
determining whether such person, firm, or private corporation, or 1858
public service corporation, has in its service, one or more 1859
employees and the employer shall report the income derived from 1860
such labor to the bureau as part of the payroll of such employer, 1861
and such member shall thereupon be entitled to all the benefits of 1862
an employee. 1863

(2) "Employer" does not include a franchisor with respect to 1864
the franchisor's relationship with a franchisee or an employee of 1865
a franchisee, unless the franchisor agrees to assume that role in 1866
writing or a court of competent jurisdiction determines that the 1867
franchisor exercises a type or degree of control over the 1868
franchisee or the franchisee's employees that is not customarily 1869
exercised by a franchisor for the purpose of protecting the 1870
franchisor's trademark, brand, or both. For purposes of this 1871
division, "franchisor" and "franchisee" have the same meanings as 1872
in 16 C.F.R. 436.1. 1873

(C) "Injury" includes any injury, whether caused by external 1874
accidental means or accidental in character and result, received 1875
in the course of, and arising out of, the injured employee's 1876
employment. "Injury" does not include: 1877

(1) Psychiatric conditions except where the claimant's 1878
psychiatric conditions have arisen from an injury or occupational 1879
disease sustained by that claimant or where the claimant's 1880
psychiatric conditions have arisen from sexual conduct in which 1881
the claimant was forced by threat of physical harm to engage or 1882
participate; 1883

(2) Injury or disability caused primarily by the natural 1884
deterioration of tissue, an organ, or part of the body; 1885

(3) Injury or disability incurred in voluntary participation 1886
in an employer-sponsored recreation or fitness activity if the 1887
employee signs a waiver of the employee's right to compensation or 1888
benefits under this chapter prior to engaging in the recreation or 1889
fitness activity; 1890

(4) A condition that pre-existed an injury unless that 1891
pre-existing condition is substantially aggravated by the injury. 1892
Such a substantial aggravation must be documented by objective 1893
diagnostic findings, objective clinical findings, or objective 1894
test results. Subjective complaints may be evidence of such a 1895
substantial aggravation. However, subjective complaints without 1896
objective diagnostic findings, objective clinical findings, or 1897
objective test results are insufficient to substantiate a 1898
substantial aggravation. 1899

(D) "Child" includes a posthumous child and a child legally 1900
adopted prior to the injury. 1901

(E) "Family farm corporation" means a corporation founded for 1902
the purpose of farming agricultural land in which the majority of 1903
the voting stock is held by and the majority of the stockholders 1904

are persons or the spouse of persons related to each other within 1905
the fourth degree of kinship, according to the rules of the civil 1906
law, and at least one of the related persons is residing on or 1907
actively operating the farm, and none of whose stockholders are a 1908
corporation. A family farm corporation does not cease to qualify 1909
under this division where, by reason of any devise, bequest, or 1910
the operation of the laws of descent or distribution, the 1911
ownership of shares of voting stock is transferred to another 1912
person, as long as that person is within the degree of kinship 1913
stipulated in this division. 1914

(F) "Occupational disease" means a disease contracted in the 1915
course of employment, which by its causes and the characteristics 1916
of its manifestation or the condition of the employment results in 1917
a hazard which distinguishes the employment in character from 1918
employment generally, and the employment creates a risk of 1919
contracting the disease in greater degree and in a different 1920
manner from the public in general. 1921

(G) "Self-insuring employer" means an employer who is granted 1922
the privilege of paying compensation and benefits directly under 1923
section 4123.35 of the Revised Code, including a board of county 1924
commissioners for the sole purpose of constructing a sports 1925
facility as defined in section 307.696 of the Revised Code, 1926
provided that the electors of the county in which the sports 1927
facility is to be built have approved construction of a sports 1928
facility by ballot election no later than November 6, 1997. 1929

(H) "Private employer" means an employer as defined in 1930
division (B)(1)(b) of this section. 1931

(I) "Professional employer organization" has the same meaning 1932
as in section 4125.01 of the Revised Code. 1933

(J) "Public employer" means an employer as defined in 1934
division (B)(1)(a) of this section. 1935

(K) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of gender; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

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

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

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

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

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

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

Sec. 4141.01. As used in this chapter, unless the context otherwise requires:

(A)(1) "Employer" means the state, its instrumentalities, its

political subdivisions and their instrumentalities, Indian tribes, 1966
and any individual or type of organization including any 1967
partnership, limited liability company, association, trust, 1968
estate, joint-stock company, insurance company, or corporation, 1969
whether domestic or foreign, or the receiver, trustee in 1970
bankruptcy, trustee, or the successor thereof, or the legal 1971
representative of a deceased person who subsequent to December 31, 1972
1971, or in the case of political subdivisions or their 1973
instrumentalities, subsequent to December 31, 1973: 1974

(a) Had in employment at least one individual, or in the case 1975
of a nonprofit organization, subsequent to December 31, 1973, had 1976
not less than four individuals in employment for some portion of a 1977
day in each of twenty different calendar weeks, in either the 1978
current or the preceding calendar year whether or not the same 1979
individual was in employment in each such day; or 1980

(b) Except for a nonprofit organization, had paid for service 1981
in employment wages of fifteen hundred dollars or more in any 1982
calendar quarter in either the current or preceding calendar year; 1983
or 1984

(c) Had paid, subsequent to December 31, 1977, for employment 1985
in domestic service in a local college club, or local chapter of a 1986
college fraternity or sorority, cash remuneration of one thousand 1987
dollars or more in any calendar quarter in the current calendar 1988
year or the preceding calendar year, or had paid subsequent to 1989
December 31, 1977, for employment in domestic service in a private 1990
home cash remuneration of one thousand dollars in any calendar 1991
quarter in the current calendar year or the preceding calendar 1992
year: 1993

(i) For the purposes of divisions (A)(1)(a) and (b) of this 1994
section, there shall not be taken into account any wages paid to, 1995
or employment of, an individual performing domestic service as 1996
described in this division. 1997

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this

chapter; or	2029
(iii) Who became an employer by election under division	2030
(A)(4) or (5) of this section and for the duration of such	2031
election; or	2032
(f) In the case of the state, its instrumentalities, its	2033
political subdivisions, and their instrumentalities, and Indian	2034
tribes, had in employment, as defined in divisions (B)(2)(a) and	2035
(B)(2)(1) of this section, at least one individual;	2036
(g) For the purposes of division (A)(1)(a) of this section,	2037
if any week includes both the thirty-first day of December and the	2038
first day of January, the days of that week before the first day	2039
of January shall be considered one calendar week and the days	2040
beginning the first day of January another week.	2041
(2) Each individual employed to perform or to assist in	2042
performing the work of any agent or employee of an employer is	2043
employed by such employer for all the purposes of this chapter,	2044
whether such individual was hired or paid directly by such	2045
employer or by such agent or employee, provided the employer had	2046
actual or constructive knowledge of the work. All individuals	2047
performing services for an employer of any person in this state	2048
who maintains two or more establishments within this state are	2049
employed by a single employer for the purposes of this chapter.	2050
(3) An employer subject to this chapter within any calendar	2051
year is subject to this chapter during the whole of such year and	2052
during the next succeeding calendar year.	2053
(4) An employer not otherwise subject to this chapter who	2054
files with the director of job and family services a written	2055
election to become an employer subject to this chapter for not	2056
less than two calendar years shall, with the written approval of	2057
such election by the director, become an employer subject to this	2058
chapter to the same extent as all other employers as of the date	2059

stated in such approval, and shall cease to be subject to this 2060
chapter as of the first day of January of any calendar year 2061
subsequent to such two calendar years only if at least thirty days 2062
prior to such first day of January the employer has filed with the 2063
director a written notice to that effect. 2064

(5) Any employer for whom services that do not constitute 2065
employment are performed may file with the director a written 2066
election that all such services performed by individuals in the 2067
employer's employ in one or more distinct establishments or places 2068
of business shall be deemed to constitute employment for all the 2069
purposes of this chapter, for not less than two calendar years. 2070
Upon written approval of the election by the director, such 2071
services shall be deemed to constitute employment subject to this 2072
chapter from and after the date stated in such approval. Such 2073
services shall cease to be employment subject to this chapter as 2074
of the first day of January of any calendar year subsequent to 2075
such two calendar years only if at least thirty days prior to such 2076
first day of January such employer has filed with the director a 2077
written notice to that effect. 2078

(6) "Employer" does not include a franchisor with respect to 2079
the franchisor's relationship with a franchisee or an employee of 2080
a franchisee, unless the franchisor agrees to assume that role in 2081
writing or a court of competent jurisdiction determines that the 2082
franchisor exercises a type or degree of control over the 2083
franchisee or the franchisee's employees that is not customarily 2084
exercised by a franchisor for the purpose of protecting the 2085
franchisor's trademark, brand, or both. For purposes of this 2086
division, "franchisor" and "franchisee" have the same meanings as 2087
in 16 C.F.R. 436.1. 2088

(B)(1) "Employment" means service performed by an individual 2089
for remuneration under any contract of hire, written or oral, 2090
express or implied, including service performed in interstate 2091

commerce and service performed by an officer of a corporation, 2092
without regard to whether such service is executive, managerial, 2093
or manual in nature, and without regard to whether such officer is 2094
a stockholder or a member of the board of directors of the 2095
corporation, unless it is shown to the satisfaction of the 2096
director that such individual has been and will continue to be 2097
free from direction or control over the performance of such 2098
service, both under a contract of service and in fact. The 2099
director shall adopt rules to define "direction or control." 2100

(2) "Employment" includes: 2101

(a) Service performed after December 31, 1977, by an 2102
individual in the employ of the state or any of its 2103
instrumentalities, or any political subdivision thereof or any of 2104
its instrumentalities or any instrumentality of more than one of 2105
the foregoing or any instrumentality of any of the foregoing and 2106
one or more other states or political subdivisions and without 2107
regard to divisions (A)(1)(a) and (b) of this section, provided 2108
that such service is excluded from employment as defined in the 2109
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 2110
3306(c)(7) and is not excluded under division (B)(3) of this 2111
section; or the services of employees covered by voluntary 2112
election, as provided under divisions (A)(4) and (5) of this 2113
section; 2114

(b) Service performed after December 31, 1971, by an 2115
individual in the employ of a religious, charitable, educational, 2116
or other organization which is excluded from the term "employment" 2117
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 2118
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 2119
3306(c)(8) of that act and is not excluded under division (B)(3) 2120
of this section; 2121

(c) Domestic service performed after December 31, 1977, for 2122
an employer, as provided in division (A)(1)(c) of this section; 2123

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A)(1)(d) of this section;

(e) ~~Service~~ Subject to division (B)(2)(m) of this section, ~~service~~ not covered under division (B)(1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of

the service is performed in this state and either the base of 2155
operations, or if there is no base of operations then the place 2156
from which such service is directed or controlled, is in this 2157
state or the base of operations or place from which such service 2158
is directed or controlled is not in any state in which some part 2159
of the service is performed but the individual's residence is in 2160
this state. 2161

(g) Service not covered under division (B)(2)(f)(ii) of this 2162
section and performed entirely without this state, with respect to 2163
no part of which contributions are required and paid under an 2164
unemployment compensation law of any other state, the Virgin 2165
Islands, Canada, or of the United States, if the individual 2166
performing such service is a resident of this state and the 2167
director approves the election of the employer for whom such 2168
services are performed; or, if the individual is not a resident of 2169
this state but the place from which the service is directed or 2170
controlled is in this state, the entire services of such 2171
individual shall be deemed to be employment subject to this 2172
chapter, provided service is deemed to be localized within this 2173
state if the service is performed entirely within this state or if 2174
the service is performed both within and without this state but 2175
the service performed without this state is incidental to the 2176
individual's service within the state, for example, is temporary 2177
or transitory in nature or consists of isolated transactions; 2178

(h) Service of an individual who is a citizen of the United 2179
States, performed outside the United States except in Canada after 2180
December 31, 1971, or the Virgin Islands, after December 31, 1971, 2181
and before the first day of January of the year following that in 2182
which the United States secretary of labor approves the Virgin 2183
Islands law for the first time, in the employ of an American 2184
employer, other than service which is "employment" under divisions 2185
(B)(2)(f) and (g) of this section or similar provisions of another 2186

state's law, if:	2187
(i) The employer's principal place of business in the United States is located in this state;	2188
(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or	2189
(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.	2190
(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.	2191
(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not	2192
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covered under division (A)(1)(c) of this section, which, as a 2218
condition for full tax credit against the tax imposed by the 2219
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 2220
3311, is required to be covered under this chapter. 2221

(k) Construction services performed by any individual under a 2222
construction contract, as defined in section 4141.39 of the 2223
Revised Code, if the director determines that the employer for 2224
whom services are performed has the right to direct or control the 2225
performance of the services and that the individuals who perform 2226
the services receive remuneration for the services performed. The 2227
director shall presume that the employer for whom services are 2228
performed has the right to direct or control the performance of 2229
the services if ten or more of the following criteria apply: 2230

(i) The employer directs or controls the manner or method by 2231
which instructions are given to the individual performing 2232
services; 2233

(ii) The employer requires particular training for the 2234
individual performing services; 2235

(iii) Services performed by the individual are integrated 2236
into the regular functioning of the employer; 2237

(iv) The employer requires that services be provided by a 2238
particular individual; 2239

(v) The employer hires, supervises, or pays the wages of the 2240
individual performing services; 2241

(vi) A continuing relationship between the employer and the 2242
individual performing services exists which contemplates 2243
continuing or recurring work, even if not full-time work; 2244

(vii) The employer requires the individual to perform 2245
services during established hours; 2246

(viii) The employer requires that the individual performing 2247

services be devoted on a full-time basis to the business of the employer;	2248 2249
(ix) The employer requires the individual to perform services on the employer's premises;	2250 2251
(x) The employer requires the individual performing services to follow the order of work established by the employer;	2252 2253
(xi) The employer requires the individual performing services to make oral or written reports of progress;	2254 2255
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	2256 2257
(xiii) The employer pays expenses for the individual performing services;	2258 2259
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	2260 2261
(xv) The individual performing services has not invested in the facilities used to perform services;	2262 2263
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	2264 2265 2266
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	2267 2268
(xviii) The individual performing services does not make the services available to the general public;	2269 2270
(xix) The employer has a right to discharge the individual performing services;	2271 2272
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	2273 2274 2275
(1) Service performed by an individual in the employ of an	2276

Indian tribe as defined by section 4(e) of the "Indian
Self-Determination and Education Assistance Act," 88 Stat. 2204
(1975), 25 U.S.C.A. 450b(e), including any subdivision,
subsidiary, or business enterprise wholly owned by an Indian tribe
provided that the service is excluded from employment as defined
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division
(B)(3) of this section.

(m) Service performed by an individual for or on behalf of a
motor carrier transporting property as an operator of a vehicle or
vessel, unless all of the following factors apply to the
individual and the motor carrier has not elected to consider the
individual's service as employment:

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

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

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

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

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

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

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

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(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

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(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:

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(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;

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(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;

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(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:

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(i) As a publicly elected official;	2339
(ii) As a member of a legislative body, or a member of the judiciary;	2340 2341
(iii) As a military member of the Ohio national guard;	2342
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	2343 2344 2345 2346
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	2347 2348 2349 2350 2351
(d) In the employ of any governmental unit or instrumentality of the United States;	2352 2353
(e) Service performed after December 31, 1971:	2354
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	2355 2356 2357 2358 2359
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to	2360 2361 2362 2363 2364 2365 2366 2367 2368

service performed in a program established for or on behalf of an employer or group of employers.

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by

such order; or 2400

(iii) In a facility conducted for the purpose of carrying out 2401
a program of rehabilitation for individuals whose earning capacity 2402
is impaired by age or physical or mental deficiency or injury, or 2403
providing remunerative work for individuals who because of their 2404
impaired physical or mental capacity cannot be readily absorbed in 2405
the competitive labor market, by an individual receiving such 2406
rehabilitation or remunerative work. 2407

(i) Service performed after June 30, 1939, with respect to 2408
which unemployment compensation is payable under the "Railroad 2409
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 2410

(j) Service performed by an individual in the employ of any 2411
organization exempt from income tax under section 501 of the 2412
"Internal Revenue Code of 1954," if the remuneration for such 2413
service does not exceed fifty dollars in any calendar quarter, or 2414
if such service is in connection with the collection of dues or 2415
premiums for a fraternal beneficial society, order, or association 2416
and is performed away from the home office or is ritualistic 2417
service in connection with any such society, order, or 2418
association; 2419

(k) Casual labor not in the course of an employer's trade or 2420
business; incidental service performed by an officer, appraiser, 2421
or member of a finance committee of a bank, building and loan 2422
association, savings and loan association, or savings association 2423
when the remuneration for such incidental service exclusive of the 2424
amount paid or allotted for directors' fees does not exceed sixty 2425
dollars per calendar quarter is casual labor; 2426

(l) Service performed in the employ of a voluntary employees' 2427
beneficial association providing for the payment of life, 2428
sickness, accident, or other benefits to the members of such 2429
association or their dependents or their designated beneficiaries, 2430

if admission to a membership in such association is limited to 2431
individuals who are officers or employees of a municipal or public 2432
corporation, of a political subdivision of the state, or of the 2433
United States and no part of the net earnings of such association 2434
inures, other than through such payments, to the benefit of any 2435
private shareholder or individual; 2436

(m) Service performed by an individual in the employ of a 2437
foreign government, including service as a consular or other 2438
officer or employee or of a nondiplomatic representative; 2439

(n) Service performed in the employ of an instrumentality 2440
wholly owned by a foreign government if the service is of a 2441
character similar to that performed in foreign countries by 2442
employees of the United States or of an instrumentality thereof 2443
and if the director finds that the secretary of state of the 2444
United States has certified to the secretary of the treasury of 2445
the United States that the foreign government, with respect to 2446
whose instrumentality exemption is claimed, grants an equivalent 2447
exemption with respect to similar service performed in the foreign 2448
country by employees of the United States and of instrumentalities 2449
thereof; 2450

(o) Service with respect to which unemployment compensation 2451
is payable under an unemployment compensation system established 2452
by an act of congress; 2453

(p) Service performed as a student nurse in the employ of a 2454
hospital or a nurses' training school by an individual who is 2455
enrolled and is regularly attending classes in a nurses' training 2456
school chartered or approved pursuant to state law, and service 2457
performed as an intern in the employ of a hospital by an 2458
individual who has completed a four years' course in a medical 2459
school chartered or approved pursuant to state law; 2460

(q) Service performed by an individual under the age of 2461

eighteen in the delivery or distribution of newspapers or shopping 2462
news, not including delivery or distribution to any point for 2463
subsequent delivery or distribution; 2464

(r) Service performed in the employ of the United States or 2465
an instrumentality of the United States immune under the 2466
Constitution of the United States from the contributions imposed 2467
by this chapter, except that to the extent that congress permits 2468
states to require any instrumentalities of the United States to 2469
make payments into an unemployment fund under a state unemployment 2470
compensation act, this chapter shall be applicable to such 2471
instrumentalities and to services performed for such 2472
instrumentalities in the same manner, to the same extent, and on 2473
the same terms as to all other employers, individuals, and 2474
services, provided that if this state is not certified for any 2475
year by the proper agency of the United States under section 3304 2476
of the "Internal Revenue Code of 1954," the payments required of 2477
such instrumentalities with respect to such year shall be refunded 2478
by the director from the fund in the same manner and within the 2479
same period as is provided in division (E) of section 4141.09 of 2480
the Revised Code with respect to contributions erroneously 2481
collected; 2482

(s) Service performed by an individual as a member of a band 2483
or orchestra, provided such service does not represent the 2484
principal occupation of such individual, and which service is not 2485
subject to or required to be covered for full tax credit against 2486
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 2487
183 (1939), 26 U.S.C.A. 3301 to 3311. 2488

(t) Service performed in the employ of a day camp whose 2489
camping season does not exceed twelve weeks in any calendar year, 2490
and which service is not subject to the "Federal Unemployment Tax 2491
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 2492
performed after December 31, 1971: 2493

(i) In the employ of a hospital, if the service is performed	2494
by a patient of the hospital, as defined in division (W) of this	2495
section;	2496
(ii) For a prison or other correctional institution by an	2497
inmate of the prison or correctional institution;	2498
(iii) Service performed after December 31, 1977, by an inmate	2499
of a custodial institution operated by the state, a political	2500
subdivision, or a nonprofit organization.	2501
(u) Service that is performed by a nonresident alien	2502
individual for the period the individual temporarily is present in	2503
the United States as a nonimmigrant under division (F), (J), (M),	2504
or (Q) of section 101(a)(15) of the "Immigration and Nationality	2505
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded	2506
under section 3306(c)(19) of the "Federal Unemployment Tax Act,"	2507
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	2508
(v) Notwithstanding any other provisions of division (B)(3)	2509
of this section, services that are excluded under divisions	2510
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded	2511
from employment when performed for a nonprofit organization, as	2512
defined in division (X) of this section, or for this state or its	2513
instrumentalities, or for a political subdivision or its	2514
instrumentalities or for Indian tribes;	2515
(w) Service that is performed by an individual working as an	2516
election official or election worker if the amount of remuneration	2517
received by the individual during the calendar year for services	2518
as an election official or election worker is less than one	2519
thousand dollars;	2520
(x) Service performed for an elementary or secondary school	2521
that is operated primarily for religious purposes, that is	2522
described in subsection 501(c)(3) and exempt from federal income	2523
taxation under subsection 501(a) of the Internal Revenue Code, 26	2524

U.S.C.A. 501;	2525
(y) Service performed by a person committed to a penal institution.	2526 2527
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	2528 2529 2530
(i) As a publicly elected official;	2531
(ii) As a member of an Indian tribal council;	2532
(iii) As a member of a legislative or judiciary body;	2533
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	2534 2535 2536 2537 2538
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	2539 2540
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	2541 2542 2543 2544 2545 2546 2547
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	2548 2549
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an	2550 2551 2552 2553 2554

employee for the person employing that employee do not constitute 2555
employment, then none of the services of such employee for such 2556
period shall be deemed to be employment. As used in division 2557
(B)(4) of this section, "pay period" means a period, of not more 2558
than thirty-one consecutive days, for which payment of 2559
remuneration is ordinarily made to the employee by the person 2560
employing that employee. Division (B)(4) of this section does not 2561
apply to services performed in a pay period by an employee for the 2562
person employing that employee, if any of such service is excepted 2563
by division (B)(3)(o) of this section. 2564

(C) "Benefits" means money payments payable to an individual 2565
who has established benefit rights, as provided in this chapter, 2566
for loss of remuneration due to the individual's unemployment. 2567

(D) "Benefit rights" means the weekly benefit amount and the 2568
maximum benefit amount that may become payable to an individual 2569
within the individual's benefit year as determined by the 2570
director. 2571

(E) "Claim for benefits" means a claim for waiting period or 2572
benefits for a designated week. 2573

(F) "Additional claim" means the first claim for benefits 2574
filed following any separation from employment during a benefit 2575
year; "continued claim" means any claim other than the first claim 2576
for benefits and other than an additional claim. 2577

(G) "Wages" means remuneration paid to an employee by each of 2578
the employee's employers with respect to employment; except that 2579
wages shall not include that part of remuneration paid during any 2580
calendar year to an individual by an employer or such employer's 2581
predecessor in interest in the same business or enterprise, which 2582
in any calendar year is in excess of nine thousand dollars on and 2583
after January 1, 1995; nine thousand five hundred dollars on and 2584
after January 1, 2018; and nine thousand dollars on and after 2585

January 1, 2020. Remuneration in excess of such amounts shall be 2586
deemed wages subject to contribution to the same extent that such 2587
remuneration is defined as wages under the "Federal Unemployment 2588
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 2589
amended. The remuneration paid an employee by an employer with 2590
respect to employment in another state, upon which contributions 2591
were required and paid by such employer under the unemployment 2592
compensation act of such other state, shall be included as a part 2593
of remuneration in computing the amount specified in this 2594
division. 2595

(H)(1) "Remuneration" means all compensation for personal 2596
services, including commissions and bonuses and the cash value of 2597
all compensation in any medium other than cash, except that in the 2598
case of agricultural or domestic service, "remuneration" includes 2599
only cash remuneration. Gratuities customarily received by an 2600
individual in the course of the individual's employment from 2601
persons other than the individual's employer and which are 2602
accounted for by such individual to the individual's employer are 2603
taxable wages. 2604

The reasonable cash value of compensation paid in any medium 2605
other than cash shall be estimated and determined in accordance 2606
with rules prescribed by the director, provided that 2607
"remuneration" does not include: 2608

(a) Payments as provided in divisions (b)(2) to (b)(20) of 2609
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 2610
26 U.S.C.A. 3301 to 3311, as amended; 2611

(b) The payment by an employer, without deduction from the 2612
remuneration of the individual in the employer's employ, of the 2613
tax imposed upon an individual in the employer's employ under 2614
section 3101 of the "Internal Revenue Code of 1954," with respect 2615
to services performed after October 1, 1941. 2616

(2) "Cash remuneration" means all remuneration paid in cash, 2617
including commissions and bonuses, but not including the cash 2618
value of all compensation in any medium other than cash. 2619

(I) "Interested party" means the director and any party to 2620
whom notice of a determination of an application for benefit 2621
rights or a claim for benefits is required to be given under 2622
section 4141.28 of the Revised Code. 2623

(J) "Annual payroll" means the total amount of wages subject 2624
to contributions during a twelve-month period ending with the last 2625
day of the second calendar quarter of any calendar year. 2626

(K) "Average annual payroll" means the average of the last 2627
three annual payrolls of an employer, provided that if, as of any 2628
computation date, the employer has had less than three annual 2629
payrolls in such three-year period, such average shall be based on 2630
the annual payrolls which the employer has had as of such date. 2631

(L)(1) "Contributions" means the money payments to the state 2632
unemployment compensation fund required of employers by section 2633
4141.25 of the Revised Code and of the state and any of its 2634
political subdivisions electing to pay contributions under section 2635
4141.242 of the Revised Code. Employers paying contributions shall 2636
be described as "contributory employers." 2637

(2) "Payments in lieu of contributions" means the money 2638
payments to the state unemployment compensation fund required of 2639
reimbursing employers under sections 4141.241 and 4141.242 of the 2640
Revised Code. 2641

(M) An individual is "totally unemployed" in any week during 2642
which the individual performs no services and with respect to such 2643
week no remuneration is payable to the individual. 2644

(N) An individual is "partially unemployed" in any week if, 2645
due to involuntary loss of work, the total remuneration payable to 2646
the individual for such week is less than the individual's weekly 2647

benefit amount. 2648

(O) "Week" means the calendar week ending at midnight 2649
Saturday unless an equivalent week of seven consecutive calendar 2650
days is prescribed by the director. 2651

(1) "Qualifying week" means any calendar week in an 2652
individual's base period with respect to which the individual 2653
earns or is paid remuneration in employment subject to this 2654
chapter. A calendar week with respect to which an individual earns 2655
remuneration but for which payment was not made within the base 2656
period, when necessary to qualify for benefit rights, may be 2657
considered to be a qualifying week. The number of qualifying weeks 2658
which may be established in a calendar quarter shall not exceed 2659
the number of calendar weeks in the quarter. 2660

(2) "Average weekly wage" means the amount obtained by 2661
dividing an individual's total remuneration for all qualifying 2662
weeks during the base period by the number of such qualifying 2663
weeks, provided that if the computation results in an amount that 2664
is not a multiple of one dollar, such amount shall be rounded to 2665
the next lower multiple of one dollar. 2666

(P) "Weekly benefit amount" means the amount of benefits an 2667
individual would be entitled to receive for one week of total 2668
unemployment. 2669

(Q)(1) "Base period" means the first four of the last five 2670
completed calendar quarters immediately preceding the first day of 2671
an individual's benefit year, except as provided in division 2672
(Q)(2) of this section. 2673

(2) If an individual does not have sufficient qualifying 2674
weeks and wages in the base period to qualify for benefit rights, 2675
the individual's base period shall be the four most recently 2676
completed calendar quarters preceding the first day of the 2677
individual's benefit year. Such base period shall be known as the 2678

"alternate base period." If information as to weeks and wages for 2679
the most recent quarter of the alternate base period is not 2680
available to the director from the regular quarterly reports of 2681
wage information, which are systematically accessible, the 2682
director may, consistent with the provisions of section 4141.28 of 2683
the Revised Code, base the determination of eligibility for 2684
benefits on the affidavit of the claimant with respect to weeks 2685
and wages for that calendar quarter. The claimant shall furnish 2686
payroll documentation, where available, in support of the 2687
affidavit. The determination based upon the alternate base period 2688
as it relates to the claimant's benefit rights, shall be amended 2689
when the quarterly report of wage information from the employer is 2690
timely received and that information causes a change in the 2691
determination. As provided in division (B) of section 4141.28 of 2692
the Revised Code, any benefits paid and charged to an employer's 2693
account, based upon a claimant's affidavit, shall be adjusted 2694
effective as of the beginning of the claimant's benefit year. No 2695
calendar quarter in a base period or alternate base period shall 2696
be used to establish a subsequent benefit year. 2697

(3) The "base period" of a combined wage claim, as described 2698
in division (H) of section 4141.43 of the Revised Code, shall be 2699
the base period prescribed by the law of the state in which the 2700
claim is allowed. 2701

(4) For purposes of determining the weeks that comprise a 2702
completed calendar quarter under this division, only those weeks 2703
ending at midnight Saturday within the calendar quarter shall be 2704
utilized. 2705

(R)(1) "Benefit year" with respect to an individual means the 2706
fifty-two week period beginning with the first day of that week 2707
with respect to which the individual first files a valid 2708
application for determination of benefit rights, and thereafter 2709
the fifty-two week period beginning with the first day of that 2710

week with respect to which the individual next files a valid 2711
application for determination of benefit rights after the 2712
termination of the individual's last preceding benefit year, 2713
except that the application shall not be considered valid unless 2714
the individual has had employment in six weeks that is subject to 2715
this chapter or the unemployment compensation act of another 2716
state, or the United States, and has, since the beginning of the 2717
individual's previous benefit year, in the employment earned three 2718
times the average weekly wage determined for the previous benefit 2719
year. The "benefit year" of a combined wage claim, as described in 2720
division (H) of section 4141.43 of the Revised Code, shall be the 2721
benefit year prescribed by the law of the state in which the claim 2722
is allowed. Any application for determination of benefit rights 2723
made in accordance with section 4141.28 of the Revised Code is 2724
valid if the individual filing such application is unemployed, has 2725
been employed by an employer or employers subject to this chapter 2726
in at least twenty qualifying weeks within the individual's base 2727
period, and has earned or been paid remuneration at an average 2728
weekly wage of not less than twenty-seven and one-half per cent of 2729
the statewide average weekly wage for such weeks. For purposes of 2730
determining whether an individual has had sufficient employment 2731
since the beginning of the individual's previous benefit year to 2732
file a valid application, "employment" means the performance of 2733
services for which remuneration is payable. 2734

(2) Effective for benefit years beginning on and after 2735
December 26, 2004, any application for determination of benefit 2736
rights made in accordance with section 4141.28 of the Revised Code 2737
is valid if the individual satisfies the criteria described in 2738
division (R)(1) of this section, and if the reason for the 2739
individual's separation from employment is not disqualifying 2740
pursuant to division (D)(2) of section 4141.29 or section 4141.291 2741
of the Revised Code. A disqualification imposed pursuant to 2742
division (D)(2) of section 4141.29 or section 4141.291 of the 2743

Revised Code must be removed as provided in those sections as a 2744
requirement of establishing a valid application for benefit years 2745
beginning on and after December 26, 2004. 2746

(3) The statewide average weekly wage shall be calculated by 2747
the director once a year based on the twelve-month period ending 2748
the thirtieth day of June, as set forth in division (B)(3) of 2749
section 4141.30 of the Revised Code, rounded down to the nearest 2750
dollar. Increases or decreases in the amount of remuneration 2751
required to have been earned or paid in order for individuals to 2752
have filed valid applications shall become effective on Sunday of 2753
the calendar week in which the first day of January occurs that 2754
follows the twelve-month period ending the thirtieth day of June 2755
upon which the calculation of the statewide average weekly wage 2756
was based. 2757

(4) As used in this division, an individual is "unemployed" 2758
if, with respect to the calendar week in which such application is 2759
filed, the individual is "partially unemployed" or "totally 2760
unemployed" as defined in this section or if, prior to filing the 2761
application, the individual was separated from the individual's 2762
most recent work for any reason which terminated the individual's 2763
employee-employer relationship, or was laid off indefinitely or 2764
for a definite period of seven or more days. 2765

(S) "Calendar quarter" means the period of three consecutive 2766
calendar months ending on the thirty-first day of March, the 2767
thirtieth day of June, the thirtieth day of September, and the 2768
thirty-first day of December, or the equivalent thereof as the 2769
director prescribes by rule. 2770

(T) "Computation date" means the first day of the third 2771
calendar quarter of any calendar year. 2772

(U) "Contribution period" means the calendar year beginning 2773
on the first day of January of any year. 2774

(V) "Agricultural labor," for the purpose of this division, 2775
means any service performed prior to January 1, 1972, which was 2776
agricultural labor as defined in this division prior to that date, 2777
and service performed after December 31, 1971: 2778

(1) On a farm, in the employ of any person, in connection 2779
with cultivating the soil, or in connection with raising or 2780
harvesting any agricultural or horticultural commodity, including 2781
the raising, shearing, feeding, caring for, training, and 2782
management of livestock, bees, poultry, and fur-bearing animals 2783
and wildlife; 2784

(2) In the employ of the owner or tenant or other operator of 2785
a farm in connection with the operation, management, conservation, 2786
improvement, or maintenance of such farm and its tools and 2787
equipment, or in salvaging timber or clearing land of brush and 2788
other debris left by hurricane, if the major part of such service 2789
is performed on a farm; 2790

(3) In connection with the production or harvesting of any 2791
commodity defined as an agricultural commodity in section 15 (g) 2792
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 2793
U.S.C. 1141j, as amended, or in connection with the ginning of 2794
cotton, or in connection with the operation or maintenance of 2795
ditches, canals, reservoirs, or waterways, not owned or operated 2796
for profit, used exclusively for supplying and storing water for 2797
farming purposes; 2798

(4) In the employ of the operator of a farm in handling, 2799
planting, drying, packing, packaging, processing, freezing, 2800
grading, storing, or delivering to storage or to market or to a 2801
carrier for transportation to market, in its unmanufactured state, 2802
any agricultural or horticultural commodity, but only if the 2803
operator produced more than one half of the commodity with respect 2804
to which such service is performed; 2805

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian	2836
tribe to provide a program of education beyond high school; and	2837
(3) Provides an educational program for which it awards a	2838
bachelor's or higher degree, or provides a program which is	2839
acceptable for full credit toward such a degree, a program of	2840
post-graduate or post-doctoral studies, or a program of training	2841
to prepare students for gainful employment in a recognized	2842
occupation.	2843
For the purposes of this division, all colleges and	2844
universities in this state are institutions of higher education.	2845
(Z) For the purposes of this chapter, "states" includes the	2846
District of Columbia, the Commonwealth of Puerto Rico, and the	2847
Virgin Islands.	2848
(AA) "Alien" means, for the purposes of division (A)(1)(d) of	2849
this section, an individual who is an alien admitted to the United	2850
States to perform service in agricultural labor pursuant to	2851
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and	2852
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.	2853
(BB)(1) "Crew leader" means an individual who furnishes	2854
individuals to perform agricultural labor for any other employer	2855
or farm operator, and:	2856
(a) Pays, either on the individual's own behalf or on behalf	2857
of the other employer or farm operator, the individuals so	2858
furnished by the individual for the service in agricultural labor	2859
performed by them;	2860
(b) Has not entered into a written agreement with the other	2861
employer or farm operator under which the agricultural worker is	2862
designated as in the employ of the other employer or farm	2863
operator.	2864
(2) For the purposes of this chapter, any individual who is a	2865

member of a crew furnished by a crew leader to perform service in 2866
agricultural labor for any other employer or farm operator shall 2867
be treated as an employee of the crew leader if: 2868

(a) The crew leader holds a valid certificate of registration 2869
under the "Farm Labor Contractor Registration Act of 1963," 90 2870
Stat. 2668, 7 U.S.C. 2041; or 2871

(b) Substantially all the members of the crew operate or 2872
maintain tractors, mechanized harvesting or crop-dusting 2873
equipment, or any other mechanized equipment, which is provided by 2874
the crew leader; and 2875

(c) If the individual is not in the employment of the other 2876
employer or farm operator within the meaning of division (B)(1) of 2877
this section. 2878

(3) For the purposes of this division, any individual who is 2879
furnished by a crew leader to perform service in agricultural 2880
labor for any other employer or farm operator and who is not 2881
treated as in the employment of the crew leader under division 2882
(BB)(2) of this section shall be treated as the employee of the 2883
other employer or farm operator and not of the crew leader. The 2884
other employer or farm operator shall be treated as having paid 2885
cash remuneration to the individual in an amount equal to the 2886
amount of cash remuneration paid to the individual by the crew 2887
leader, either on the crew leader's own behalf or on behalf of the 2888
other employer or farm operator, for the service in agricultural 2889
labor performed for the other employer or farm operator. 2890

(CC) "Educational institution" means an institution other 2891
than an institution of higher education as defined in division (Y) 2892
of this section, including an educational institution operated by 2893
an Indian tribe, which: 2894

(1) Offers participants, trainees, or students an organized 2895
course of study or training designed to transfer to them 2896

knowledge, skills, information, doctrines, attitudes, or abilities 2897
from, by, or under the guidance of an instructor or teacher; and 2898

(2) Is approved, chartered, or issued a permit to operate as 2899
a school by the state board of education, other government agency, 2900
or Indian tribe that is authorized within the state to approve, 2901
charter, or issue a permit for the operation of a school. 2902

For the purposes of this division, the courses of study or 2903
training which the institution offers may be academic, technical, 2904
trade, or preparation for gainful employment in a recognized 2905
occupation. 2906

(DD) "Cost savings day" means any unpaid day off from work in 2907
which employees continue to accrue employee benefits which have a 2908
determinable value including, but not limited to, vacation, 2909
pension contribution, sick time, and life and health insurance. 2910

(EE) "Motor carrier" has the same meaning as in section 2911
4923.01 of the Revised Code. 2912

Sec. 4301.62. (A) As used in this section: 2913

(1) "Chauffeured limousine" means a vehicle registered under 2914
section 4503.24 of the Revised Code. 2915

(2) "Street," "highway," and "motor vehicle" have the same 2916
meanings as in section 4511.01 of the Revised Code. 2917

(B) No person shall have in the person's possession an opened 2918
container of beer or intoxicating liquor in any of the following 2919
circumstances: 2920

(1) Except as provided in division (C)(1)(e) of this section, 2921
in an agency store; 2922

(2) Except as provided in division (C) of this section, on 2923
the premises of the holder of any permit issued by the division of 2924
liquor control; 2925

(3) In any other public place;	2926
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	2927 2928 2929 2930 2931
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	2932 2933 2934 2935
(C)(1) A person may have in the person's possession an opened container of any of the following:	2936 2937
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;	2938 2939 2940 2941 2942 2943
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	2944 2945 2946 2947 2948 2949
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	2950 2951 2952
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;	2953 2954 2955

(e) Spirituous liquor to be consumed for purposes of a 2956
tasting sample, as defined in section 4301.171 of the Revised 2957
Code. 2958

(2) A person may have in the person's possession on an F 2959
liquor permit premises an opened container of beer or intoxicating 2960
liquor that was not purchased from the holder of the F permit if 2961
the premises for which the F permit is issued is a music festival 2962
and the holder of the F permit grants permission for that 2963
possession on the premises during the period for which the F 2964
permit is issued. As used in this division, "music festival" means 2965
a series of outdoor live musical performances, extending for a 2966
period of at least three consecutive days and located on an area 2967
of land of at least forty acres. 2968

(3)(a) A person may have in the person's possession on a D-2 2969
liquor permit premises an opened or unopened container of wine 2970
that was not purchased from the holder of the D-2 permit if the 2971
premises for which the D-2 permit is issued is an outdoor 2972
performing arts center, the person is attending an orchestral 2973
performance, and the holder of the D-2 permit grants permission 2974
for the possession and consumption of wine in certain 2975
predesignated areas of the premises during the period for which 2976
the D-2 permit is issued. 2977

(b) As used in division (C)(3)(a) of this section: 2978

(i) "Orchestral performance" means a concert comprised of a 2979
group of not fewer than forty musicians playing various musical 2980
instruments. 2981

(ii) "Outdoor performing arts center" means an outdoor 2982
performing arts center that is located on not less than one 2983
hundred fifty acres of land and that is open for performances from 2984
the first day of April to the last day of October of each year. 2985

(4) A person may have in the person's possession an opened or 2986

unopened container of beer or intoxicating liquor at an outdoor 2987
location at which the person is attending an orchestral 2988
performance as defined in division (C)(3)(b)(i) of this section if 2989
the person with supervision and control over the performance 2990
grants permission for the possession and consumption of beer or 2991
intoxicating liquor in certain predesignated areas of that outdoor 2992
location. 2993

(5) A person may have in the person's possession on an F-9 2994
liquor permit premises an opened or unopened container of beer or 2995
intoxicating liquor that was not purchased from the holder of the 2996
F-9 permit if the person is attending either of the following: 2997

(a) An orchestral performance and the F-9 permit holder 2998
grants permission for the possession and consumption of beer or 2999
intoxicating liquor in certain predesignated areas of the premises 3000
during the period for which the F-9 permit is issued; 3001

(b) An outdoor performing arts event or orchestral 3002
performance that is free of charge and the F-9 permit holder 3003
annually hosts not less than twenty-five other events or 3004
performances that are free of charge on the permit premises. 3005

As used in division (C)(5) of this section, "orchestral 3006
performance" has the same meaning as in division (C)(3)(b) of this 3007
section. 3008

(6)(a) A person may have in the person's possession on the 3009
property of an outdoor motorsports facility an opened or unopened 3010
container of beer or intoxicating liquor that was not purchased 3011
from the owner of the facility if both of the following apply: 3012

(i) The person is attending a racing event at the facility; 3013
and 3014

(ii) The owner of the facility grants permission for the 3015
possession and consumption of beer or intoxicating liquor on the 3016
property of the facility. 3017

(b) As used in division (C)(6)(a) of this section:	3018
(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.	3019 3020
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	3021 3022
(I) It is two and four-tenths miles or more in length.	3023
(II) It is located on two hundred acres or more of land.	3024
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	3025 3026
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	3027 3028
(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:	3029 3030 3031 3032 3033 3034
(i) The permit holder's premises is located within the outdoor refreshment area.	3035 3036
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	3037 3038
(b) Division (C)(7) of this section does not authorize a person to do either of the following:	3039 3040
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	3041 3042 3043
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is	3044 3045 3046

~~not being operated in a lane of vehicular travel or unless the~~ 3047
possession is otherwise authorized under division (D) or (E) of 3048
this section. 3049

(8)(a) A person may have in the person's possession on the 3050
property of a market, within a defined F-8 permit premises, an 3051
opened container of beer or intoxicating liquor that was purchased 3052
from a D permit premises that is located immediately adjacent to 3053
the market if both of the following apply: 3054

(i) The market grants permission for the possession and 3055
consumption of beer and intoxicating liquor within the defined F-8 3056
permit premises; 3057

(ii) The market is hosting an event pursuant to an F-8 permit 3058
and the market has notified the division of liquor control about 3059
the event in accordance with division (A)(3) of section 4303.208 3060
of the Revised Code. 3061

(b) As used in division (C)(8) of this section, "market" 3062
means a market, for which an F-8 permit is held, that has been in 3063
operation since 1860. 3064

(D) This section does not apply to a person who pays all or a 3065
portion of the fee imposed for the use of a chauffeured limousine 3066
pursuant to a prearranged contract, or the guest of the person, 3067
when all of the following apply: 3068

(1) The person or guest is a passenger in the limousine. 3069

(2) The person or guest is located in the limousine, but is 3070
not occupying a seat in the front compartment of the limousine 3071
where the operator of the limousine is located. 3072

(3) The limousine is located on any street, highway, or other 3073
public or private property open to the public for purposes of 3074
vehicular travel or parking. 3075

(E) An opened bottle of wine that was purchased from the 3076

holder of a permit that authorizes the sale of wine for 3077
consumption on the premises where sold is not an opened container 3078
for the purposes of this section if both of the following apply: 3079

(1) The opened bottle of wine is securely resealed by the 3080
permit holder or an employee of the permit holder before the 3081
bottle is removed from the premises. The bottle shall be secured 3082
in such a manner that it is visibly apparent if the bottle has 3083
been subsequently opened or tampered with. 3084

(2) The opened bottle of wine that is resealed in accordance 3085
with division (E)(1) of this section is stored in the trunk of a 3086
motor vehicle or, if the motor vehicle does not have a trunk, 3087
behind the last upright seat or in an area not normally occupied 3088
by the driver or passengers and not easily accessible by the 3089
driver. 3090

(F)(1) Except if an ordinance or resolution is enacted or 3091
adopted under division (F)(2) of this section, this section does 3092
not apply to a person who, pursuant to a prearranged contract, is 3093
a passenger riding on a commercial quadricycle when all of the 3094
following apply: 3095

(a) The person is not occupying a seat in the front of the 3096
commercial quadricycle where the operator is steering or braking. 3097

(b) The commercial quadricycle is being operated on a street, 3098
highway, or other public or private property open to the public 3099
for purposes of vehicular travel or parking. 3100

(c) The person has in their possession on the commercial 3101
quadricycle an opened container of beer or wine. 3102

(d) The person has in their possession on the commercial 3103
quadricycle not more than either thirty-six ounces of beer or 3104
eighteen ounces of wine. 3105

(2) The legislative authority of a municipal corporation or 3106

township may enact an ordinance or adopt a resolution, as 3107
applicable, that prohibits a passenger riding on a commercial 3108
quadricycle from possessing an opened container of beer or wine. 3109

(3) As used in this section, "commercial quadricycle" means a 3110
vehicle that has fully-operative pedals for propulsion entirely by 3111
human power and that meets all of the following requirements: 3112

(a) It has four wheels and is operated in a manner similar to 3113
a bicycle. 3114

(b) It has at least five seats for passengers. 3115

(c) It is designed to be powered by the pedaling of the 3116
operator and the passengers. 3117

(d) It is used for commercial purposes. 3118

(e) It is operated by the vehicle owner or an employee of the 3119
owner. 3120

(G) This section does not apply to a person that has in the 3121
person's possession an opened container of beer or intoxicating 3122
liquor on the premises of a market if the beer or intoxicating 3123
liquor has been purchased from a D liquor permit holder that is 3124
located in the market. 3125

As used in division (G) of this section, "market" means an 3126
establishment that: 3127

(1) Leases space in the market to individual vendors, not 3128
less than fifty per cent of which are retail food establishments 3129
or food service operations licensed under Chapter 3717. of the 3130
Revised Code; 3131

(2) Has an indoor sales floor area of not less than 3132
twenty-two thousand square feet; 3133

(3) Hosts a farmer's market on each Saturday from April 3134
through December. 3135

Sec. 4501.01. As used in this chapter and Chapters 4503., 3136
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 3137
Revised Code, and in the penal laws, except as otherwise provided: 3138

(A) "Vehicles" means everything on wheels or runners, 3139
including motorized bicycles, but does not mean electric personal 3140
assistive mobility devices, vehicles that are operated exclusively 3141
on rails or tracks or from overhead electric trolley wires, and 3142
vehicles that belong to any police department, municipal fire 3143
department, or volunteer fire department, or that are used by such 3144
a department in the discharge of its functions. 3145

(B) "Motor vehicle" means any vehicle, including mobile homes 3146
and recreational vehicles, that is propelled or drawn by power 3147
other than muscular power or power collected from overhead 3148
electric trolley wires. "Motor vehicle" does not include utility 3149
vehicles as defined in division (VV) of this section, under-speed 3150
vehicles as defined in division (XX) of this section, mini-trucks 3151
as defined in division (BBB) of this section, motorized bicycles, 3152
electric bicycles, road rollers, traction engines, power shovels, 3153
power cranes, and other equipment used in construction work and 3154
not designed for or employed in general highway transportation, 3155
well-drilling machinery, ditch-digging machinery, farm machinery, 3156
and trailers that are designed and used exclusively to transport a 3157
boat between a place of storage and a marina, or in and around a 3158
marina, when drawn or towed on a public road or highway for a 3159
distance of no more than ten miles and at a speed of twenty-five 3160
miles per hour or less. 3161

(C) "Agricultural tractor" and "traction engine" mean any 3162
self-propelling vehicle that is designed or used for drawing other 3163
vehicles or wheeled machinery, but has no provisions for carrying 3164
loads independently of such other vehicles, and that is used 3165
principally for agricultural purposes. 3166

(D) "Commercial tractor," except as defined in division (C) 3167
of this section, means any motor vehicle that has motive power and 3168
either is designed or used for drawing other motor vehicles, or is 3169
designed or used for drawing another motor vehicle while carrying 3170
a portion of the other motor vehicle or its load, or both. 3171

(E) "Passenger car" means any motor vehicle that is designed 3172
and used for carrying not more than nine persons and includes any 3173
motor vehicle that is designed and used for carrying not more than 3174
fifteen persons in a ridesharing arrangement. 3175

(F) "Collector's vehicle" means any motor vehicle or 3176
agricultural tractor or traction engine that is of special 3177
interest, that has a fair market value of one hundred dollars or 3178
more, whether operable or not, and that is owned, operated, 3179
collected, preserved, restored, maintained, or used essentially as 3180
a collector's item, leisure pursuit, or investment, but not as the 3181
owner's principal means of transportation. "Licensed collector's 3182
vehicle" means a collector's vehicle, other than an agricultural 3183
tractor or traction engine, that displays current, valid license 3184
tags issued under section 4503.45 of the Revised Code, or a 3185
similar type of motor vehicle that displays current, valid license 3186
tags issued under substantially equivalent provisions in the laws 3187
of other states. 3188

(G) "Historical motor vehicle" means any motor vehicle that 3189
is over twenty-five years old and is owned solely as a collector's 3190
item and for participation in club activities, exhibitions, tours, 3191
parades, and similar uses, but that in no event is used for 3192
general transportation. 3193

(H) "Noncommercial motor vehicle" means any motor vehicle, 3194
including a farm truck as defined in section 4503.04 of the 3195
Revised Code, that is designed by the manufacturer to carry a load 3196
of no more than one ton and is used exclusively for purposes other 3197
than engaging in business for profit. 3198

(I) "Bus" means any motor vehicle that has motor power and is 3199
designed and used for carrying more than nine passengers, except 3200
any motor vehicle that is designed and used for carrying not more 3201
than fifteen passengers in a ridesharing arrangement. 3202

(J) "Commercial car" or "truck" means any motor vehicle that 3203
has motor power and is designed and used for carrying merchandise 3204
or freight, or that is used as a commercial tractor. 3205

(K) "Bicycle" means every device, other than a device that is 3206
designed solely for use as a play vehicle by a child, that is 3207
propelled solely by human power upon which a person may ride, and 3208
that has two or more wheels, any of which is more than fourteen 3209
inches in diameter. 3210

(L) "Motorized bicycle" or "moped" means any vehicle that 3211
either has two tandem wheels or one wheel in the front and two 3212
wheels in the rear, that may be pedaled, and that is equipped with 3213
a helper motor of not more than fifty cubic centimeters piston 3214
displacement that produces no more than one brake horsepower and 3215
is capable of propelling the vehicle at a speed of no greater than 3216
twenty miles per hour on a level surface. "Motorized bicycle" or 3217
"moped" does not include an electric bicycle. 3218

(M) "Trailer" means any vehicle without motive power that is 3219
designed or used for carrying property or persons wholly on its 3220
own structure and for being drawn by a motor vehicle, and includes 3221
any such vehicle that is formed by or operated as a combination of 3222
a semitrailer and a vehicle of the dolly type such as that 3223
commonly known as a trailer dolly, a vehicle used to transport 3224
agricultural produce or agricultural production materials between 3225
a local place of storage or supply and the farm when drawn or 3226
towed on a public road or highway at a speed greater than 3227
twenty-five miles per hour, and a vehicle that is designed and 3228
used exclusively to transport a boat between a place of storage 3229
and a marina, or in and around a marina, when drawn or towed on a 3230

public road or highway for a distance of more than ten miles or at 3231
a speed of more than twenty-five miles per hour. "Trailer" does 3232
not include a manufactured home or travel trailer. 3233

(N) "Noncommercial trailer" means any trailer, except a 3234
travel trailer or trailer that is used to transport a boat as 3235
described in division (B) of this section, but, where applicable, 3236
includes a vehicle that is used to transport a boat as described 3237
in division (M) of this section, that has a gross weight of no 3238
more than ten thousand pounds, and that is used exclusively for 3239
purposes other than engaging in business for a profit, such as the 3240
transportation of personal items for personal or recreational 3241
purposes. 3242

(O) "Mobile home" means a building unit or assembly of closed 3243
construction that is fabricated in an off-site facility, is more 3244
than thirty-five body feet in length or, when erected on site, is 3245
three hundred twenty or more square feet, is built on a permanent 3246
chassis, is transportable in one or more sections, and does not 3247
qualify as a manufactured home as defined in division (C)(4) of 3248
section 3781.06 of the Revised Code or as an industrialized unit 3249
as defined in division (C)(3) of section 3781.06 of the Revised 3250
Code. 3251

(P) "Semitrailer" means any vehicle of the trailer type that 3252
does not have motive power and is so designed or used with another 3253
and separate motor vehicle that in operation a part of its own 3254
weight or that of its load, or both, rests upon and is carried by 3255
the other vehicle furnishing the motive power for propelling 3256
itself and the vehicle referred to in this division, and includes, 3257
for the purpose only of registration and taxation under those 3258
chapters, any vehicle of the dolly type, such as a trailer dolly, 3259
that is designed or used for the conversion of a semitrailer into 3260
a trailer. 3261

(Q) "Recreational vehicle" means a vehicular portable 3262

structure that meets all of the following conditions:	3263
(1) It is designed for the sole purpose of recreational travel.	3264 3265
(2) It is not used for the purpose of engaging in business for profit.	3266 3267
(3) It is not used for the purpose of engaging in intrastate commerce.	3268 3269
(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.	3270 3271
(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	3272 3273
(6) It is classed as one of the following:	3274
(a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.	3275 3276 3277 3278 3279
(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.	3280 3281 3282 3283
(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.	3284 3285 3286 3287 3288 3289
(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a	3290 3291 3292

bi-level floor plan, and that is designed to be towed by a vehicle 3293
equipped with a fifth-wheel hitch ordinarily installed in the bed 3294
of a truck. 3295

(e) "Park trailer" means a vehicle that is commonly known as 3296
a park model recreational vehicle, meets the American national 3297
standard institute standard A119.5 (1988) for park trailers, is 3298
built on a single chassis, has a gross trailer area of four 3299
hundred square feet or less when set up, is designed for seasonal 3300
or temporary living quarters, and may be connected to utilities 3301
necessary for the operation of installed features and appliances. 3302

(R) "Pneumatic tires" means tires of rubber and fabric or 3303
tires of similar material, that are inflated with air. 3304

(S) "Solid tires" means tires of rubber or similar elastic 3305
material that are not dependent upon confined air for support of 3306
the load. 3307

(T) "Solid tire vehicle" means any vehicle that is equipped 3308
with two or more solid tires. 3309

(U) "Farm machinery" means all machines and tools that are 3310
used in the production, harvesting, and care of farm products, and 3311
includes trailers that are used to transport agricultural produce 3312
or agricultural production materials between a local place of 3313
storage or supply and the farm, agricultural tractors, threshing 3314
machinery, hay-baling machinery, corn shellers, hammermills, and 3315
machinery used in the production of horticultural, agricultural, 3316
and vegetable products. 3317

(V) "Owner" includes any person or firm, other than a 3318
manufacturer or dealer, that has title to a motor vehicle, except 3319
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 3320
includes in addition manufacturers and dealers. 3321

(W) "Manufacturer" and "dealer" include all persons and firms 3322
that are regularly engaged in the business of manufacturing, 3323

selling, displaying, offering for sale, or dealing in motor 3324
vehicles, at an established place of business that is used 3325
exclusively for the purpose of manufacturing, selling, displaying, 3326
offering for sale, or dealing in motor vehicles. A place of 3327
business that is used for manufacturing, selling, displaying, 3328
offering for sale, or dealing in motor vehicles shall be deemed to 3329
be used exclusively for those purposes even though snowmobiles or 3330
all-purpose vehicles are sold or displayed for sale thereat, even 3331
though farm machinery is sold or displayed for sale thereat, or 3332
even though repair, accessory, gasoline and oil, storage, parts, 3333
service, or paint departments are maintained thereat, or, in any 3334
county having a population of less than seventy-five thousand at 3335
the last federal census, even though a department in a place of 3336
business is used to dismantle, salvage, or rebuild motor vehicles 3337
by means of used parts, if such departments are operated for the 3338
purpose of furthering and assisting in the business of 3339
manufacturing, selling, displaying, offering for sale, or dealing 3340
in motor vehicles. Places of business or departments in a place of 3341
business used to dismantle, salvage, or rebuild motor vehicles by 3342
means of using used parts are not considered as being maintained 3343
for the purpose of assisting or furthering the manufacturing, 3344
selling, displaying, and offering for sale or dealing in motor 3345
vehicles. 3346

(X) "Operator" includes any person who drives or operates a 3347
motor vehicle upon the public highways. 3348

(Y) "Chauffeur" means any operator who operates a motor 3349
vehicle, other than a taxicab, as an employee for hire; or any 3350
operator whether or not the owner of a motor vehicle, other than a 3351
taxicab, who operates such vehicle for transporting, for gain, 3352
compensation, or profit, either persons or property owned by 3353
another. Any operator of a motor vehicle who is voluntarily 3354
involved in a ridesharing arrangement is not considered an 3355

employee for hire or operating such vehicle for gain, 3356
compensation, or profit. 3357

(Z) "State" includes the territories and federal districts of 3358
the United States, and the provinces of Canada. 3359

(AA) "Public roads and highways" for vehicles includes all 3360
public thoroughfares, bridges, and culverts. 3361

(BB) "Manufacturer's number" means the manufacturer's 3362
original serial number that is affixed to or imprinted upon the 3363
chassis or other part of the motor vehicle. 3364

(CC) "Motor number" means the manufacturer's original number 3365
that is affixed to or imprinted upon the engine or motor of the 3366
vehicle. 3367

(DD) "Distributor" means any person who is authorized by a 3368
motor vehicle manufacturer to distribute new motor vehicles to 3369
licensed motor vehicle dealers at an established place of business 3370
that is used exclusively for the purpose of distributing new motor 3371
vehicles to licensed motor vehicle dealers, except when the 3372
distributor also is a new motor vehicle dealer, in which case the 3373
distributor may distribute at the location of the distributor's 3374
licensed dealership. 3375

(EE) "Ridesharing arrangement" means the transportation of 3376
persons in a motor vehicle where the transportation is incidental 3377
to another purpose of a volunteer driver and includes ridesharing 3378
arrangements known as carpools, vanpools, and buspools. 3379

(FF) "Apportionable vehicle" means any vehicle that is used 3380
or intended for use in two or more international registration plan 3381
member jurisdictions that allocate or proportionally register 3382
vehicles, that is used for the transportation of persons for hire 3383
or designed, used, or maintained primarily for the transportation 3384
of property, and that meets any of the following qualifications: 3385

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;	3386 3387
(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;	3388 3389
(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.	3390 3391
"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.	3392 3393 3394 3395
(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.	3396 3397 3398 3399 3400 3401 3402 3403
(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions.	3404 3405 3406 3407 3408 3409 3410
(II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (J) of section 4503.04 of the Revised Code.	3411 3412 3413 3414
(JJ) "Gross vehicle weight," with regard to any commercial car, trailer, semitrailer, or bus that is taxed at the rates	3415 3416

established under section 4503.042 or 4503.65 of the Revised Code, 3417
means the unladen weight of the vehicle fully equipped plus the 3418
maximum weight of the load to be carried on the vehicle. 3419

(KK) "Combined gross vehicle weight" with regard to any 3420
combination of a commercial car, trailer, and semitrailer, that is 3421
taxed at the rates established under section 4503.042 or 4503.65 3422
of the Revised Code, means the total unladen weight of the 3423
combination of vehicles fully equipped plus the maximum weight of 3424
the load to be carried on that combination of vehicles. 3425

(LL) "Chauffeured limousine" means a motor vehicle that is 3426
designed to carry nine or fewer passengers and is operated for 3427
hire pursuant to a prearranged contract for the transportation of 3428
passengers on public roads and highways along a route under the 3429
control of the person hiring the vehicle and not over a defined 3430
and regular route. "Prearranged contract" means an agreement, made 3431
in advance of boarding, to provide transportation from a specific 3432
location in a chauffeured limousine. "Chauffeured limousine" does 3433
not include any vehicle that is used exclusively in the business 3434
of funeral directing. 3435

(MM) "Manufactured home" has the same meaning as in division 3436
(C)(4) of section 3781.06 of the Revised Code. 3437

(NN) "Acquired situs," with respect to a manufactured home or 3438
a mobile home, means to become located in this state by the 3439
placement of the home on real property, but does not include the 3440
placement of a manufactured home or a mobile home in the inventory 3441
of a new motor vehicle dealer or the inventory of a manufacturer, 3442
remanufacturer, or distributor of manufactured or mobile homes. 3443

(OO) "Electronic" includes electrical, digital, magnetic, 3444
optical, electromagnetic, or any other form of technology that 3445
entails capabilities similar to these technologies. 3446

(PP) "Electronic record" means a record generated, 3447

communicated, received, or stored by electronic means for use in 3448
an information system or for transmission from one information 3449
system to another. 3450

(QQ) "Electronic signature" means a signature in electronic 3451
form attached to or logically associated with an electronic 3452
record. 3453

(RR) "Financial transaction device" has the same meaning as 3454
in division (A) of section 113.40 of the Revised Code. 3455

(SS) "Electronic motor vehicle dealer" means a motor vehicle 3456
dealer licensed under Chapter 4517. of the Revised Code whom the 3457
registrar of motor vehicles determines meets the criteria 3458
designated in section 4503.035 of the Revised Code for electronic 3459
motor vehicle dealers and designates as an electronic motor 3460
vehicle dealer under that section. 3461

(TT) "Electric personal assistive mobility device" means a 3462
self-balancing two non-tandem wheeled device that is designed to 3463
transport only one person, has an electric propulsion system of an 3464
average of seven hundred fifty watts, and when ridden on a paved 3465
level surface by an operator who weighs one hundred seventy pounds 3466
has a maximum speed of less than twenty miles per hour. 3467

(UU) "Limited driving privileges" means the privilege to 3468
operate a motor vehicle that a court grants under section 4510.021 3469
of the Revised Code to a person whose driver's or commercial 3470
driver's license or permit or nonresident operating privilege has 3471
been suspended. 3472

(VV) "Utility vehicle" means a self-propelled vehicle 3473
designed with a bed, principally for the purpose of transporting 3474
material or cargo in connection with construction, agricultural, 3475
forestry, grounds maintenance, lawn and garden, materials 3476
handling, or similar activities. 3477

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 3478

vehicle with an attainable speed in one mile on a paved level 3479
surface of more than twenty miles per hour but not more than 3480
twenty-five miles per hour and with a gross vehicle weight rating 3481
less than three thousand pounds. 3482

(XX) "Under-speed vehicle" means a three- or four-wheeled 3483
vehicle, including a vehicle commonly known as a golf cart, with 3484
an attainable speed on a paved level surface of not more than 3485
twenty miles per hour and with a gross vehicle weight rating less 3486
than three thousand pounds. 3487

(YY) "Motor-driven cycle or motor scooter" means any vehicle 3488
designed to travel on not more than three wheels in contact with 3489
the ground, with a seat for the driver and floor pad for the 3490
driver's feet, and is equipped with a motor with a piston 3491
displacement between fifty and one hundred cubic centimeters 3492
piston displacement that produces not more than five brake 3493
horsepower and is capable of propelling the vehicle at a speed 3494
greater than twenty miles per hour on a level surface. 3495

(ZZ) "Motorcycle" means a motor vehicle with motive power 3496
having a seat or saddle for the use of the operator, designed to 3497
travel on not more than three wheels in contact with the ground, 3498
and having no occupant compartment top or occupant compartment top 3499
that can be installed or removed by the user. 3500

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 3501
motive power having a seat or saddle for the use of the operator, 3502
designed to travel on not more than three wheels in contact with 3503
the ground, and having an occupant compartment top or an occupant 3504
compartment top that is installed. 3505

(BBB) "Mini-truck" means a vehicle that has four wheels, is 3506
propelled by an electric motor with a rated power of seven 3507
thousand five hundred watts or less or an internal combustion 3508
engine with a piston displacement capacity of six hundred sixty 3509

cubic centimeters or less, has a total dry weight of nine hundred 3510
to two thousand two hundred pounds, contains an enclosed cabin and 3511
a seat for the vehicle operator, resembles a pickup truck or van 3512
with a cargo area or bed located at the rear of the vehicle, and 3513
was not originally manufactured to meet federal motor vehicle 3514
safety standards. 3515

(CCC) "Autocycle" means a three-wheeled motorcycle that is 3516
manufactured to comply with federal safety requirements for 3517
motorcycles and that is equipped with safety belts, a steering 3518
wheel, and seating that does not require the operator to straddle 3519
or sit astride to ride the motorcycle. 3520

(DDD) "Plug-in electric motor vehicle" means a passenger car 3521
powered wholly or in part by a battery cell energy system that can 3522
be recharged via an external source of electricity. 3523

(EEE) "Hybrid motor vehicle" means a passenger car powered by 3524
an internal propulsion system consisting of both of the following: 3525

(1) A combustion engine; 3526

(2) A battery cell energy system that cannot be recharged via 3527
an external source of electricity but can be recharged by other 3528
vehicle mechanisms that capture and store electric energy. 3529

Sec. 4501.031. All moneys received under section 4504.09 of 3530
the Revised Code shall be paid into the state treasury to the 3531
credit of the local motor vehicle license tax fund, which is 3532
hereby created, for distribution in the manner provided for in 3533
this chapter. The treasurer of state may invest any portion of the 3534
moneys credited to the fund in the same manner and subject to all 3535
the laws governing the investment of state funds by the treasurer 3536
of state. All investment earnings of the fund shall be credited to 3537
the fund. 3538

The registrar of motor vehicles shall open an account with 3539

each county and district of registration in the state, and may 3540
assign each county and district a code for identification 3541
purposes. The code for a county or district may be the same as the 3542
code assigned to the county or district by the registrar under 3543
section 4501.03 of the Revised Code. 3544

Once each month the registrar shall prepare vouchers in favor 3545
of the county auditor of each county levying a county motor 3546
vehicle license tax pursuant to section 4504.02, 4504.15, 4504.16, 3547
or 4504.24 of the Revised Code and of each county in which is 3548
located one or more townships levying a township motor vehicle 3549
license tax pursuant to section 4504.18 or 4504.181 of the Revised 3550
Code for the amount of the tax due the county or townships in the 3551
county. 3552

All moneys received by the registrar under section 4504.09 of 3553
the Revised Code shall be distributed to counties, townships, and 3554
municipal corporations within thirty days of the expiration of the 3555
registration year. Necessary adjustments shall be made immediately 3556
out of funds available for distribution for the following two 3557
registration years. 3558

Sec. 4501.042. All moneys received under section 4504.09 of 3559
the Revised Code from municipal motor vehicle license taxes levied 3560
pursuant to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 3561
4504.173 of the Revised Code, and any part of the moneys received 3562
from county motor vehicle license taxes levied pursuant to section 3563
4504.15 of the Revised Code which is to be distributed to 3564
municipal corporations, shall be paid into the state treasury to 3565
the credit of the local motor vehicle license tax fund created 3566
under section 4501.031 of the Revised Code and shall be 3567
distributed to the treasuries of the municipal corporations 3568
levying or entitled to such tax moneys. 3569

Sec. 4501.043. All moneys received under section 4504.09 of 3570
the Revised Code with respect to townships levying township 3571
license taxes pursuant to ~~section~~ sections 4504.18 and 4504.181 of 3572
the Revised Code and paid into the state treasury under section 3573
4501.031 of the Revised Code shall be distributed to the 3574
respective townships levying such taxes for allocation and 3575
distribution as provided in section 4504.19 of the Revised Code. 3576

Sec. 4503.038. (A) Not later than ~~nine months~~ ninety days 3577
after ~~June 30, 2017~~ the effective date of this amendment, the 3578
registrar of motor vehicles shall adopt rules in accordance with 3579
Chapter 119. of the Revised Code establishing a service fee that 3580
applies for purposes of sections 4503.03, 4503.036, 4503.042, 3581
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 3582
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 3583
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 3584
shall be not more than five dollars and twenty-five cents and not 3585
less than three dollars and fifty cents. When establishing the 3586
fee, the registrar shall consider inflation and any other factors 3587
the registrar considers to be relevant to the determination. 3588

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 3589
~~2017~~ the effective date of this amendment, the registrar shall 3590
adopt rules in accordance with Chapter 119. of the Revised Code 3591
establishing prorated service fees that apply for purposes of 3592
multi-year registrations authorized under section 4503.103 of the 3593
Revised Code. When establishing the fee, the registrar shall 3594
consider inflation and any other factors the registrar considers 3595
to be relevant to the determination. 3596

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 3597
motorcycle, and all-purpose vehicle required to be registered 3598
under section 4519.02 of the Revised Code shall file an 3599

application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the year, make, model, and vehicle

identification number, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle

to be registered is used for hire or principally in connection 3663
with any established business, the owner's federal taxpayer 3664
identification number. The bureau of motor vehicles shall retain 3665
in its records all social security numbers provided under this 3666
section, but the bureau shall not place social security numbers on 3667
motor vehicle certificates of registration. 3668

(B) Except as otherwise provided in this division, each time 3669
an applicant first registers a motor vehicle in the applicant's 3670
name, the applicant shall present for inspection a physical 3671
certificate of title or memorandum certificate showing title to 3672
the motor vehicle to be registered in the name of the applicant if 3673
a physical certificate of title or memorandum certificate has been 3674
issued by a clerk of a court of common pleas. If, under sections 3675
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 3676
instead has issued an electronic certificate of title for the 3677
applicant's motor vehicle, that certificate may be presented for 3678
inspection at the time of first registration in a manner 3679
prescribed by rules adopted by the registrar. An applicant is not 3680
required to present a certificate of title to an electronic motor 3681
vehicle dealer acting as a limited authority deputy registrar in 3682
accordance with rules adopted by the registrar. When a motor 3683
vehicle inspection and maintenance program is in effect under 3684
section 3704.14 of the Revised Code and rules adopted under it, 3685
each application for registration for a vehicle required to be 3686
inspected under that section and those rules shall be accompanied 3687
by an inspection certificate for the motor vehicle issued in 3688
accordance with that section. The application shall be refused if 3689
any of the following applies: 3690

(1) The application is not in proper form. 3691

(2) The application is prohibited from being accepted by 3692
division (D) of section 2935.27, division (A) of section 2937.221, 3693
division (A) of section 4503.13, division (B) of section 4510.22, 3694

or division (B)(1) of section 4521.10 of the Revised Code. 3695

(3) A certificate of title or memorandum certificate of title 3696
is required but does not accompany the application or, in the case 3697
of an electronic certificate of title, is required but is not 3698
presented in a manner prescribed by the registrar's rules. 3699

(4) All registration and transfer fees for the motor vehicle, 3700
for the preceding year or the preceding period of the current 3701
registration year, have not been paid. 3702

(5) The owner or lessee does not have an inspection 3703
certificate for the motor vehicle as provided in section 3704.14 3704
of the Revised Code, and rules adopted under it, if that section 3705
is applicable. 3706

This section does not require the payment of license or 3707
registration taxes on a motor vehicle for any preceding year, or 3708
for any preceding period of a year, if the motor vehicle was not 3709
taxable for that preceding year or period under sections 4503.02, 3710
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 3711
Revised Code. When a certificate of registration is issued upon 3712
the first registration of a motor vehicle by or on behalf of the 3713
owner, the official issuing the certificate shall indicate the 3714
issuance with a stamp on the certificate of title or memorandum 3715
certificate or, in the case of an electronic certificate of title, 3716
an electronic stamp or other notation as specified in rules 3717
adopted by the registrar, and with a stamp on the inspection 3718
certificate for the motor vehicle, if any. The official also shall 3719
indicate, by a stamp or by other means the registrar prescribes, 3720
on the registration certificate issued upon the first registration 3721
of a motor vehicle by or on behalf of the owner the odometer 3722
reading of the motor vehicle as shown in the odometer statement 3723
included in or attached to the certificate of title. Upon each 3724
subsequent registration of the motor vehicle by or on behalf of 3725
the same owner, the official also shall so indicate the odometer 3726

reading of the motor vehicle as shown on the immediately preceding 3727
certificate of registration. 3728

The registrar shall include in the permanent registration 3729
record of any vehicle required to be inspected under section 3730
3704.14 of the Revised Code the inspection certificate number from 3731
the inspection certificate that is presented at the time of 3732
registration of the vehicle as required under this division. 3733

(C)(1) Except as otherwise provided in division (C)(1) of 3734
this section, the registrar and each deputy registrar shall 3735
collect an additional fee of eleven dollars for each application 3736
for registration and registration renewal received. For vehicles 3737
specified in divisions (A)(1) to (21) of section 4503.042 of the 3738
Revised Code, the registrar and deputy registrar shall collect an 3739
additional fee of thirty dollars for each application for 3740
registration and registration renewal received. No additional fee 3741
shall be charged for vehicles registered under section 4503.65 of 3742
the Revised Code. The additional fee is for the purpose of 3743
defraying the department of public safety's costs associated with 3744
the administration and enforcement of the motor vehicle and 3745
traffic laws of Ohio. Each deputy registrar shall transmit the 3746
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 3747
this section in the time and manner provided in this section. The 3748
registrar shall deposit all moneys received under division (C)(1) 3749
of this section into the public safety - highway purposes fund 3750
established in section 4501.06 of the Revised Code. 3751

(2) In addition, a charge of twenty-five cents shall be made 3752
for each reflectorized safety license plate issued, and a single 3753
charge of twenty-five cents shall be made for each county 3754
identification sticker or each set of county identification 3755
stickers issued, as the case may be, to cover the cost of 3756
producing the license plates and stickers, including material, 3757
manufacturing, and administrative costs. Those fees shall be in 3758

addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost of producing the stickers exceeds twenty-five cents per sticker or per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(3) The registrar and each deputy registrar shall collect an additional fee of one hundred seventy-five dollars for each application for registration or registration renewal received for any plug-in electric motor vehicle. The registrar shall transmit all money arising from the fee imposed by division (C)(3) of this section to the treasurer of state for distribution in accordance with division (E) of section 5735.051 of the Revised Code, subject to division (F) of section 5735.05 of the Revised Code.

(4) The registrar and each deputy registrar shall collect an additional fee of seventy-five dollars for each application for registration or registration renewal received for any hybrid motor vehicle. The registrar shall transmit all money arising from the fee imposed by division (C)(4) of this section to the treasurer of state for distribution in accordance with division (E) of section 5735.051 of the Revised Code, subject to division (F) of section 5735.05 of the Revised Code.

The fees established under divisions (C)(3) and (4) of this section shall not be imposed until one hundred eighty days after the effective date of this section.

(D) Each deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for

each application for registration and registration renewal notice 3791
the deputy registrar receives, which shall be for the purpose of 3792
compensating the deputy registrar for the deputy registrar's 3793
services, and such office and rental expenses, as may be necessary 3794
for the proper discharge of the deputy registrar's duties in the 3795
receiving of applications and renewal notices and the issuing of 3796
registrations. 3797

(E) Upon the certification of the registrar, the county 3798
sheriff or local police officials shall recover license plates 3799
erroneously or fraudulently issued. 3800

(F) Each deputy registrar, upon receipt of any application 3801
for registration or registration renewal notice, together with the 3802
license fee and any local motor vehicle license tax levied 3803
pursuant to Chapter 4504. of the Revised Code, shall transmit that 3804
fee and tax, if any, in the manner provided in this section, 3805
together with the original and duplicate copy of the application, 3806
to the registrar. The registrar, subject to the approval of the 3807
director of public safety, may deposit the funds collected by 3808
those deputies in a local bank or depository to the credit of the 3809
"state of Ohio, bureau of motor vehicles." Where a local bank or 3810
depository has been designated by the registrar, each deputy 3811
registrar shall deposit all moneys collected by the deputy 3812
registrar into that bank or depository not more than one business 3813
day after their collection and shall make reports to the registrar 3814
of the amounts so deposited, together with any other information, 3815
some of which may be prescribed by the treasurer of state, as the 3816
registrar may require and as prescribed by the registrar by rule. 3817
The registrar, within three days after receipt of notification of 3818
the deposit of funds by a deputy registrar in a local bank or 3819
depository, shall draw on that account in favor of the treasurer 3820
of state. The registrar, subject to the approval of the director 3821
and the treasurer of state, may make reasonable rules necessary 3822

for the prompt transmittal of fees and for safeguarding the 3823
interests of the state and of counties, townships, municipal 3824
corporations, and transportation improvement districts levying 3825
local motor vehicle license taxes. The registrar may pay service 3826
charges usually collected by banks and depositories for such 3827
service. If deputy registrars are located in communities where 3828
banking facilities are not available, they shall transmit the fees 3829
forthwith, by money order or otherwise, as the registrar, by rule 3830
approved by the director and the treasurer of state, may 3831
prescribe. The registrar may pay the usual and customary fees for 3832
such service. 3833

(G) This section does not prevent any person from making an 3834
application for a motor vehicle license directly to the registrar 3835
by mail, by electronic means, or in person at any of the 3836
registrar's offices, upon payment of a service fee equal to the 3837
amount established under section 4503.038 of the Revised Code for 3838
each application. 3839

(H) No person shall make a false statement as to the district 3840
of registration in an application required by division (A) of this 3841
section. Violation of this division is falsification under section 3842
2921.13 of the Revised Code and punishable as specified in that 3843
section. 3844

(I)(1) Where applicable, the requirements of division (B) of 3845
this section relating to the presentation of an inspection 3846
certificate issued under section 3704.14 of the Revised Code and 3847
rules adopted under it for a motor vehicle, the refusal of a 3848
license for failure to present an inspection certificate, and the 3849
stamping of the inspection certificate by the official issuing the 3850
certificate of registration apply to the registration of and 3851
issuance of license plates for a motor vehicle under sections 3852
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 3853
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 3854

4503.47, and 4503.51 of the Revised Code. 3855

(2)(a) The registrar shall adopt rules ensuring that each 3856
owner registering a motor vehicle in a county where a motor 3857
vehicle inspection and maintenance program is in effect under 3858
section 3704.14 of the Revised Code and rules adopted under it 3859
receives information about the requirements established in that 3860
section and those rules and about the need in those counties to 3861
present an inspection certificate with an application for 3862
registration or preregistration. 3863

(b) Upon request, the registrar shall provide the director of 3864
environmental protection, or any person that has been awarded a 3865
contract under section 3704.14 of the Revised Code, an on-line 3866
computer data link to registration information for all passenger 3867
cars, noncommercial motor vehicles, and commercial cars that are 3868
subject to that section. The registrar also shall provide to the 3869
director of environmental protection a magnetic data tape 3870
containing registration information regarding passenger cars, 3871
noncommercial motor vehicles, and commercial cars for which a 3872
multi-year registration is in effect under section 4503.103 of the 3873
Revised Code or rules adopted under it, including, without 3874
limitation, the date of issuance of the multi-year registration, 3875
the registration deadline established under rules adopted under 3876
section 4503.101 of the Revised Code that was applicable in the 3877
year in which the multi-year registration was issued, and the 3878
registration deadline for renewal of the multi-year registration. 3879

(J) Subject to division (K) of this section, application for 3880
registration under the international registration plan, as set 3881
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 3882
made to the registrar on forms furnished by the registrar. In 3883
accordance with international registration plan guidelines and 3884
pursuant to rules adopted by the registrar, the forms shall 3885
include the following: 3886

(1) A uniform mileage schedule;	3887
(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;	3888 3889 3890
(3) Any other information the registrar requires by rule.	3891
(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct electronic transactions by July 1, 2010, or sooner. If the registrar determines that implementing such a program is feasible, the registrar shall adopt new rules under this division or amend existing rules adopted under this division as necessary in order to respond to advances in technology.	3892 3893 3894 3895 3896 3897 3898 3899 3900
If international registration plan guidelines and provisions allow member jurisdictions to permit applications for registrations under the international registration plan to be made via the internet, the rules the registrar adopts under this division shall permit such action.	3901 3902 3903 3904 3905
Sec. 4503.103. (A)(1) The registrar of motor vehicles may adopt rules to permit any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases one or more motor vehicles to file a written application for registration for no more than five succeeding registration years. The rules adopted by the registrar may designate the classes of motor vehicles that are eligible for such registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.	3906 3907 3908 3909 3910 3911 3912 3913 3914 3915
(2)(a) The registrar shall adopt rules to permit any person	3916

or lessee who owns or leases a trailer or semitrailer that is 3917
subject to the tax rates prescribed in section 4503.042 of the 3918
Revised Code for such trailers or semitrailers to file a written 3919
application for registration for any number of succeeding 3920
registration years, including a permanent registration. At the 3921
time of application, all annual taxes and fees shall be paid for 3922
each year for which the person is registering, provided that the 3923
annual taxes due, regardless of the number of years for which the 3924
person is registering, shall not exceed two hundred dollars. A 3925
person who registers a vehicle under division (A)(2) of this 3926
section shall pay for each year of registration the additional fee 3927
established under division (C)(1) of section 4503.10 of the 3928
Revised Code, provided that the additional fee due, regardless of 3929
the number of years for which the person is registering, shall not 3930
exceed eighty-eight dollars. The person also shall pay one single 3931
deputy registrar service fee in the amount specified in division 3932
(D) of section 4503.10 of the Revised Code or one single bureau of 3933
motor vehicles service fee in the amount specified in division (G) 3934
of that section, as applicable, regardless of the number of years 3935
for which the person is registering. 3936

(b) In addition, each person registering a trailer or 3937
semitrailer under division (A)(2)(a) of this section shall pay any 3938
applicable local motor vehicle license tax levied under Chapter 3939
4504. of the Revised Code for each year for which the person is 3940
registering, provided that not more than eight times any such 3941
annual local taxes shall be due upon registration. 3942

(c) The period of registration for a trailer or semitrailer 3943
registered under division (A)(2)(a) of this section is exclusive 3944
to the trailer or semitrailer for which that certificate of 3945
registration is issued and is not transferable to any other 3946
trailer or semitrailer if the registration is a permanent 3947
registration. 3948

(3) Except as provided in division (A)(4) of this section, 3949
the registrar shall adopt rules to permit any person who owns a 3950
motor vehicle to file an application for registration for not more 3951
than five succeeding registration years. At the time of 3952
application, the person shall pay the annual taxes and fees for 3953
each registration year, calculated in accordance with division (C) 3954
of section 4503.11 of the Revised Code. A person who is 3955
registering a vehicle under division (A)(3) of this section shall 3956
pay for each year of registration the additional fee established 3957
under division (C)(1), (3), or (4) of section 4503.10 of the 3958
Revised Code, as applicable. The person shall also pay the deputy 3959
registrar service fee or the bureau of motor vehicles service fee 3960
equal to the amount established under section 4503.038 of the 3961
Revised Code. 3962

(4) Division (A)(3) of this section does not apply to a 3963
person receiving an apportioned license plate under the 3964
international registration plan, or the owner of a commercial car 3965
used solely in intrastate commerce, or the owner of a bus as 3966
defined in section 4513.50 of the Revised Code. 3967

(B) No person applying for a multi-year registration under 3968
division (A) of this section is entitled to a refund of any taxes 3969
or fees paid. 3970

(C) The registrar shall not issue to any applicant who has 3971
been issued a final, nonappealable order under division (D) of 3972
this section a multi-year registration or renewal thereof under 3973
this division or rules adopted under it for any motor vehicle that 3974
is required to be inspected under section 3704.14 of the Revised 3975
Code the district of registration of which, as determined under 3976
section 4503.10 of the Revised Code, is or is located in the 3977
county named in the order. 3978

(D) Upon receipt from the director of environmental 3979
protection of a notice issued under rules adopted under section 3980

3704.14 of the Revised Code indicating that an owner of a motor 3981
vehicle that is required to be inspected under that section who 3982
obtained a multi-year registration for the vehicle under division 3983
(A) of this section or rules adopted under that division has not 3984
obtained a required inspection certificate for the vehicle, the 3985
registrar in accordance with Chapter 119. of the Revised Code 3986
shall issue an order to the owner impounding the certificate of 3987
registration and identification license plates for the vehicle. 3988
The order also shall prohibit the owner from obtaining or renewing 3989
a multi-year registration for any vehicle that is required to be 3990
inspected under that section, the district of registration of 3991
which is or is located in the same county as the county named in 3992
the order during the number of years after expiration of the 3993
current multi-year registration that equals the number of years 3994
for which the current multi-year registration was issued. 3995

An order issued under this division shall require the owner 3996
to surrender to the registrar the certificate of registration and 3997
license plates for the vehicle named in the order within five days 3998
after its issuance. If the owner fails to do so within that time, 3999
the registrar shall certify that fact to the county sheriff or 4000
local police officials who shall recover the certificate of 4001
registration and license plates for the vehicle. 4002

(E) Upon the occurrence of either of the following 4003
circumstances, the registrar in accordance with Chapter 119. of 4004
the Revised Code shall issue to the owner a modified order 4005
rescinding the provisions of the order issued under division (D) 4006
of this section impounding the certificate of registration and 4007
license plates for the vehicle named in that original order: 4008

(1) Receipt from the director of environmental protection of 4009
a subsequent notice under rules adopted under section 3704.14 of 4010
the Revised Code that the owner has obtained the inspection 4011
certificate for the vehicle as required under those rules; 4012

(2) Presentation to the registrar by the owner of the 4013
required inspection certificate for the vehicle. 4014

(F) The owner of a motor vehicle for which the certificate of 4015
registration and license plates have been impounded pursuant to an 4016
order issued under division (D) of this section, upon issuance of 4017
a modified order under division (E) of this section, may apply to 4018
the registrar for their return. A fee of two dollars and fifty 4019
cents shall be charged for the return of the certificate of 4020
registration and license plates for each vehicle named in the 4021
application. 4022

Sec. 4503.41. (A) Any disabled veteran who, because of a 4023
service-connected disability, has been or is awarded funds for the 4024
purchase of a motor vehicle under the "Disabled Veterans' and 4025
Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 4026
U.S.C. 1901, and amendments thereto, and any disabled veteran 4027
having a service-connected disability rated at one hundred per 4028
cent by the veterans' administration, may apply to the registrar 4029
for the registration of the disabled veteran's personal motor 4030
vehicle ~~without the payment of.~~ Except as provided in division (C) 4031
of this section, a disabled veteran is not required to pay any 4032
registration fee and service fee as required by sections 4503.038, 4033
4503.04, 4503.10, and 4503.102, and 4503.103 of the Revised Code, 4034
~~and without the payment of~~ any local motor vehicle tax levied 4035
under Chapter 4504. of the Revised Code, or any fee charged under 4036
section 4503.19 of the Revised Code. The application for 4037
registration shall be accompanied by such documentary evidence of 4038
disability as the registrar may require by rule. 4039

(B) Upon the receipt of an application for registration of a 4040
motor vehicle under this section, and presentation of satisfactory 4041
evidence of disability, the registrar or deputy registrar shall 4042
issue to the applicant a set of license plates, which shall be 4043

red, white, and blue in color and shall, in addition to the 4044
letters and numbers ordinarily inscribed thereon, be inscribed 4045
with the word "veteran" and imprinted with the international 4046
wheelchair symbol. 4047

(C) A disabled veteran who is eligible to register a motor 4048
vehicle under this section may register as many vehicles as are 4049
titled and registered in that disabled veteran's name. For each 4050
additional registration after the first registration, the 4051
registrar or deputy registrar shall collect any applicable fee 4052
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 4053
4503.103, and 4503.19 of the Revised Code, and any local motor 4054
vehicle tax levied under Chapter 4504. of the Revised Code. 4055

Sec. 4504.10. Except as otherwise provided in this chapter, 4056
the levy of any excise, license, income, or property tax by the 4057
state or by any political subdivision thereof shall not be 4058
construed as preempting the power of a county to levy a county 4059
motor vehicle license tax pursuant to section 4504.02, 4504.15, 4060
4504.16, or 4504.24 of the Revised Code, of a township to levy a 4061
township motor vehicle license tax pursuant to ~~section~~ sections 4062
4504.18 and 4504.181 of the Revised Code, or of a municipal 4063
corporation to levy a municipal motor vehicle license tax pursuant 4064
to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4504.173 of 4065
the Revised Code. 4066

Sec. 4504.173. (A)(1) The legislative authority of a 4067
municipal corporation may levy an annual license tax upon the 4068
operation of motor vehicles on the public roads and highways in 4069
that municipal corporation for any authorized purpose. A tax 4070
levied under this section is in addition to the tax levied by 4071
sections 4503.02 and 4503.07 of the Revised Code and any other tax 4072
levied under this chapter. The tax shall be at the rate of five 4073
dollars per motor vehicle on all motor vehicles the district of 4074

<u>registration of which is located in the municipal corporation</u>	4075
<u>levying the tax, as defined in section 4503.10 of the Revised</u>	4076
<u>Code. The rate of the tax is in addition to the tax rates</u>	4077
<u>prescribed in sections 4503.04 and 4503.042 of the Revised Code</u>	4078
<u>and is subject to both of the following:</u>	4079
<u>(a) The reductions in the manner provided in section 4503.11</u>	4080
<u>of the Revised Code;</u>	4081
<u>(b) The exemptions provided in sections 4503.16, 4503.17,</u>	4082
<u>4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and</u>	4083
<u>4503.571 of the Revised Code.</u>	4084
<u>(2) As used in division (A)(1) of this section, "authorized</u>	4085
<u>purpose" means any of the following:</u>	4086
<u>(a) Paying the costs and expenses of enforcing and</u>	4087
<u>administering the tax provided for in this section;</u>	4088
<u>(b) Planning, constructing, improving, maintaining, and</u>	4089
<u>repairing public roads, highways, and streets;</u>	4090
<u>(c) Maintaining and repairing bridges and viaducts;</u>	4091
<u>(d) Paying the municipal corporation's portion of the costs</u>	4092
<u>and expenses of cooperating with the department of transportation</u>	4093
<u>in the planning, improvement, and construction of state highways;</u>	4094
<u>(e) Paying the municipal corporation's portion of the</u>	4095
<u>compensation, damages, costs, and expenses of planning,</u>	4096
<u>constructing, reconstructing, improving, maintaining, and</u>	4097
<u>repairing roads and streets;</u>	4098
<u>(f) Paying any costs apportioned to the municipal corporation</u>	4099
<u>under section 4907.47 of the Revised Code;</u>	4100
<u>(g) Paying debt service charges on notes or bonds of the</u>	4101
<u>municipal corporation issued for such purposes;</u>	4102
<u>(h) Purchasing, erecting, and maintaining street and traffic</u>	4103

<u>signs and markers;</u>	4104
<u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u>	4105
<u>(j) Supplementing revenue already available for the aforementioned purposes.</u>	4106
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal corporation.</u>	4107
<u>(2) An ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section is subject to a referendum as provided in sections 731.29 to 731.41 of the Revised Code or by the charter of the municipal corporation.</u>	4108
<u>(C) A municipal motor vehicle license tax levied under this section continues in effect until repealed.</u>	4109
<u>Sec. 4504.181. (A)(1) The board of township trustees of a township may, by resolution, levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the unincorporated territory of the township for any authorized purpose. A tax levied under this section is in addition to the tax levied by sections 4503.02 and 4503.07 of the Revised Code and any other tax levied under this chapter. The tax shall be at the rate of five dollars per motor vehicle on all motor vehicles the district of registration of which is located in the unincorporated area of the township levying the tax, as defined in section 4503.10 of the Revised Code. The rate of the tax is in addition to the tax rates prescribed in sections 4503.04 and 4503.042 of the Revised Code and is subject to both of the following:</u>	4110
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<u>(a) The reductions in the manner provided in section 4503.11</u>	4134
<u>of the Revised Code;</u>	4135
<u>(b) The exemptions provided in sections 4503.16, 4503.17,</u>	4136
<u>4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and</u>	4137
<u>4503.571 of the Revised Code.</u>	4138
<u>(2) As used in division (A)(1) of this section, "authorized</u>	4139
<u>purpose" means any of the following:</u>	4140
<u>(a) Paying the costs and expenses of enforcing and</u>	4141
<u>administering the tax provided for in this section;</u>	4142
<u>(b) Paying for construction, reconstruction, improvement,</u>	4143
<u>maintenance, and repair of township roads, bridges, and culverts;</u>	4144
<u>(c) Purchasing, erecting, and maintaining traffic signs,</u>	4145
<u>markers, lights, and signals;</u>	4146
<u>(d) Purchasing road machinery and equipment, and planning,</u>	4147
<u>constructing, and maintaining suitable buildings to house such</u>	4148
<u>equipment;</u>	4149
<u>(e) Paying any costs apportioned to the township under</u>	4150
<u>section 4907.47 of the Revised Code;</u>	4151
<u>(f) Supplementing revenue already available for the</u>	4152
<u>aforementioned purposes.</u>	4153
<u>(B) Prior to the adoption of any resolution under this</u>	4154
<u>section, the board of township trustees shall conduct two public</u>	4155
<u>hearings on the resolution, the second hearing to be not less than</u>	4156
<u>three but not more than ten days after the first hearing. The</u>	4157
<u>board shall provide notice of the date, time, and place of both</u>	4158
<u>hearings by publication in a newspaper of general circulation in</u>	4159
<u>the township, or as provided in section 7.16 of the Revised Code,</u>	4160
<u>once a week on the same day of the week for two consecutive weeks.</u>	4161
<u>The second publication shall be not less than ten but not more</u>	4162
<u>than thirty days prior to the first hearing.</u>	4163

(C) No resolution adopted under this section shall become effective sooner than thirty days following its adoption. A resolution under this section is subject to a referendum in the same manner, except as to the form of the petition, as provided in division (H) of section 519.12 of the Revised Code for a proposed amendment to a township zoning resolution. In addition, a petition under this section shall be governed by the rules specified in section 3501.38 of the Revised Code.

No resolution levying a tax under this section for which a referendum vote has been requested shall go into effect unless approved by a majority of those voting upon it.

(D) A township license tax levied under this section continues in effect until repealed.

Sec. 4504.201. No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.173, 4504.18, 4504.181, or 4504.24 of the Revised Code.

Sec. 4505.101. (A)(1) Any repair garage or place of storage in which a motor vehicle with a value of less than three thousand five hundred dollars has been left unclaimed for fifteen days or more following completion of the requested repair or the agreed term of storage shall send by certified mail, return receipt requested, to the last known address of any owner and any lienholder of the motor vehicle a notice to remove the motor vehicle. In order to identify any owner or lienholder, prior to sending a notice, the repair garage or place of storage shall cause a search to be made of the records of the bureau of motor vehicles. Any notice to a lienholder shall state where the motor

vehicle is located and the value of the vehicle. If the person who 4194
requested the repair or who agreed to the storage of the motor 4195
vehicle is not the owner or a lienholder of the motor vehicle as 4196
indicated in the records of the bureau, the repair garage or place 4197
of storage also shall notify the sheriff of the county or the 4198
police department of the municipal corporation, township, port 4199
authority, or township or joint police district in which the 4200
repair garage or place of storage is located that the repair 4201
garage or place of storage is in possession of the vehicle. 4202

(2) The repair garage or place of storage may obtain a 4203
certificate of title to the motor vehicle if all of the following 4204
apply: 4205

(a) The motor vehicle remains unclaimed by any owner or 4206
lienholder of the vehicle for fifteen days after the mailing of 4207
all required notices. 4208

(b) For each notice, the repair garage or place of storage 4209
has either received the signed receipt from the certified mail or 4210
has been notified that the delivery was not possible. Unless the 4211
lienholder claims the motor vehicle within fifteen days from the 4212
mailing of the notice, the lienholder's lien is invalid. 4213

(c) An agent of the repair garage or place of storage that 4214
mailed the notice executes an affidavit, in a form established by 4215
the registrar of motor vehicles by rule, affirming that all of the 4216
requirements of this section necessary to authorize the issuance 4217
of a certificate of title for the motor vehicle have been met. The 4218
affidavit shall set forth an itemized statement of the value of 4219
the motor vehicle; the length of time that the motor vehicle has 4220
remained unclaimed; that a notice to remove the vehicle has been 4221
mailed to any titled owner or lienholder by certified mail, return 4222
receipt requested; and that a search of the records of the bureau 4223
of motor vehicles has been made in accordance with division (A)(1) 4224

of this section. 4225

(B) A towing service or storage facility that is in 4226
possession of a vehicle may obtain a certificate of title to the 4227
vehicle as provided in division (C) of this section if all of the 4228
following apply: 4229

(1) The vehicle was towed under division (B) of section 4230
4513.601 of the Revised Code. 4231

(2) The vehicle has a value of less than three thousand five 4232
hundred dollars. 4233

(3) The vehicle has been left unclaimed for sixty days after 4234
the date the earliest notice required by division (F)(1) of 4235
section 4513.601 of the Revised Code is received, as evidenced by 4236
a receipt signed by any person, or the towing service or storage 4237
facility has been notified that the delivery was not possible. 4238

(4) An agent of the towing service or storage facility 4239
executes an affidavit, in a form established by the registrar of 4240
motor vehicles by rule, affirming that all of the requirements of 4241
this section necessary to authorize the issuance of a certificate 4242
of title for the motor vehicle have been met. The affidavit shall 4243
set forth an itemized statement of the value of the motor vehicle; 4244
that notices to remove the vehicle have been mailed to the owner 4245
and any lienholder as required under division (F) of section 4246
4513.601 of the Revised Code; the length of time that the motor 4247
vehicle has remained unclaimed after the date the earliest notice 4248
required under division (F) of section 4513.601 of the Revised 4249
Code was received or the towing service or storage facility was 4250
notified that delivery was not possible; and that a search of the 4251
records of the bureau of motor vehicles has been made for 4252
outstanding liens on the motor vehicle. 4253

(C)(1) The clerk of courts shall issue a certificate of 4254
title, free and clear of all liens and encumbrances as follows: 4255

(a) To a repair garage or place of storage that presents an affidavit that complies with all of the requirements of division (A) of this section;

(b) To a towing service or storage facility that presents an affidavit in compliance with division (B) of this section.

(2) A repair garage or place of storage may use the process established under division (A) of this section in order to take title to a motor vehicle even if the person who requested the repair or who agreed to the storage of the motor vehicle is not the owner or a lienholder of the motor vehicle as indicated in the records of the bureau of motor vehicles.

(3) Upon receipt of the certificate of title, a repair garage or place of storage, or a towing service or storage facility, shall pay to the clerk of courts the value of the motor vehicle minus both of the following:

(a) If the motor vehicle was towed by the party seeking title to the motor vehicle under this section, a towing fee;

(b) Storage fees for the period of time the vehicle was stored without payment.

The clerk of courts shall deposit any money received under this section into the county general fund.

(D) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

(E) As used in this section:

(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.

(2) "Towing service or storage facility" means any for-hire

motor carrier that removes a motor vehicle under the authority of 4286
section 4513.601 of the Revised Code and any place to which such a 4287
for-hire motor carrier delivers a motor vehicle towed under that 4288
section. 4289

(3) "Value" means the wholesale value for that make and model 4290
of motor vehicle at the time an affidavit is submitted under 4291
division (C) of this section, as provided in a vehicle valuation 4292
guide that is generally available and recognized by the motor 4293
vehicle industry, minus both of the following: 4294

(a) The estimated cost of repairs to restore the motor 4295
vehicle to the wholesale value for that make and model of motor 4296
vehicle; 4297

(b) The cost of any agreed-upon repairs. 4298

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4299
approval by the director of public safety, shall adopt rules 4300
conforming with applicable standards adopted by the federal motor 4301
carrier safety administration as regulations under Pub. L. No. 4302
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4303
31317. The rules shall establish requirements for the 4304
qualification and testing of persons applying for a commercial 4305
driver's license, which are in addition to other requirements 4306
established by this chapter. Except as provided in division (B) of 4307
this section, the highway patrol or any other employee of the 4308
department of public safety the registrar authorizes shall 4309
supervise and conduct the testing of persons applying for a 4310
commercial driver's license. 4311

(B) The director may adopt rules, in accordance with Chapter 4312
119. of the Revised Code and applicable requirements of the 4313
federal motor carrier safety administration, authorizing the 4314
skills test specified in this section to be administered by any 4315
person, by an agency of this or another state, or by an agency, 4316

department, or instrumentality of local government. Each party 4317
authorized under this division to administer the skills test may 4318
charge a ~~maximum divisible~~ reasonable and competitively priced fee 4319
~~of eighty five dollars~~ for each skills test given as part of a 4320
commercial driver's license examination. The reasonable and 4321
competitively priced fee shall ~~consist of not more than twenty~~ 4322
~~dollars for~~ include the cost of the pre-trip inspection portion of 4323
the test, ~~not more than twenty dollars for~~ the off-road 4324
maneuvering portion of the test, and ~~not more than forty five~~ 4325
~~dollars for~~ the on-road portion of the test. Each such party may 4326
require an appointment fee in the same manner provided in division 4327
(E)(2) of this section, except that ~~the maximum amount~~ such a 4328
party may require ~~as~~ an appointment fee that is ~~eighty five~~ 4329
~~dollars different from the fee specified in that division,~~ 4330
provided that it is reasonable and competitively priced. The 4331
skills test administered by another party under this division 4332
shall be the same as otherwise would be administered by this 4333
state. The other party shall enter into an agreement with the 4334
director that, without limitation, does all of the following: 4335

(1) Allows the director or the director's representative and 4336
the federal motor carrier safety administration or its 4337
representative to conduct random examinations, inspections, and 4338
audits of the other party, whether covert or overt, without prior 4339
notice; 4340

(2) Requires the director or the director's representative to 4341
conduct on-site inspections of the other party at least annually; 4342

(3) Requires that all examiners of the other party meet the 4343
same qualification and training standards as examiners of the 4344
department of public safety, including criminal background checks, 4345
to the extent necessary to conduct skills tests in the manner 4346
required by 49 C.F.R. 383.110 through 383.135. In accordance with 4347
federal guidelines, any examiner employed on ~~the effective date of~~ 4348

~~this amendment~~ July 1, 2017, shall have a criminal background 4349
check conducted at least once, and any examiner hired after July 4350
1, 2015, shall have a criminal background check conducted after 4351
the examiner is initially hired. 4352

(4) Requires either that state employees take, at least 4353
annually and as though the employees were test applicants, the 4354
tests actually administered by the other party, that the director 4355
test a sample of drivers who were examined by the other party to 4356
compare the test results, or that state employees accompany a test 4357
applicant during an actual test; 4358

(5) Unless the other party is a governmental entity, requires 4359
the other party to initiate and maintain a bond in an amount 4360
determined by the director to sufficiently pay for the retesting 4361
of drivers in the event that the other party or its skills test 4362
examiners are involved in fraudulent activities related to skills 4363
testing; 4364

(6) Requires the other party to use only skills test 4365
examiners who have successfully completed a commercial driver's 4366
license examiner training course as prescribed by the director, 4367
and have been certified by the state as a commercial driver's 4368
license skills test examiner qualified to administer skills tests; 4369

(7) Requires the other party to use designated road test 4370
routes that have been approved by the director; 4371

(8) Requires the other party to submit a schedule of skills 4372
test appointments to the director not later than two business days 4373
prior to each skills test; 4374

(9) Requires the other party to maintain copies of the 4375
following records at its principal place of business: 4376

(a) The other party's commercial driver's license skills 4377
testing program certificate; 4378

(b) Each skills test examiner's certificate of authorization	4379
to administer skills tests for the classes and types of commercial	4380
motor vehicles listed in the certificate;	4381
(c) Each completed skills test scoring sheet for the current	4382
calendar year as well as the prior two calendar years;	4383
(d) A complete list of the test routes that have been	4384
approved by the director;	4385
(e) A complete and accurate copy of each examiner's training	4386
record.	4387
(10) If the other party also is a driver training school,	4388
prohibits its skills test examiners from administering skills	4389
tests to applicants that the examiner personally trained;	4390
(11) Requires each skills test examiner to administer a	4391
complete skills test to a minimum of thirty-two different	4392
individuals per calendar year;	4393
(12) Reserves to this state the right to take prompt and	4394
appropriate remedial action against the other party and its skills	4395
test examiners if the other party or its skills test examiners	4396
fail to comply with standards of this state or federal standards	4397
for the testing program or with any other terms of the contract.	4398
(C) The director shall enter into an agreement with the	4399
department of education authorizing the skills test specified in	4400
this section to be administered by the department at any location	4401
operated by the department for purposes of training and testing	4402
school bus drivers, provided that the agreement between the	4403
director and the department complies with the requirements of	4404
division (B) of this section. Skills tests administered by the	4405
department shall be limited to persons applying for a commercial	4406
driver's license with a school bus endorsement.	4407
(D)(1) The director shall adopt rules, in accordance with	4408

Chapter 119. of the Revised Code, authorizing waiver of the skills 4409
test specified in this section for any applicant for a commercial 4410
driver's license who meets all of the following requirements: 4411

(a) As authorized under 49 C.F.R. 383.3(c), the applicant 4412
operates a commercial motor vehicle for military purposes and is 4413
one of the following: 4414

(i) Active duty military personnel; 4415

(ii) A member of the military reserves; 4416

(iii) A member of the national guard on active duty, 4417
including full-time national guard duty, part-time national guard 4418
training, and national guard military technicians; 4419

(iv) Active duty U.S. coast guard personnel. 4420

(b) The applicant certifies that, during the two-year period 4421
immediately preceding application for a commercial driver's 4422
license, all of the following apply: 4423

(i) The applicant has not had more than one license, 4424
excluding any military license. 4425

(ii) The applicant has not had any license suspended, 4426
revoked, or canceled. 4427

(iii) The applicant has not had any convictions for any type 4428
of motor vehicle for the offenses for which disqualification is 4429
prescribed in section 4506.16 of the Revised Code. 4430

(iv) The applicant has not had more than one conviction for 4431
any type of motor vehicle for a serious traffic violation. 4432

(v) The applicant has not had any violation of a state or 4433
local law relating to motor vehicle traffic control other than a 4434
parking violation arising in connection with any traffic accident 4435
and has no record of an accident in which the applicant was at 4436
fault. 4437

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

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

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

(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.

(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 4469
specified for the appointment and takes all portions of the skills 4470
test during that appointment, the appointment fee serves as the 4471
skills test fee. If the applicant schedules an appointment to take 4472
all portions of the skills test and fails to appear at the time 4473
and location specified for the appointment, the director shall not 4474
refund any portion of the appointment fee. If the applicant 4475
schedules an appointment to take all portions of the skills test 4476
and appears at the time and location specified for the 4477
appointment, but declines or is unable to take all portions of the 4478
skills test, the director shall not refund any portion of the 4479
appointment fee. If the applicant cancels a scheduled appointment 4480
forty-eight hours or more prior to the time of the appointment 4481
time, the applicant shall not forfeit the appointment fee. 4482

An applicant for a commercial driver's license who schedules 4483
an appointment to take one or more, but not all, portions of the 4484
skills test is required to pay an appointment fee equal to the 4485
costs of each test scheduled, as prescribed in division (E)(1) of 4486
this section, when scheduling such an appointment. If the 4487
applicant appears at the time and location specified for the 4488
appointment and takes all the portions of the skills test during 4489
that appointment that the applicant was scheduled to take, the 4490
appointment fee serves as the skills test fee. If the applicant 4491
schedules an appointment to take one or more, but not all, 4492
portions of the skills test and fails to appear at the time and 4493
location specified for the appointment, the director shall not 4494
refund any portion of the appointment fee. If the applicant 4495
schedules an appointment to take one or more, but not all, 4496
portions of the skills test and appears at the time and location 4497
specified for the appointment, but declines or is unable to take 4498
all portions of the skills test that the applicant was scheduled 4499
to take, the director shall not refund any portion of the 4500
appointment fee. If the applicant cancels a scheduled appointment 4501

forty-eight hours or more prior to the time of the appointment 4502
time, the applicant shall not forfeit the appointment fee. 4503

(3) The department of public safety shall deposit all fees it 4504
collects under division (E) of this section in the public safety - 4505
highway purposes fund established in section 4501.06 of the 4506
Revised Code. 4507

(F) A person who has successfully completed commercial 4508
driver's license training in this state but seeks a commercial 4509
driver's license in another state where the person is domiciled 4510
may schedule an appointment to take the skills test in this state 4511
and shall pay the appropriate appointment fee. Upon the person's 4512
completion of the skills test, this state shall electronically 4513
transmit the applicant's results to the state where the person is 4514
domiciled. If a person who is domiciled in this state takes a 4515
skills test in another state, this state shall accept the results 4516
of the skills test from the other state. If the person passed the 4517
other state's skills test and meets all of the other licensing 4518
requirements set forth in this chapter and rules adopted under 4519
this chapter, the registrar of motor vehicles or a deputy 4520
registrar shall issue a commercial driver's license to that 4521
person. 4522

(G) Unless otherwise specified, the director or the 4523
director's representative shall conduct the examinations, 4524
inspections, audits, and test monitoring set forth in divisions 4525
(B)(2),(3), and (4) of this section at least annually. If the 4526
other party or any of its skills test examiners fail to comply 4527
with state or federal standards for the skills testing program, 4528
the director or the director's representative shall take prompt 4529
and appropriate remedial action against the party and its skills 4530
test examiners. Remedial action may include termination of the 4531
agreement or revocation of a skills test examiner's certification. 4532

(H) As used in this section, "skills test" means a test of an 4533

applicant's ability to drive the type of commercial motor vehicle 4534
for which the applicant seeks a commercial driver's license by 4535
having the applicant drive such a motor vehicle while under the 4536
supervision of an authorized state driver's license examiner or 4537
tester. 4538

Sec. 4506.11. (A) Every commercial driver's license shall be 4539
marked "commercial driver's license" or "CDL" and shall be of such 4540
material and so designed as to prevent its reproduction or 4541
alteration without ready detection, ~~and, to this end, shall be~~ 4542
~~laminated with a transparent plastic material.~~ The commercial 4543
driver's license for licensees under twenty-one years of age shall 4544
have characteristics prescribed by the registrar of motor vehicles 4545
distinguishing it from that issued to a licensee who is twenty-one 4546
years of age or older. Every commercial driver's license shall 4547
display all of the following information: 4548

(1) The name and residence address of the licensee; 4549

(2) A color photograph of the licensee showing the licensee's 4550
uncovered face; 4551

(3) A physical description of the licensee, including sex, 4552
height, weight, and color of eyes and hair; 4553

(4) The licensee's date of birth; 4554

(5) The licensee's social security number if the person has 4555
requested that the number be displayed in accordance with section 4556
4501.31 of the Revised Code or if federal law requires the social 4557
security number to be displayed and any number or other identifier 4558
the director of public safety considers appropriate and 4559
establishes by rules adopted under Chapter 119. of the Revised 4560
Code and in compliance with federal law; 4561

(6) The licensee's signature; 4562

(7) The classes of commercial motor vehicles the licensee is 4563

authorized to drive and any endorsements or restrictions relating 4564
to the licensee's driving of those vehicles; 4565

(8) The name of this state; 4566

(9) The dates of issuance and of expiration of the license; 4567

(10) If the licensee has certified willingness to make an 4568
anatomical gift under section 2108.05 of the Revised Code, any 4569
symbol chosen by the registrar of motor vehicles to indicate that 4570
the licensee has certified that willingness; 4571

(11) If the licensee has executed a durable power of attorney 4572
for health care or a declaration governing the use or 4573
continuation, or the withholding or withdrawal, of life-sustaining 4574
treatment and has specified that the licensee wishes the license 4575
to indicate that the licensee has executed either type of 4576
instrument, any symbol chosen by the registrar to indicate that 4577
the licensee has executed either type of instrument; 4578

(12) On and after October 7, 2009, if the licensee has 4579
specified that the licensee wishes the license to indicate that 4580
the licensee is a veteran, active duty, or reservist of the armed 4581
forces of the United States and has presented a copy of the 4582
licensee's DD-214 form or an equivalent document, any symbol 4583
chosen by the registrar to indicate that the licensee is a 4584
veteran, active duty, or reservist of the armed forces of the 4585
United States; 4586

(13) Any other information the registrar considers advisable 4587
and requires by rule. 4588

(B) The registrar may establish and maintain a file of 4589
negatives of photographs taken for the purposes of this section. 4590

(C) Neither the registrar nor any deputy registrar shall 4591
issue a commercial driver's license to anyone under twenty-one 4592
years of age that does not have the characteristics prescribed by 4593

the registrar distinguishing it from the commercial driver's 4594
license issued to persons who are twenty-one years of age or 4595
older. 4596

(D) Whoever violates division (C) of this section is guilty 4597
of a minor misdemeanor. 4598

Sec. 4506.17. (A) ~~Any person who holds a commercial driver's~~ 4599
~~license or commercial driver's license temporary instruction~~ 4600
~~permit, or who operates a commercial motor vehicle requiring a~~ 4601
~~commercial driver's license or permit within this state, shall be~~ 4602
Both of the following are deemed to have given consent to a test 4603
or tests of the person's whole blood, blood serum or plasma, 4604
breath, or urine for the purpose of determining the person's 4605
alcohol concentration or the presence of any controlled substance 4606
or a metabolite of a controlled substance: 4607

(1) A person while operating a commercial motor vehicle that 4608
requires a commercial driver's license or commercial driver's 4609
license temporary instruction permit; 4610

(2) A person who holds a commercial driver's license or 4611
commercial driver's license temporary instruction permit while 4612
operating a motor vehicle, including a commercial motor vehicle. 4613

(B) A test or tests as provided in division (A) of this 4614
section may be administered at the direction of a peace officer 4615
having reasonable ground to stop or detain the person and, after 4616
investigating the circumstances surrounding the operation of the 4617
~~commercial~~ motor vehicle, also having reasonable ground to believe 4618
the person was driving the ~~commercial~~ motor vehicle while having a 4619
measurable or detectable amount of alcohol or of a controlled 4620
substance or a metabolite of a controlled substance in the 4621
person's whole blood, blood serum or plasma, breath, or urine. Any 4622
such test shall be given within two hours of the time of the 4623
alleged violation. 4624

(C) A person requested by a peace officer to submit to a test 4625
under division (A) of this section shall be advised by the peace 4626
officer that a refusal to submit to the test will result in the 4627
person immediately being placed out-of-service for a period of 4628
twenty-four hours and being disqualified from operating a 4629
commercial motor vehicle for a period of not less than one year, 4630
and that the person is required to surrender the person's 4631
commercial driver's license or permit to the peace officer. 4632

(D) If a person refuses to submit to a test after being 4633
warned as provided in division (C) of this section or submits to a 4634
test that discloses the presence of an amount of alcohol or a 4635
controlled substance prohibited by divisions (A)(1) to (5) of 4636
section 4506.15 of the Revised Code or a metabolite of a 4637
controlled substance, the person immediately shall surrender the 4638
person's commercial driver's license or permit to the peace 4639
officer. The peace officer shall forward the license or permit, 4640
together with a sworn report, to the registrar of motor vehicles 4641
certifying that the test was requested pursuant to division (A) of 4642
this section and that the person either refused to submit to 4643
testing or submitted to a test that disclosed the presence of one 4644
of the prohibited concentrations of a substance listed in 4645
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 4646
a metabolite of a controlled substance. The form and contents of 4647
the report required by this section shall be established by the 4648
registrar by rule, but shall contain the advice to be read to the 4649
driver and a statement to be signed by the driver acknowledging 4650
that the driver has been read the advice and that the form was 4651
shown to the driver. 4652

(E) Upon receipt of a sworn report from a peace officer as 4653
provided in division (D) of this section, or upon receipt of 4654
notification that a person has been disqualified under a similar 4655
law of another state or foreign jurisdiction, the registrar shall 4656

disqualify the person named in the report from driving a 4657
commercial motor vehicle for the period described below: 4658

(1) Upon a first incident, one year; 4659

(2) Upon an incident of refusal or of a prohibited 4660
concentration of alcohol, a controlled substance, or a metabolite 4661
of a controlled substance after one or more previous incidents of 4662
either refusal or of a prohibited concentration of alcohol, a 4663
controlled substance, or a metabolite of a controlled substance, 4664
the person shall be disqualified for life or such lesser period as 4665
prescribed by rule by the registrar. 4666

(F) A test of a person's whole blood or a person's blood 4667
serum or plasma given under this section shall comply with the 4668
applicable provisions of division (D) of section 4511.19 of the 4669
Revised Code and any physician, registered nurse, emergency 4670
medical technician-intermediate, emergency medical 4671
technician-paramedic, or qualified technician, chemist, or 4672
phlebotomist who withdraws whole blood or blood serum or plasma 4673
from a person under this section, and any hospital, first-aid 4674
station, clinic, or other facility at which whole blood or blood 4675
serum or plasma is withdrawn from a person pursuant to this 4676
section, is immune from criminal liability, and from civil 4677
liability that is based upon a claim of assault and battery or 4678
based upon any other claim of malpractice, for any act performed 4679
in withdrawing whole blood or blood serum or plasma from the 4680
person. The immunity provided in this division also extends to an 4681
emergency medical service organization that employs an emergency 4682
medical technician-intermediate or emergency medical 4683
technician-paramedic who withdraws blood under this section. 4684

(G) When a person submits to a test under this section, the 4685
results of the test, at the person's request, shall be made 4686
available to the person, the person's attorney, or the person's 4687
agent, immediately upon completion of the chemical test analysis. 4688

The person also may have an additional test administered by a 4689
physician, a registered nurse, or a qualified technician, chemist, 4690
or phlebotomist of the person's own choosing as provided in 4691
division (D) of section 4511.19 of the Revised Code for tests 4692
administered under that section, and the failure to obtain such a 4693
test has the same effect as in that division. 4694

(H) No person shall refuse to immediately surrender the 4695
person's commercial driver's license or permit to a peace officer 4696
when required to do so by this section. 4697

(I) A peace officer issuing an out-of-service order or 4698
receiving a commercial driver's license or permit surrendered 4699
under this section may remove or arrange for the removal of any 4700
commercial motor vehicle affected by the issuance of that order or 4701
the surrender of that license. 4702

(J)(1) Except for civil actions arising out of the operation 4703
of a motor vehicle and civil actions in which the state is a 4704
plaintiff, no peace officer of any law enforcement agency within 4705
this state is liable in compensatory damages in any civil action 4706
that arises under the Revised Code or common law of this state for 4707
an injury, death, or loss to person or property caused in the 4708
performance of official duties under this section and rules 4709
adopted under this section, unless the officer's actions were 4710
manifestly outside the scope of the officer's employment or 4711
official responsibilities, or unless the officer acted with 4712
malicious purpose, in bad faith, or in a wanton or reckless 4713
manner. 4714

(2) Except for civil actions that arise out of the operation 4715
of a motor vehicle and civil actions in which the state is a 4716
plaintiff, no peace officer of any law enforcement agency within 4717
this state is liable in punitive or exemplary damages in any civil 4718
action that arises under the Revised Code or common law of this 4719
state for any injury, death, or loss to person or property caused 4720

in the performance of official duties under this section of the 4721
Revised Code and rules adopted under this section, unless the 4722
officer's actions were manifestly outside the scope of the 4723
officer's employment or official responsibilities, or unless the 4724
officer acted with malicious purpose, in bad faith, or in a wanton 4725
or reckless manner. 4726

(K) When disqualifying a driver, the registrar shall cause 4727
the records of the bureau of motor vehicles to be updated to 4728
reflect the disqualification within ten days after it occurs. 4729

(L) The registrar immediately shall notify a driver who is 4730
subject to disqualification of the disqualification, of the length 4731
of the disqualification, and that the driver may request a hearing 4732
within thirty days of the mailing of the notice to show cause why 4733
the driver should not be disqualified from operating a commercial 4734
motor vehicle. If a request for such a hearing is not made within 4735
thirty days of the mailing of the notice, the order of 4736
disqualification is final. The registrar may designate hearing 4737
examiners who, after affording all parties reasonable notice, 4738
shall conduct a hearing to determine whether the disqualification 4739
order is supported by reliable evidence. The registrar shall adopt 4740
rules to implement this division. 4741

(M) Any person who is disqualified from operating a 4742
commercial motor vehicle under this section may apply to the 4743
registrar for a driver's license to operate a motor vehicle other 4744
than a commercial motor vehicle, provided the person's commercial 4745
driver's license or permit is not otherwise suspended. A person 4746
whose commercial driver's license or permit is suspended shall not 4747
apply to the registrar for or receive a driver's license under 4748
Chapter 4507. of the Revised Code during the period of suspension. 4749

(N) Whoever violates division (H) of this section is guilty 4750
of a misdemeanor of the first degree. 4751

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

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a

motorized bicycle including a "probationary motorized bicycle
license." 4782
4783

"Probationary motorized bicycle license" means the license 4784
issued under section 4511.521 of the Revised Code to any person 4785
between fourteen and sixteen years of age to operate a motorized 4786
bicycle. 4787

"Identification card" means a card issued under sections 4788
4507.50 and 4507.51 of the Revised Code. 4789

"Resident" means a person who, in accordance with standards 4790
prescribed in rules adopted by the registrar, resides in this 4791
state on a permanent basis. 4792

"Temporary resident" means a person who, in accordance with 4793
standards prescribed in rules adopted by the registrar, resides in 4794
this state on a temporary basis. 4795

(B) In the administration of this chapter and Chapter 4506. 4796
of the Revised Code, the registrar has the same authority as is 4797
conferred on the registrar by section 4501.02 of the Revised Code. 4798
Any act of an authorized deputy registrar of motor vehicles under 4799
direction of the registrar is deemed the act of the registrar. 4800

To carry out this chapter, the registrar shall appoint such 4801
deputy registrars in each county as are necessary. 4802

The registrar also shall provide at each place where an 4803
application for a driver's or commercial driver's license or 4804
identification card may be made the necessary equipment to take a 4805
color photograph of the applicant for such license or card as 4806
required under section 4506.11 or 4507.06 of the Revised Code, and 4807
to conduct the vision screenings required by section 4507.12 of 4808
the Revised Code, ~~and equipment to laminate licenses, motorized 4809
bicycle licenses, and identification cards as required by sections 4810
4507.13, 4507.52, and 4511.521 of the Revised Code. 4811~~

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

~~(E) The registrar shall periodically solicit bids and enter into a contract for the provision of laminating equipment and laminating materials to the registrar and all deputy registrars. The registrar shall not consider any bid that does not provide for the supplying of both laminating equipment and laminating materials. The laminating materials selected shall contain a security feature so that any tampering with the laminating material covering a license or identification card is readily apparent. In soliciting bids and entering into a contract for the~~

~~provision of laminating equipment and laminating materials, the~~ 4844
~~registrar shall observe all procedures required by law.~~ 4845

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 4846
issue a driver's license to every person licensed as an operator 4847
of motor vehicles other than commercial motor vehicles. No person 4848
licensed as a commercial motor vehicle driver under Chapter 4506. 4849
of the Revised Code need procure a driver's license, but no person 4850
shall drive any commercial motor vehicle unless licensed as a 4851
commercial motor vehicle driver. 4852

(2) Every driver's license shall display ~~on it the~~ all of the 4853
following information: 4854

(a) ~~The~~ distinguishing number assigned to the licensee ~~and~~ 4855
~~shall display the.~~ 4856

(b) ~~The~~ licensee's name and date of birth; ~~the~~ 4857

(c) ~~The~~ licensee's residence address and county of residence; 4858
a 4859

(d) ~~A~~ color photograph of the licensee; ~~a~~ 4860

(e) ~~A~~ brief description of the licensee for the purpose of 4861
identification; ~~a~~ 4862

(f) ~~A~~ facsimile of the signature of the licensee as it 4863
appears on the application for the license; ~~a~~ 4864

(g) ~~A~~ notation, in a manner prescribed by the registrar, 4865
indicating any condition described in division (D)(3) of section 4866
4507.08 of the Revised Code to which the licensee is subject; ~~if~~ 4867

(h) ~~If~~ the licensee has executed a durable power of attorney 4868
for health care or a declaration governing the use or 4869
continuation, or the withholding or withdrawal, of life-sustaining 4870
treatment and has specified that the licensee wishes the license 4871
to indicate that the licensee has executed either type of 4872

instrument, any symbol chosen by the registrar to indicate that 4873
the licensee has executed either type of instrument; ~~on and after~~ 4874
~~October 7, 2009, if~~ 4875

(i) If the licensee has specified that the licensee wishes 4876
the license to indicate that the licensee is a veteran, active 4877
duty, or reservist of the armed forces of the United States and 4878
has presented a copy of the licensee's DD-214 form or an 4879
equivalent document, any symbol chosen by the registrar to 4880
indicate that the licensee is a veteran, active duty, or reservist 4881
of the armed forces of the United States; ~~and any~~ 4882

(j) Any additional information that the registrar requires by 4883
rule. 4884

(3) No license shall display the licensee's social security 4885
number unless the licensee specifically requests that the 4886
licensee's social security number be displayed on the license. If 4887
federal law requires the licensee's social security number to be 4888
displayed on the license, the social security number shall be 4889
displayed on the license notwithstanding this section. 4890

(4) The driver's license for licensees under twenty-one years 4891
of age shall have characteristics prescribed by the registrar 4892
distinguishing it from that issued to a licensee who is twenty-one 4893
years of age or older, except that a driver's license issued to a 4894
person who applies no more than thirty days before the applicant's 4895
twenty-first birthday shall have the characteristics of a license 4896
issued to a person who is twenty-one years of age or older. 4897

(5) The driver's license issued to a temporary resident shall 4898
contain the word "nonrenewable" and shall have any additional 4899
characteristics prescribed by the registrar distinguishing it from 4900
a license issued to a resident. 4901

(6) Every driver's or commercial driver's license displaying 4902
a motorcycle operator's endorsement and every restricted license 4903

to operate a motor vehicle also shall display the designation 4904
"novice," if the endorsement or license is issued to a person who 4905
is eighteen years of age or older and previously has not been 4906
licensed to operate a motorcycle by this state or another 4907
jurisdiction recognized by this state. The "novice" designation 4908
shall be effective for one year after the date of issuance of the 4909
motorcycle operator's endorsement or license. 4910

(7) Each license issued under this section shall be of such 4911
material and so designed as to prevent its reproduction or 4912
alteration without ready detection ~~and, to this end, shall be~~ 4913
~~laminated with a transparent plastic material.~~ 4914

(B) Except in regard to a driver's license issued to a person 4915
who applies no more than thirty days before the applicant's 4916
twenty-first birthday, neither the registrar nor any deputy 4917
registrar shall issue a driver's license to anyone under 4918
twenty-one years of age that does not have the characteristics 4919
prescribed by the registrar distinguishing it from the driver's 4920
license issued to persons who are twenty-one years of age or 4921
older. 4922

(C) Whoever violates division (B) of this section is guilty 4923
of a minor misdemeanor. 4924

Sec. 4507.18. (A) The registrar of motor vehicles shall 4925
permit all of the following to renew a driver's license or 4926
motorcycle operator's endorsement issued by this state by 4927
electronic means: 4928

(1) Any person who is on active duty in the armed forces of 4929
the United States who is stationed outside of this state; 4930

(2) The spouse of a person described in division (A)(1) of 4931
this section who is also outside of this state; 4932

(3) The dependents of a person described in division (A)(1) 4933

of this section who are also outside of this state. 4934

(B) The registrar shall require all of the following: 4935

(1) That the applicant provide a digital copy of the 4936
applicant's military identification card or military dependent 4937
identification card; 4938

(2) That any spouse or dependent applicant provide a digital 4939
copy of a form provided by the registrar demonstrating that the 4940
applicant received and passed a vision examination in accordance 4941
with the vision requirements under section 4507.12 of the Revised 4942
Code; 4943

(3) That the applicant provide a digital copy of a current 4944
two inch by two inch color passport quality photograph with a 4945
white background to be used as the applicant's new driver's 4946
license or motorcycle operator's endorsement photograph; 4947

(4) That the applicant provide a digital copy of any 4948
identification documents and supporting documents as required by 4949
statute or administrative rule to comply with current state and 4950
federal requirements. 4951

(C) The registrar shall make it possible for applicants to 4952
upload and send by electronic means all required copies of 4953
supporting documents and photographs for a driver's license or 4954
motorcycle operator's endorsement renewal under this section. 4955

(D)(1) This section does not impact a person's ability to use 4956
the exemption from the license requirements available under 4957
division (B) of section 4507.03 of the Revised Code. 4958

(2) This section does not prevent a person who is permitted 4959
to renew a driver's license or motorcycle operator's endorsement 4960
by electronic means under this section from making an application, 4961
as provided in section 4507.10 of the Revised Code, in person at a 4962
deputy registrar office. 4963

(E) The registrar shall adopt rules under Chapter 119. of the 4964
Revised Code to implement and administer this section. 4965

Sec. 4507.23. (A) Except as provided in division (I) of this 4966
section, each application for a temporary instruction permit and 4967
examination shall be accompanied by a fee of five dollars. 4968

(B) Except as provided in division (I) of this section, each 4969
application for a driver's license made by a person who previously 4970
held such a license and whose license has expired not more than 4971
two years prior to the date of application, and who is required 4972
under this chapter to give an actual demonstration of the person's 4973
ability to drive, shall be accompanied by a fee of three dollars 4974
in addition to any other fees. 4975

(C)(1) Except as provided in divisions (E) and (I) of this 4976
section, each application for a driver's license, or motorcycle 4977
operator's endorsement, or renewal of a driver's license shall be 4978
accompanied by a fee of six dollars. 4979

(2) Except as provided in division (I) of this section, each 4980
application for a duplicate driver's license shall be accompanied 4981
by a fee of seven dollars and fifty cents. The duplicate driver's 4982
licenses issued under this section shall be distributed by the 4983
deputy registrar in accordance with rules adopted by the registrar 4984
of motor vehicles. 4985

(D) Except as provided in division (I) of this section, each 4986
application for a motorized bicycle license or duplicate thereof 4987
shall be accompanied by a fee of two dollars and fifty cents. 4988

(E) Except as provided in division (I) of this section, each 4989
application for a driver's license or renewal of a driver's 4990
license that will be issued to a person who is less than 4991
twenty-one years of age shall be accompanied by whichever of the 4992
following fees is applicable: 4993

(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 the authentication of the documents required for processing~~ 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 that authenticates the required documents for~~ 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.~~

(G) Except as provided in division (I) of this section, each transaction described in divisions (A), (B), (C), (D), and (E) of

this section shall be accompanied by an additional fee of twelve 5025
dollars. The additional fee is for the purpose of defraying the 5026
department of public safety's costs associated with the 5027
administration and enforcement of the motor vehicle and traffic 5028
laws of Ohio. 5029

(H) At the time and in the manner provided by section 4503.10 5030
of the Revised Code, the deputy registrar shall transmit the fees 5031
collected under divisions (A), (B), (C), (D), and (E), those 5032
portions of the fees specified in and collected under division 5033
(F), and the additional fee under division (G) of this section to 5034
the registrar. The registrar shall deposit the fees into the 5035
public safety - highway purposes fund established in section 5036
4501.06 of the Revised Code. 5037

(I) A disabled veteran who has a service-connected disability 5038
rated at one hundred per cent by the veterans' administration may 5039
apply to the registrar or a deputy registrar for the issuance to 5040
that veteran, without the payment of any fee prescribed in this 5041
section, of any of the following items: 5042

(1) A temporary instruction permit and examination; 5043

(2) A new, renewal, or duplicate driver's or commercial 5044
driver's license; 5045

(3) A motorcycle operator's endorsement; 5046

(4) A motorized bicycle license or duplicate thereof; 5047

(5) ~~Lamination of a driver's license, motorized bicycle~~ 5048
~~license, or temporary instruction permit identification card~~ A 5049
document authentication fee as provided in division (F) of this 5050
section. 5051

An application made under division (I) of this section shall 5052
be accompanied by such documentary evidence of disability as the 5053
registrar may require by rule. 5054

(J)(1) The registrar of motor vehicles shall adopt rules that 5055
establish a prorated fee schedule that specifies the fee to be 5056
charged by the registrar or a deputy registrar for the issuance of 5057
a duplicate driver's license. The rules shall require the base fee 5058
to be equal to the fee for a duplicate driver's license that 5059
existed immediately prior to July 1, 2015. In order to determine 5060
the prorated amount for a duplicate license under the rules, the 5061
registrar shall reduce the base fee by an amount determined by the 5062
registrar that is correlated with the number of months between the 5063
date a person applies for the duplicate and the date of expiration 5064
of the license. The registrar shall allocate the money received 5065
from a prorated duplicate driver's license fee to the same funds 5066
and in the same proportion as the allocation of the base fee. 5067

(2) Notwithstanding any other provision of law, after the 5068
registrar has adopted rules under division (J)(1) of this section, 5069
an applicant for a duplicate driver's license shall be required to 5070
pay only the appropriate prorated fee established under those 5071
rules. 5072

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 5073
registrar, upon receipt of an application filed in compliance with 5074
section 4507.51 of the Revised Code by any person who is a 5075
resident or a temporary resident of this state and, except as 5076
otherwise provided in this section, is not licensed as an operator 5077
of a motor vehicle in this state or another licensing 5078
jurisdiction, and, except as provided in division (B) or (C) of 5079
this section, upon receipt of a fee of three dollars and fifty 5080
cents, shall issue an identification card to that person. 5081

Any person who is a resident or temporary resident of this 5082
state whose Ohio driver's or commercial driver's license has been 5083
suspended or canceled, upon application in compliance with section 5084
4507.51 of the Revised Code and, except as provided in division 5085

(B) or (C) of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card. The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter. The cardholder shall surrender the identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

Except as provided in division (B) or (C) of this section, the deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for each identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card.

Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating the authentication of the documents required for processing an~~ identification card or temporary identification card. A deputy registrar ~~laminating such a card that authenticates the required documents~~ 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.~~

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the public

safety - highway purposes fund created in section 4501.06 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, ~~including any lamination fee.~~

An application made under division (B) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

(C) A resident who is eligible for an identification card with an expiration date that is in accordance with division (A)(8)(b) of section 4507.52 of the Revised Code and who is currently unemployed may apply to the registrar or a deputy registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (A) of this section, ~~including any lamination fee.~~

An application made under division (C) of this section shall be accompanied by such documentary evidence of disability and unemployment as the registrar may require by rule.

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not

licensed to operate a motor vehicle in the state of Ohio." 5148

(2) The identification card shall display substantially the 5149
same information as contained in the application and as described 5150
in division (A)(1) of section 4507.51 of the Revised Code, but 5151
shall not display the cardholder's social security number unless 5152
the cardholder specifically requests that the cardholder's social 5153
security number be displayed on the card. If federal law requires 5154
the cardholder's social security number to be displayed on the 5155
identification card, the social security number shall be displayed 5156
on the card notwithstanding this section. 5157

(3) The identification card also shall display the color 5158
photograph of the cardholder. 5159

(4) If the cardholder has executed a durable power of 5160
attorney for health care or a declaration governing the use or 5161
continuation, or the withholding or withdrawal, of life-sustaining 5162
treatment and has specified that the cardholder wishes the 5163
identification card to indicate that the cardholder has executed 5164
either type of instrument, the card also shall display any symbol 5165
chosen by the registrar to indicate that the cardholder has 5166
executed either type of instrument. 5167

(5) If the cardholder has specified that the cardholder 5168
wishes the identification card to indicate that the cardholder is 5169
a veteran, active duty, or reservist of the armed forces of the 5170
United States and has presented a copy of the cardholder's DD-214 5171
form or an equivalent document, the card also shall display any 5172
symbol chosen by the registrar to indicate that the cardholder is 5173
a veteran, active duty, or reservist of the armed forces of the 5174
United States. 5175

(6) The card shall be ~~sealed in transparent plastic or~~ 5176
~~similar material and shall be so~~ designed as to prevent its 5177
reproduction or alteration without ready detection. 5178

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

(8)(a) Except as provided in division (A)(8)(b) of this section, every identification card issued to a resident of this state shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth year after the date on which it is issued.

(b) The registrar or a deputy registrar shall issue an identification card to a resident of this state who is permanently or irreversibly disabled that shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the eighth year after the date on which it is issued. The registrar shall issue a reminder notice to a cardholder, at the last known address of the cardholder, six months before the identification card is scheduled to expire. The registrar shall adopt rules governing the documentation a cardholder shall submit to certify that the cardholder is permanently or irreversibly disabled.

As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

(c) Every identification card issued to a temporary resident shall expire in accordance with rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements.

(9) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

(10) If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

(4)(a) When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee equal to the amount established under section 4503.038 of the Revised Code for issuing a duplicate or replacement identification card.

(b) A disabled veteran who is a cardholder and has a

service-connected disability rated at one hundred per cent by the 5240
veterans' administration may apply to the registrar or a deputy 5241
registrar for the issuance of a duplicate or replacement 5242
identification card without payment of any fee prescribed in this 5243
section, ~~and without payment of any lamination fee if the disabled~~ 5244
~~veteran would not be required to pay a lamination fee in~~ 5245
~~connection with the issuance of an identification card or~~ 5246
~~temporary identification card as provided in division (B) of~~ 5247
~~section 4507.50 of the Revised Code.~~ 5248

(c) A resident who is permanently or irreversibly disabled 5249
and who is unemployed may apply to the registrar or a deputy 5250
registrar for the issuance of a duplicate or replacement 5251
identification card without payment of any fee prescribed in this 5252
section, ~~and without payment of any lamination fee, if the~~ 5253
~~resident would not be required to pay any fee in connection with~~ 5254
~~the issuance of an identification card as provided in division (C)~~ 5255
~~of section 4507.50 of the Revised Code.~~ 5256

(5) A duplicate or replacement identification card expires on 5257
the same date as the card it replaces. 5258

(C) The registrar shall cancel any card upon determining that 5259
the card was obtained unlawfully, issued in error, or was altered. 5260
The registrar also shall cancel any card that is surrendered to 5261
the registrar or to a deputy registrar after the holder has 5262
obtained a duplicate, replacement, or driver's or commercial 5263
driver's license. 5264

(D)(1) No agent of the state or its political subdivisions 5265
shall condition the granting of any benefit, service, right, or 5266
privilege upon the possession by any person of an identification 5267
card. Nothing in this section shall preclude any publicly operated 5268
or franchised transit system from using an identification card for 5269
the purpose of granting benefits or services of the system. 5270

(2) No person shall be required to apply for, carry, or 5271
possess an identification card. 5272

(E) Except in regard to an identification card issued to a 5273
person who applies no more than thirty days before the applicant's 5274
twenty-first birthday, neither the registrar nor any deputy 5275
registrar shall issue an identification card to a person under 5276
twenty-one years of age that does not have the characteristics 5277
prescribed by the registrar distinguishing it from the 5278
identification card issued to persons who are twenty-one years of 5279
age or older. 5280

(F) Whoever violates division (E) of this section is guilty 5281
of a minor misdemeanor. 5282

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5283
operation of, a motor vehicle in this state, unless proof of 5284
financial responsibility is maintained continuously throughout the 5285
registration period with respect to that vehicle, or, in the case 5286
of a driver who is not the owner, with respect to that driver's 5287
operation of that vehicle. 5288

(2) Whoever violates division (A)(1) of this section shall be 5289
subject to the following civil penalties: 5290

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5291
class (F) suspension of the person's driver's license, commercial 5292
driver's license, temporary instruction permit, probationary 5293
license, or nonresident operating privilege for the period of time 5294
specified in division (B)(6) of section 4510.02 of the Revised 5295
Code and impoundment of the person's license. 5296

(b) If, within five years of the violation, the person's 5297
operating privileges are again suspended and the person's license 5298
again is impounded for a violation of division (A)(1) of this 5299
section, a class C suspension of the person's driver's license, 5300

commercial driver's license, temporary instruction permit, 5301
probationary license, or nonresident operating privilege for the 5302
period of time specified in division (B)(3) of section 4510.02 of 5303
the Revised Code. The court may grant limited driving privileges 5304
to the person only if the person presents proof of financial 5305
responsibility and has complied with division (A)(5) of this 5306
section, and no court may grant limited driving privileges for the 5307
first fifteen days of the suspension. 5308

(c) If, within five years of the violation, the person's 5309
operating privileges are suspended and the person's license is 5310
impounded two or more times for a violation of division (A)(1) of 5311
this section, a class B suspension of the person's driver's 5312
license, commercial driver's license, temporary instruction 5313
permit, probationary license, or nonresident operating privilege 5314
for the period of time specified in division (B)(2) of section 5315
4510.02 of the Revised Code. The court may grant limited driving 5316
privileges to the person only if the person presents proof of 5317
financial responsibility and has complied with division (A)(5) of 5318
this section, except that no court may grant limited driving 5319
privileges for the first thirty days of the suspension. 5320

(d) In addition to the suspension of an owner's license under 5321
division (A)(2)(a), (b), or (c) of this section, the suspension of 5322
the rights of the owner to register the motor vehicle and the 5323
impoundment of the owner's certificate of registration and license 5324
plates until the owner complies with division (A)(5) of this 5325
section. 5326

(3) A person to whom this state has issued a certificate of 5327
registration for a motor vehicle or a license to operate a motor 5328
vehicle or who is determined to have operated any motor vehicle or 5329
permitted the operation in this state of a motor vehicle owned by 5330
the person shall be required to verify the existence of proof of 5331
financial responsibility covering the operation of the motor 5332

vehicle or the person's operation of the motor vehicle under ~~any~~ 5333
either of the following circumstances: 5334

(a) The person or a motor vehicle owned by the person is 5335
involved in a traffic accident that requires the filing of an 5336
accident report under section 4509.06 of the Revised Code. 5337

(b) The person receives a traffic ticket indicating that 5338
proof of the maintenance of financial responsibility was not 5339
produced upon the request of a peace officer or state highway 5340
patrol trooper made in accordance with division (D)(2) of this 5341
section. 5342

~~(c) Whenever, in accordance with rules adopted by the 5343
registrar, the person is randomly selected by the registrar and 5344
requested to provide such verification. 5345~~

(4) An order of the registrar that suspends and impounds a 5346
license or registration, or both, shall state the date on or 5347
before which the person is required to surrender the person's 5348
license or certificate of registration and license plates. The 5349
person is deemed to have surrendered the license or certificate of 5350
registration and license plates, in compliance with the order, if 5351
the person does either of the following: 5352

(a) On or before the date specified in the order, personally 5353
delivers the license or certificate of registration and license 5354
plates, or causes the delivery of the items, to the registrar; 5355

(b) Mails the license or certificate of registration and 5356
license plates to the registrar in an envelope or container 5357
bearing a postmark showing a date no later than the date specified 5358
in the order. 5359

(5) Except as provided in division ~~(A)(6)~~ or (L) of this 5360
section, the registrar shall not restore any operating privileges 5361
or registration rights suspended under this section, return any 5362
license, certificate of registration, or license plates impounded 5363

under this section, or reissue license plates under section 5364
4503.232 of the Revised Code, if the registrar destroyed the 5365
impounded license plates under that section, or reissue a license 5366
under section 4510.52 of the Revised Code, if the registrar 5367
destroyed the suspended license under that section, unless the 5368
rights are not subject to suspension or revocation under any other 5369
law and unless the person, in addition to complying with all other 5370
conditions required by law for reinstatement of the operating 5371
privileges or registration rights, complies with all of the 5372
following: 5373

(a) Pays to the registrar or an eligible deputy registrar a 5374
financial responsibility reinstatement fee of one hundred dollars 5375
for the first violation of division (A)(1) of this section, three 5376
hundred dollars for a second violation of that division, and six 5377
hundred dollars for a third or subsequent violation of that 5378
division; 5379

(b) If the person has not voluntarily surrendered the 5380
license, certificate, or license plates in compliance with the 5381
order, pays to the registrar or an eligible deputy registrar a 5382
financial responsibility nonvoluntary compliance fee in an amount, 5383
not to exceed fifty dollars, determined by the registrar; 5384

(c) Files and continuously maintains proof of financial 5385
responsibility under sections 4509.44 to 4509.65 of the Revised 5386
Code; 5387

(d) Pays a deputy registrar a service fee of ten dollars to 5388
compensate the deputy registrar for services performed under this 5389
section. The deputy registrar shall retain eight dollars of the 5390
service fee and shall transmit the reinstatement fee, any 5391
nonvoluntary compliance fee, and two dollars of the service fee to 5392
the registrar in the manner the registrar shall determine. 5393

~~(6) If the registrar issues an order under division (A)(2) of 5394~~

~~this section resulting from the failure of a person to respond to 5395
a financial responsibility random verification request under 5396
division (A)(3)(c) of this section and the person successfully 5397
maintains an affirmative defense to a violation of section 4510.16 5398
of the Revised Code or is determined by the registrar or a deputy 5399
registrar to have been in compliance with division (A)(1) of this 5400
section at the time of the initial financial responsibility random 5401
verification request, the registrar shall do both of the 5402
following: 5403~~

~~(a) Terminate the order of suspension or impoundment; 5404~~

~~(b) Restore the operating privileges and registration rights 5405
of the person without payment of the fees established in divisions 5406
(A)(5)(a) and (b) of this section and without a requirement to 5407
file proof of financial responsibility. 5408~~

(B)(1) Every party required to file an accident report under 5409
section 4509.06 of the Revised Code also shall include with the 5410
report a document described in division (G)(1)(a) of this section 5411
or shall present proof of financial responsibility through use of 5412
an electronic wireless communications device as permitted by 5413
division (G)(1)(b) of this section. 5414

If the registrar determines, within forty-five days after the 5415
report is filed, that an operator or owner has violated division 5416
(A)(1) of this section, the registrar shall do all of the 5417
following: 5418

(a) Order the impoundment, with respect to the motor vehicle 5419
involved, required under division (A)(2)(d) of this section, of 5420
the certificate of registration and license plates of any owner 5421
who has violated division (A)(1) of this section; 5422

(b) Order the suspension required under division (A)(2)(a), 5423
(b), or (c) of this section of the license of any operator or 5424
owner who has violated division (A)(1) of this section; 5425

(c) Record the name and address of the person whose 5426
certificate of registration and license plates have been impounded 5427
or are under an order of impoundment, or whose license has been 5428
suspended or is under an order of suspension; the serial number of 5429
the person's license; the serial numbers of the person's 5430
certificate of registration and license plates; and the person's 5431
social security account number, if assigned, or, where the motor 5432
vehicle is used for hire or principally in connection with any 5433
established business, the person's federal taxpayer identification 5434
number. The information shall be recorded in such a manner that it 5435
becomes a part of the person's permanent record, and assists the 5436
registrar in monitoring compliance with the orders of suspension 5437
or impoundment. 5438

(d) Send written notification to every person to whom the 5439
order pertains, at the person's last known address as shown on the 5440
records of the bureau. The person, within ten days after the date 5441
of the mailing of the notification, shall surrender to the 5442
registrar, in a manner set forth in division (A)(4) of this 5443
section, any certificate of registration and registration plates 5444
under an order of impoundment, or any license under an order of 5445
suspension. 5446

(2) The registrar shall issue any order under division (B)(1) 5447
of this section without a hearing. Any person adversely affected 5448
by the order, within ten days after the issuance of the order, may 5449
request an administrative hearing before the registrar, who shall 5450
provide the person with an opportunity for a hearing in accordance 5451
with this paragraph. A request for a hearing does not operate as a 5452
suspension of the order. The scope of the hearing shall be limited 5453
to whether the person in fact demonstrated to the registrar proof 5454
of financial responsibility in accordance with this section. The 5455
registrar shall determine the date, time, and place of any 5456
hearing, provided that the hearing shall be held, and an order 5457

issued or findings made, within thirty days after the registrar 5458
receives a request for a hearing. If requested by the person in 5459
writing, the registrar may designate as the place of hearing the 5460
county seat of the county in which the person resides or a place 5461
within fifty miles of the person's residence. The person shall pay 5462
the cost of the hearing before the registrar, if the registrar's 5463
order of suspension or impoundment is upheld. 5464

(C) Any order of suspension or impoundment issued under this 5465
section or division (B) of section 4509.37 of the Revised Code may 5466
be terminated at any time if the registrar determines upon a 5467
showing of proof of financial responsibility that the operator or 5468
owner of the motor vehicle was in compliance with division (A)(1) 5469
of this section at the time of the traffic offense, motor vehicle 5470
inspection, or accident that resulted in the order against the 5471
person. A determination may be made without a hearing. This 5472
division does not apply unless the person shows good cause for the 5473
person's failure to present satisfactory proof of financial 5474
responsibility to the registrar prior to the issuance of the 5475
order. 5476

(D)(1)(a) For the purpose of enforcing this section, every 5477
peace officer is deemed an agent of the registrar. 5478

~~(a) Except as provided in division (D)(1)(b) of this section,~~ 5479
any (b) Any peace officer who, in the performance of the peace 5480
officer's duties as authorized by law, becomes aware of a person 5481
whose license is under an order of suspension, or whose 5482
certificate of registration and license plates are under an order 5483
of impoundment, pursuant to this section, may confiscate the 5484
license, certificate of registration, and license plates, and 5485
return them to the registrar. 5486

~~(b) Any peace officer who, in the performance of the peace~~ 5487
~~officer's duties as authorized by law, becomes aware of a person~~ 5488
~~whose license is under an order of suspension, or whose~~ 5489

~~certificate of registration and license plates are under an order 5490
of impoundment resulting from failure to respond to a financial 5491
responsibility random verification, shall not, for that reason, 5492
arrest the owner or operator or seize the vehicle or license 5493
plates. Instead, the peace officer shall issue a citation for a 5494
violation of section 4510.16 of the Revised Code specifying the 5495
circumstances as failure to respond to a financial responsibility 5496
random verification. 5497~~

(2) A peace officer shall request the owner or operator of a 5498
motor vehicle to produce proof of financial responsibility in a 5499
manner described in division (G) of this section at the time the 5500
peace officer acts to enforce the traffic laws of this state and 5501
during motor vehicle inspections conducted pursuant to section 5502
4513.02 of the Revised Code. 5503

(3) A peace officer shall indicate on every traffic ticket 5504
whether the person receiving the traffic ticket produced proof of 5505
the maintenance of financial responsibility in response to the 5506
officer's request under division (D)(2) of this section. The peace 5507
officer shall inform every person who receives a traffic ticket 5508
and who has failed to produce proof of the maintenance of 5509
financial responsibility that the person must submit proof to the 5510
traffic violations bureau with any payment of a fine and costs for 5511
the ticketed violation or, if the person is to appear in court for 5512
the violation, the person must submit proof to the court. 5513

(4)(a) If a person who has failed to produce proof of the 5514
maintenance of financial responsibility appears in court for a 5515
ticketed violation, the court may permit the defendant to present 5516
evidence of proof of financial responsibility to the court at such 5517
time and in such manner as the court determines to be necessary or 5518
appropriate. In a manner prescribed by the registrar, the clerk of 5519
courts shall provide the registrar with the identity of any person 5520
who fails to submit proof of the maintenance of financial 5521

responsibility pursuant to division (D)(3) of this section. 5522

(b) If a person who has failed to produce proof of the 5523
maintenance of financial responsibility also fails to submit that 5524
proof to the traffic violations bureau with payment of a fine and 5525
costs for the ticketed violation, the traffic violations bureau, 5526
in a manner prescribed by the registrar, shall notify the 5527
registrar of the identity of that person. 5528

(5)(a) Upon receiving notice from a clerk of courts or 5529
traffic violations bureau pursuant to division (D)(4) of this 5530
section, the registrar shall order the suspension of the license 5531
of the person required under division (A)(2)(a), (b), or (c) of 5532
this section and the impoundment of the person's certificate of 5533
registration and license plates required under division (A)(2)(d) 5534
of this section, effective thirty days after the date of the 5535
mailing of notification. The registrar also shall notify the 5536
person that the person must present the registrar with proof of 5537
financial responsibility in accordance with this section, 5538
surrender to the registrar the person's certificate of 5539
registration, license plates, and license, or submit a statement 5540
subject to section 2921.13 of the Revised Code that the person did 5541
not operate or permit the operation of the motor vehicle at the 5542
time of the offense. Notification shall be in writing and shall be 5543
sent to the person at the person's last known address as shown on 5544
the records of the bureau of motor vehicles. The person, within 5545
fifteen days after the date of the mailing of notification, shall 5546
present proof of financial responsibility, surrender the 5547
certificate of registration, license plates, and license to the 5548
registrar in a manner set forth in division (A)(4) of this 5549
section, or submit the statement required under this section 5550
together with other information the person considers appropriate. 5551

If the registrar does not receive proof or the person does 5552
not surrender the certificate of registration, license plates, and 5553

license, in accordance with this division, the registrar shall 5554
permit the order for the suspension of the license of the person 5555
and the impoundment of the person's certificate of registration 5556
and license plates to take effect. 5557

(b) In the case of a person who presents, within the 5558
fifteen-day period, proof of financial responsibility, the 5559
registrar shall terminate the order of suspension and the 5560
impoundment of the registration and license plates required under 5561
division (A)(2)(d) of this section and shall send written 5562
notification to the person, at the person's last known address as 5563
shown on the records of the bureau. 5564

(c) Any person adversely affected by the order of the 5565
registrar under division (D)(5)(a) or (b) of this section, within 5566
ten days after the issuance of the order, may request an 5567
administrative hearing before the registrar, who shall provide the 5568
person with an opportunity for a hearing in accordance with this 5569
paragraph. A request for a hearing does not operate as a 5570
suspension of the order. The scope of the hearing shall be limited 5571
to whether, at the time of the hearing, the person presents proof 5572
of financial responsibility covering the vehicle and whether the 5573
person is eligible for an exemption in accordance with this 5574
section or any rule adopted under it. The registrar shall 5575
determine the date, time, and place of any hearing; provided, that 5576
the hearing shall be held, and an order issued or findings made, 5577
within thirty days after the registrar receives a request for a 5578
hearing. If requested by the person in writing, the registrar may 5579
designate as the place of hearing the county seat of the county in 5580
which the person resides or a place within fifty miles of the 5581
person's residence. Such person shall pay the cost of the hearing 5582
before the registrar, if the registrar's order of suspension or 5583
impoundment under division (D)(5)(a) or (b) of this section is 5584
upheld. 5585

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

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

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

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section.

Of each financial responsibility reinstatement fee the 5618
registrar collects pursuant to division (A)(5)(a) of this section 5619
or receives from a deputy registrar under division (A)(5)(d) of 5620
this section, the registrar shall deposit twenty-five dollars of 5621
each one-hundred-dollar reinstatement fee, fifty dollars of each 5622
three-hundred-dollar reinstatement fee, and one hundred dollars of 5623
each six-hundred-dollar reinstatement fee into the state treasury 5624
to the credit of the indigent defense support fund created by 5625
section 120.08 of the Revised Code. 5626

(F) Chapter 119. of the Revised Code applies to this section 5627
only to the extent that any provision in that chapter is not 5628
clearly inconsistent with this section. 5629

(G)(1)(a) The registrar, court, traffic violations bureau, or 5630
peace officer may require proof of financial responsibility to be 5631
demonstrated by use of a standard form prescribed by the 5632
registrar. If the use of a standard form is not required, a person 5633
may demonstrate proof of financial responsibility under this 5634
section by presenting to the traffic violations bureau, court, 5635
registrar, or peace officer any of the following documents or a 5636
copy of the documents: 5637

(i) A financial responsibility identification card as 5638
provided in section 4509.103 of the Revised Code; 5639

(ii) A certificate of proof of financial responsibility on a 5640
form provided and approved by the registrar for the filing of an 5641
accident report required to be filed under section 4509.06 of the 5642
Revised Code; 5643

(iii) A policy of liability insurance, a declaration page of 5644
a policy of liability insurance, or liability bond, if the policy 5645
or bond complies with section 4509.20 or sections 4509.49 to 5646
4509.61 of the Revised Code; 5647

(iv) A bond or certification of the issuance of a bond as 5648

provided in section 4509.59 of the Revised Code; 5649

(v) A certificate of deposit of money or securities as 5650
provided in section 4509.62 of the Revised Code; 5651

(vi) A certificate of self-insurance as provided in section 5652
4509.72 of the Revised Code. 5653

(b) A person also may present proof of financial 5654
responsibility under this section to the traffic violations 5655
bureau, court, registrar, or peace officer through use of an 5656
electronic wireless communications device as specified under 5657
section 4509.103 of the Revised Code. 5658

(2) If a person fails to demonstrate proof of financial 5659
responsibility in a manner described in division (G)(1) of this 5660
section, the person may demonstrate proof of financial 5661
responsibility under this section by any other method that the 5662
court or the bureau, by reason of circumstances in a particular 5663
case, may consider appropriate. 5664

(3) A motor carrier certificated by the interstate commerce 5665
commission or by the public utilities commission may demonstrate 5666
proof of financial responsibility by providing a statement 5667
designating the motor carrier's operating authority and averring 5668
that the insurance coverage required by the certificating 5669
authority is in full force and effect. 5670

(4)(a) A finding by the registrar or court that a person is 5671
covered by proof of financial responsibility in the form of an 5672
insurance policy or surety bond is not binding upon the named 5673
insurer or surety or any of its officers, employees, agents, or 5674
representatives and has no legal effect except for the purpose of 5675
administering this section. 5676

(b) The preparation and delivery of a financial 5677
responsibility identification card or any other document 5678
authorized to be used as proof of financial responsibility and the 5679

generation and delivery of proof of financial responsibility to an 5680
electronic wireless communications device that is displayed on the 5681
device as text or images does not do any of the following: 5682

(i) Create any liability or estoppel against an insurer or 5683
surety, or any of its officers, employees, agents, or 5684
representatives; 5685

(ii) Constitute an admission of the existence of, or of any 5686
liability or coverage under, any policy or bond; 5687

(iii) Waive any defenses or counterclaims available to an 5688
insurer, surety, agent, employee, or representative in an action 5689
commenced by an insured or third-party claimant upon a cause of 5690
action alleged to have arisen under an insurance policy or surety 5691
bond or by reason of the preparation and delivery of a document 5692
for use as proof of financial responsibility or the generation and 5693
delivery of proof of financial responsibility to an electronic 5694
wireless communications device. 5695

(c) Whenever it is determined by a final judgment in a 5696
judicial proceeding that an insurer or surety, which has been 5697
named on a document or displayed on an electronic wireless 5698
communications device accepted by a court or the registrar as 5699
proof of financial responsibility covering the operation of a 5700
motor vehicle at the time of an accident or offense, is not liable 5701
to pay a judgment for injuries or damages resulting from such 5702
operation, the registrar, notwithstanding any previous contrary 5703
finding, shall forthwith suspend the operating privileges and 5704
registration rights of the person against whom the judgment was 5705
rendered as provided in division (A)(2) of this section. 5706

(H) In order for any document or display of text or images on 5707
an electronic wireless communications device described in division 5708
(G)(1) of this section to be used for the demonstration of proof 5709
of financial responsibility under this section, the document or 5710

words or images shall state the name of the insured or obligor, 5711
the name of the insurer or surety company, and the effective and 5712
expiration dates of the financial responsibility, and designate by 5713
explicit description or by appropriate reference all motor 5714
vehicles covered which may include a reference to fleet insurance 5715
coverage. 5716

(I) For purposes of this section, "owner" does not include a 5717
licensed motor vehicle leasing dealer as defined in section 5718
4517.01 of the Revised Code, but does include a motor vehicle 5719
renting dealer as defined in section 4549.65 of the Revised Code. 5720
Nothing in this section or in section 4509.51 of the Revised Code 5721
shall be construed to prohibit a motor vehicle renting dealer from 5722
entering into a contractual agreement with a person whereby the 5723
person renting the motor vehicle agrees to be solely responsible 5724
for maintaining proof of financial responsibility, in accordance 5725
with this section, with respect to the operation, maintenance, or 5726
use of the motor vehicle during the period of the motor vehicle's 5727
rental. 5728

(J) The purpose of this section is to require the maintenance 5729
of proof of financial responsibility with respect to the operation 5730
of motor vehicles on the highways of this state, so as to minimize 5731
those situations in which persons are not compensated for injuries 5732
and damages sustained in motor vehicle accidents. The general 5733
assembly finds that this section contains reasonable civil 5734
penalties and procedures for achieving this purpose. 5735

(K) Nothing in this section shall be construed to be subject 5736
to section 4509.78 of the Revised Code. 5737

(L)(1) The registrar may terminate any suspension imposed 5738
under this section and not require the owner to comply with 5739
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5740
with or without a hearing determines that the owner of the vehicle 5741
has established by clear and convincing evidence that all of the 5742

following apply: 5743

(a) The owner customarily maintains proof of financial 5744
responsibility. 5745

(b) Proof of financial responsibility was not in effect for 5746
the vehicle on the date in question for one of the following 5747
reasons: 5748

(i) The vehicle was inoperable. 5749

(ii) The vehicle is operated only seasonally, and the date in 5750
question was outside the season of operation. 5751

(iii) A person other than the vehicle owner or driver was at 5752
fault for the lapse of proof of financial responsibility through 5753
no fault of the owner or driver. 5754

(iv) The lapse of proof of financial responsibility was 5755
caused by excusable neglect under circumstances that are not 5756
likely to recur and do not suggest a purpose to evade the 5757
requirements of this chapter. 5758

(2) ~~The registrar may grant an owner or driver relief for a 5759
reason specified in division (L)(1)(b)(i) or (ii) of this section 5760
whenever the owner or driver is randomly selected to verify the 5761
existence of proof of financial responsibility for such a vehicle. 5762
However, the registrar may grant an owner or driver relief for a 5763
reason specified in division (L)(1)(b)(iii) or (iv) of this 5764
section only if the owner or driver has not previously been 5765
granted relief under division (L)(1)(b)(iii) or (iv) of this 5766
section. 5767~~

(M) The registrar shall adopt rules in accordance with 5768
Chapter 119. of the Revised Code that are necessary to administer 5769
and enforce this section. The rules shall include procedures for 5770
the surrender of license plates upon failure to maintain proof of 5771
financial responsibility and provisions relating to reinstatement 5772

of registration rights, acceptable forms of proof of financial 5773
responsibility, the use of an electronic wireless communications 5774
device to present proof of financial responsibility, and 5775
verification of the existence of financial responsibility during 5776
the period of registration. 5777

(N)(1) When a person utilizes an electronic wireless 5778
communications device to present proof of financial 5779
responsibility, only the evidence of financial responsibility 5780
displayed on the device shall be viewed by the registrar, peace 5781
officer, employee or official of the traffic violations bureau, or 5782
the court. No other content of the device shall be viewed for 5783
purposes of obtaining proof of financial responsibility. 5784

(2) When a person provides an electronic wireless 5785
communications device to the registrar, a peace officer, an 5786
employee or official of a traffic violations bureau, or the court, 5787
the person assumes the risk of any resulting damage to the device 5788
unless the registrar, peace officer, employee, or official, or 5789
court personnel purposely, knowingly, or recklessly commits an 5790
action that results in damage to the device. 5791

Sec. 4510.04. It is an affirmative defense to any prosecution 5792
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 5793
Revised Code or under any substantially equivalent municipal 5794
ordinance that the alleged offender drove under suspension, 5795
without a valid permit or driver's or commercial driver's license, 5796
or in violation of a restriction because of a substantial 5797
emergency, and because no other person was reasonably available to 5798
drive in response to the emergency. 5799

~~It is an affirmative defense to any prosecution brought under 5800
section 4510.16 of the Revised Code that the order of suspension 5801
resulted from the failure of the alleged offender to respond to a 5802
financial responsibility random verification request under 5803~~

~~division (A)(3)(c) of section 4509.101 of the Revised Code and 5804
that, at the time of the initial financial responsibility random 5805
verification request, the alleged offender was in compliance with 5806
division (A)(1) of section 4509.101 of the Revised Code as shown 5807
by proof of financial responsibility that was in effect at the 5808
time of that request. 5809~~

Sec. 4511.21. (A) No person shall operate a motor vehicle, 5810
trackless trolley, or streetcar at a speed greater or less than is 5811
reasonable or proper, having due regard to the traffic, surface, 5812
and width of the street or highway and any other conditions, and 5813
no person shall drive any motor vehicle, trackless trolley, or 5814
streetcar in and upon any street or highway at a greater speed 5815
than will permit the person to bring it to a stop within the 5816
assured clear distance ahead. 5817

(B) It is prima-facie lawful, in the absence of a lower limit 5818
declared or established pursuant to this section by the director 5819
of transportation or local authorities, for the operator of a 5820
motor vehicle, trackless trolley, or streetcar to operate the same 5821
at a speed not exceeding the following: 5822

(1)(a) Twenty miles per hour in school zones during school 5823
recess and while children are going to or leaving school during 5824
the opening or closing hours, and when twenty miles per hour 5825
school speed limit signs are erected; except that, on 5826
controlled-access highways and expressways, if the right-of-way 5827
line fence has been erected without pedestrian opening, the speed 5828
shall be governed by division (B)(4) of this section and on 5829
freeways, if the right-of-way line fence has been erected without 5830
pedestrian opening, the speed shall be governed by divisions 5831
(B)(10) and (11) of this section. The end of every school zone may 5832
be marked by a sign indicating the end of the zone. Nothing in 5833
this section or in the manual and specifications for a uniform 5834

system of traffic control devices shall be construed to require 5835
school zones to be indicated by signs equipped with flashing or 5836
other lights, or giving other special notice of the hours in which 5837
the school zone speed limit is in effect. 5838

(b) As used in this section and in section 4511.212 of the 5839
Revised Code, "school" means any school chartered under section 5840
3301.16 of the Revised Code and any nonchartered school that 5841
during the preceding year filed with the department of education 5842
in compliance with rule 3301-35-08 of the Ohio Administrative 5843
Code, a copy of the school's report for the parents of the 5844
school's pupils certifying that the school meets Ohio minimum 5845
standards for nonchartered, nontax-supported schools and presents 5846
evidence of this filing to the jurisdiction from which it is 5847
requesting the establishment of a school zone. "School" also 5848
includes a special elementary school that in writing requests the 5849
county engineer of the county in which the special elementary 5850
school is located to create a school zone at the location of that 5851
school. Upon receipt of such a written request, the county 5852
engineer shall create a school zone at that location by erecting 5853
the appropriate signs. 5854

(c) As used in this section, "school zone" means that portion 5855
of a street or highway passing a school fronting upon the street 5856
or highway that is encompassed by projecting the school property 5857
lines to the fronting street or highway, and also includes that 5858
portion of a state highway. Upon request from local authorities 5859
for streets and highways under their jurisdiction and that portion 5860
of a state highway under the jurisdiction of the director of 5861
transportation or a request from a county engineer in the case of 5862
a school zone for a special elementary school, the director may 5863
extend the traditional school zone boundaries. The distances in 5864
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5865
exceed three hundred feet per approach per direction and are 5866

bounded by whichever of the following distances or combinations 5867
thereof the director approves as most appropriate: 5868

(i) The distance encompassed by projecting the school 5869
building lines normal to the fronting highway and extending a 5870
distance of three hundred feet on each approach direction; 5871

(ii) The distance encompassed by projecting the school 5872
property lines intersecting the fronting highway and extending a 5873
distance of three hundred feet on each approach direction; 5874

(iii) The distance encompassed by the special marking of the 5875
pavement for a principal school pupil crosswalk plus a distance of 5876
three hundred feet on each approach direction of the highway. 5877

Nothing in this section shall be construed to invalidate the 5878
director's initial action on August 9, 1976, establishing all 5879
school zones at the traditional school zone boundaries defined by 5880
projecting school property lines, except when those boundaries are 5881
extended as provided in divisions (B)(1)(a) and (c) of this 5882
section. 5883

(d) As used in this division, "crosswalk" has the meaning 5884
given that term in division (LL)(2) of section 4511.01 of the 5885
Revised Code. 5886

The director may, upon request by resolution of the 5887
legislative authority of a municipal corporation, the board of 5888
trustees of a township, or a county board of developmental 5889
disabilities created pursuant to Chapter 5126. of the Revised 5890
Code, and upon submission by the municipal corporation, township, 5891
or county board of such engineering, traffic, and other 5892
information as the director considers necessary, designate a 5893
school zone on any portion of a state route lying within the 5894
municipal corporation, lying within the unincorporated territory 5895
of the township, or lying adjacent to the property of a school 5896
that is operated by such county board, that includes a crosswalk 5897

customarily used by children going to or leaving a school during 5898
recess and opening and closing hours, whenever the distance, as 5899
measured in a straight line, from the school property line nearest 5900
the crosswalk to the nearest point of the crosswalk is no more 5901
than one thousand three hundred twenty feet. Such a school zone 5902
shall include the distance encompassed by the crosswalk and 5903
extending three hundred feet on each approach direction of the 5904
state route. 5905

(e) As used in this section, "special elementary school" 5906
means a school that meets all of the following criteria: 5907

(i) It is not chartered and does not receive tax revenue from 5908
any source. 5909

(ii) It does not educate children beyond the eighth grade. 5910

(iii) It is located outside the limits of a municipal 5911
corporation. 5912

(iv) A majority of the total number of students enrolled at 5913
the school are not related by blood. 5914

(v) The principal or other person in charge of the special 5915
elementary school annually sends a report to the superintendent of 5916
the school district in which the special elementary school is 5917
located indicating the total number of students enrolled at the 5918
school, but otherwise the principal or other person in charge does 5919
not report any other information or data to the superintendent. 5920

(2) Twenty-five miles per hour in all other portions of a 5921
municipal corporation, except on state routes outside business 5922
districts, through highways outside business districts, and 5923
alleys; 5924

(3) Thirty-five miles per hour on all state routes or through 5925
highways within municipal corporations outside business districts, 5926
except as provided in divisions (B)(4) and (6) of this section; 5927

- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B)(12), (13), (14), (15), and (16) of this section; 5928
5929
5930
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of this section; 5931
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5936
- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 5937
5938
5939
- (7) Fifteen miles per hour on all alleys within the municipal corporation; 5940
5941
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 5942
5943
- (9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties; 5944
5945
5946
5947
- (10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section; 5948
5949
5950
- (11) Fifty-five miles per hour ~~at all times~~ on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(15)~~(14) and ~~(17)~~(16) of this section; 5951
5952
5953
- (12) ~~Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(15) and (17) of this section;~~ 5954
5955
5956
- ~~(13) Sixty miles per hour for operators of any motor vehicle~~ 5957

~~at all times on rural expressways with traffic control signals and~~ 5958
on all portions of rural divided highways, except as provided in 5959
divisions (B)(13) and (14) of this section; 5960

~~(14)(13) Sixty-five miles per hour for operators of any motor~~ 5961
~~vehicle at all times~~ on all rural expressways without traffic 5962
control signals; 5963

~~(15)(14) Seventy miles per hour for operators of any motor~~ 5964
~~vehicle at all times~~ on all rural freeways; 5965

~~(16)(15) Fifty-five miles per hour for operators of any motor~~ 5966
~~vehicle at all times~~ on all portions of freeways or expressways in 5967
congested areas as determined by the director ~~and that are part of~~ 5968
~~the interstate system~~ and that are located within a municipal 5969
corporation or within an interstate freeway outerbelt, except as 5970
provided in division (B)(16) of this section; 5971

~~(17)(16) Sixty-five miles per hour for operators of any motor~~ 5972
~~vehicle at all times~~ on all portions of freeways or expressways 5973
without traffic control signals in ~~urban~~ urbanized areas ~~as~~ 5974
~~determined by the director and that are part of the interstate~~ 5975
~~system and are part of an interstate freeway outerbelt.~~ 5976

(C) It is prima-facie unlawful for any person to exceed any 5977
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5978
(6), (7), (8), and (9) of this section, or any declared or 5979
established pursuant to this section by the director or local 5980
authorities and it is unlawful for any person to exceed any of the 5981
speed limitations in division (D) of this section. No person shall 5982
be convicted of more than one violation of this section for the 5983
same conduct, although violations of more than one provision of 5984
this section may be charged in the alternative in a single 5985
affidavit. 5986

(D) No person shall operate a motor vehicle, trackless 5987
trolley, or streetcar upon a street or highway as follows: 5988

(1) At a speed exceeding fifty-five miles per hour, except 5989
upon a two-lane state route as provided in division (B)(10) of 5990
this section and upon a highway, expressway, or freeway as 5991
provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of 5992
this section; 5993

(2) At a speed exceeding sixty miles per hour upon a two-lane 5994
state route as provided in division (B)(10) of this section and 5995
upon a highway as provided in division (B)~~(13)~~(12) of this 5996
section; 5997

(3) At a speed exceeding sixty-five miles per hour upon an 5998
expressway as provided in division (B)~~(14)~~(13) or upon a freeway 5999
as provided in division (B)~~(17)~~(16) of this section, except upon a 6000
freeway as provided in division (B)~~(15)~~(14) of this section; 6001

(4) At a speed exceeding seventy miles per hour upon a 6002
freeway as provided in division (B)~~(15)~~(14) of this section; 6003

(5) At a speed exceeding the posted speed limit upon a 6004
highway, expressway, or freeway for which the director has 6005
determined and declared a speed limit pursuant to division (I)(2) 6006
or (L)(2) of this section. 6007

(E) In every charge of violation of this section the 6008
affidavit and warrant shall specify the time, place, and speed at 6009
which the defendant is alleged to have driven, and in charges made 6010
in reliance upon division (C) of this section also the speed which 6011
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 6012
limit declared or established pursuant to, this section declares 6013
is prima-facie lawful at the time and place of such alleged 6014
violation, except that in affidavits where a person is alleged to 6015
have driven at a greater speed than will permit the person to 6016
bring the vehicle to a stop within the assured clear distance 6017
ahead the affidavit and warrant need not specify the speed at 6018
which the defendant is alleged to have driven. 6019

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D) of this section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section in accordance with section 4510.036 of the Revised Code.

(H)(1) Whenever the director determines upon the basis of a ~~geometric and traffic characteristic~~ criteria established by an engineering study, as defined by the director, that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(2) Whenever the director determines upon the basis of a ~~geometric and traffic characteristic~~ criteria established by an engineering study, as defined by the director, that the speed

limit of fifty-five miles per hour on a two-lane state route 6052
outside a municipal corporation is less than is reasonable or safe 6053
under the conditions found to exist at that portion of the state 6054
route, the director may determine and declare a speed limit of 6055
sixty miles per hour for that portion of the state route, which 6056
shall be effective when appropriate signs giving notice of it are 6057
erected at the location. 6058

(3) For purposes of the safe and orderly movement of traffic 6059
upon any portion of a street or highway under the jurisdiction of 6060
the director, the director may establish a variable speed limit 6061
that is different than the speed limit established by or under 6062
this section on all or portions of interstate six hundred seventy, 6063
interstate two hundred seventy-five, and interstate ninety 6064
commencing at the intersection of that interstate with interstate 6065
seventy-one and continuing to the border of the state of Ohio with 6066
the state of Pennsylvania. The director shall establish criteria 6067
for determining the appropriate use of variable speed limits and 6068
shall establish variable speed limits in accordance with the 6069
criteria. The director may establish variable speed limits based 6070
upon the time of day, weather conditions, traffic incidents, or 6071
other factors that affect the safe speed on a street or highway. 6072
The director shall not establish a variable speed limit that is 6073
based on a particular type or class of vehicle. A variable speed 6074
limit established by the director under this section is effective 6075
when appropriate signs giving notice of the speed limit are 6076
displayed at the location. 6077

(4) Nothing in this section shall be construed to limit the 6078
authority of the director to establish speed limits within a 6079
construction zone as authorized under section 4511.98 of the 6080
Revised Code. 6081

(I)(1) Except as provided in divisions (I)(2) ~~and (J), (K),~~ 6082
~~and (N)~~ of this section, whenever local authorities determine upon 6083

the basis of criteria established by an engineering and traffic 6084
investigation study, as defined by the director, that the speed 6085
permitted by divisions (B)(1)(a) to (D) of this section, on any 6086
part of a highway under their jurisdiction, is greater than is 6087
reasonable and safe under the conditions found to exist at such 6088
location, the local authorities may by resolution request the 6089
director to determine and declare a reasonable and safe 6090
prima-facie speed limit. Upon receipt of such request the director 6091
may determine and declare a reasonable and safe prima-facie speed 6092
limit at such location, and if the director does so, then such 6093
declared speed limit shall become effective only when appropriate 6094
signs giving notice thereof are erected at such location by the 6095
local authorities. The director may withdraw the declaration of a 6096
prima-facie speed limit whenever in the director's opinion the 6097
altered prima-facie speed limit becomes unreasonable. Upon such 6098
withdrawal, the declared prima-facie speed limit shall become 6099
ineffective and the signs relating thereto shall be immediately 6100
removed by the local authorities. 6101

(2) A local authority may determine on the basis of a 6102
~~geometric and traffic characteristic~~ criteria established by an 6103
engineering study, as defined by the director, that the speed 6104
limit of sixty-five or seventy miles per hour on a portion of a 6105
freeway under its jurisdiction ~~that was established through the~~ 6106
~~operation of division (L)(3) of this section~~ is greater than is 6107
reasonable or safe under the conditions found to exist at that 6108
portion of the freeway. If the local authority makes such a 6109
determination, the local authority by resolution may request the 6110
director to determine and declare a reasonable and safe speed 6111
limit of not less than fifty-five miles per hour for that portion 6112
of the freeway. If the director takes such action, the declared 6113
speed limit becomes effective only when appropriate signs giving 6114
notice of it are erected at such location by the local authority. 6115

(J) Local authorities in their respective jurisdictions may 6116
authorize by ordinance higher prima-facie speeds than those stated 6117
in this section upon through highways, or upon highways or 6118
portions thereof where there are no intersections, or between 6119
widely spaced intersections, provided signs are erected giving 6120
notice of the authorized speed, but local authorities shall not 6121
modify or alter the basic rule set forth in division (A) of this 6122
section or in any event authorize by ordinance a speed in excess 6123
of ~~fifty miles per hour~~ the maximum speed permitted by division 6124
(D) of this section for the specified type of highway. 6125

Alteration of prima-facie limits on state routes by local 6126
authorities shall not be effective until the alteration has been 6127
approved by the director. The director may withdraw approval of 6128
any altered prima-facie speed limits whenever in the director's 6129
opinion any altered prima-facie speed becomes unreasonable, and 6130
upon such withdrawal, the altered prima-facie speed shall become 6131
ineffective and the signs relating thereto shall be immediately 6132
removed by the local authorities. 6133

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6134
section, "unimproved highway" means a highway consisting of any of 6135
the following: 6136

- (a) Unimproved earth; 6137
- (b) Unimproved graded and drained earth; 6138
- (c) Gravel. 6139

(2) Except as otherwise provided in divisions (K)(4) and (5) 6140
of this section, whenever a board of township trustees determines 6141
upon the basis of criteria established by an engineering and 6142
traffic investigation study, as defined by the director, that the 6143
speed permitted by division (B)(5) of this section on any part of 6144
an unimproved highway under its jurisdiction and in the 6145
unincorporated territory of the township is greater than is 6146

reasonable or safe under the conditions found to exist at the 6147
location, the board may by resolution declare a reasonable and 6148
safe prima-facie speed limit of fifty-five but not less than 6149
twenty-five miles per hour. An altered speed limit adopted by a 6150
board of township trustees under this division becomes effective 6151
when appropriate traffic control devices, as prescribed in section 6152
4511.11 of the Revised Code, giving notice thereof are erected at 6153
the location, which shall be no sooner than sixty days after 6154
adoption of the resolution. 6155

(3)(a) Whenever, in the opinion of a board of township 6156
trustees, any altered prima-facie speed limit established by the 6157
board under this division becomes unreasonable, the board may 6158
adopt a resolution withdrawing the altered prima-facie speed 6159
limit. Upon the adoption of such a resolution, the altered 6160
prima-facie speed limit becomes ineffective and the traffic 6161
control devices relating thereto shall be immediately removed. 6162

(b) Whenever a highway ceases to be an unimproved highway and 6163
the board has adopted an altered prima-facie speed limit pursuant 6164
to division (K)(2) of this section, the board shall, by 6165
resolution, withdraw the altered prima-facie speed limit as soon 6166
as the highway ceases to be unimproved. Upon the adoption of such 6167
a resolution, the altered prima-facie speed limit becomes 6168
ineffective and the traffic control devices relating thereto shall 6169
be immediately removed. 6170

(4)(a) If the boundary of two townships rests on the 6171
centerline of an unimproved highway in unincorporated territory 6172
and both townships have jurisdiction over the highway, neither of 6173
the boards of township trustees of such townships may declare an 6174
altered prima-facie speed limit pursuant to division (K)(2) of 6175
this section on the part of the highway under their joint 6176
jurisdiction unless the boards of township trustees of both of the 6177
townships determine, upon the basis of criteria established by an 6178

engineering ~~and traffic investigation~~ study, as defined by the 6179
director, that the speed permitted by division (B)(5) of this 6180
section is greater than is reasonable or safe under the conditions 6181
found to exist at the location and both boards agree upon a 6182
reasonable and safe prima-facie speed limit of less than 6183
fifty-five but not less than twenty-five miles per hour for that 6184
location. If both boards so agree, each shall follow the procedure 6185
specified in division (K)(2) of this section for altering the 6186
prima-facie speed limit on the highway. Except as otherwise 6187
provided in division (K)(4)(b) of this section, no speed limit 6188
altered pursuant to division (K)(4)(a) of this section may be 6189
withdrawn unless the boards of township trustees of both townships 6190
determine that the altered prima-facie speed limit previously 6191
adopted becomes unreasonable and each board adopts a resolution 6192
withdrawing the altered prima-facie speed limit pursuant to the 6193
procedure specified in division (K)(3)(a) of this section. 6194

(b) Whenever a highway described in division (K)(4)(a) of 6195
this section ceases to be an unimproved highway and two boards of 6196
township trustees have adopted an altered prima-facie speed limit 6197
pursuant to division (K)(4)(a) of this section, both boards shall, 6198
by resolution, withdraw the altered prima-facie speed limit as 6199
soon as the highway ceases to be unimproved. Upon the adoption of 6200
the resolution, the altered prima-facie speed limit becomes 6201
ineffective and the traffic control devices relating thereto shall 6202
be immediately removed. 6203

(5) As used in division (K)(5) of this section: 6204

(a) "Commercial subdivision" means any platted territory 6205
outside the limits of a municipal corporation and fronting a 6206
highway where, for a distance of three hundred feet or more, the 6207
frontage is improved with buildings in use for commercial 6208
purposes, or where the entire length of the highway is less than 6209
three hundred feet long and the frontage is improved with 6210

buildings in use for commercial purposes. 6211

(b) "Residential subdivision" means any platted territory 6212
outside the limits of a municipal corporation and fronting a 6213
highway, where, for a distance of three hundred feet or more, the 6214
frontage is improved with residences or residences and buildings 6215
in use for business, or where the entire length of the highway is 6216
less than three hundred feet long and the frontage is improved 6217
with residences or residences and buildings in use for business. 6218

Whenever a board of township trustees finds upon the basis of 6219
criteria established by an engineering and traffic investigation 6220
study, as defined by the director, that the prima-facie speed 6221
permitted by division (B)(5) of this section on any part of a 6222
highway under its jurisdiction that is located in a commercial or 6223
residential subdivision, except on highways or portions thereof at 6224
the entrances to which vehicular traffic from the majority of 6225
intersecting highways is required to yield the right-of-way to 6226
vehicles on such highways in obedience to stop or yield signs or 6227
traffic control signals, is greater than is reasonable and safe 6228
under the conditions found to exist at the location, the board may 6229
by resolution declare a reasonable and safe prima-facie speed 6230
limit of less than fifty-five but not less than twenty-five miles 6231
per hour at the location. An altered speed limit adopted by a 6232
board of township trustees under this division shall become 6233
effective when appropriate signs giving notice thereof are erected 6234
at the location by the township. Whenever, in the opinion of a 6235
board of township trustees, any altered prima-facie speed limit 6236
established by it under this division becomes unreasonable, it may 6237
adopt a resolution withdrawing the altered prima-facie speed, and 6238
upon such withdrawal, the altered prima-facie speed shall become 6239
ineffective, and the signs relating thereto shall be immediately 6240
removed by the township. 6241

(L)(1) ~~On September 29, 2013, the~~ The director of 6242

transportation, based upon an engineering study, as defined by the 6243
director, of a highway, expressway, or freeway described in 6244
division (B)~~(12)~~, (13), (14), (15), or (16)~~, or (17)~~ of this 6245
section, in consultation with the director of public safety and, 6246
if applicable, the local authority having jurisdiction over the 6247
studied highway, expressway, or freeway, may determine and declare 6248
that the speed limit established on such highway, expressway, or 6249
freeway under division (B)~~(12)~~, (13), (14), (15), or (16)~~, or (17)~~ 6250
of this section either is reasonable and safe or is more or less 6251
than that which is reasonable and safe. 6252

(2) If the established speed limit for a highway, expressway, 6253
or freeway studied pursuant to division (L)(1) of this section is 6254
determined to be more or less than that which is reasonable and 6255
safe, the director of transportation, in consultation with the 6256
director of public safety and, if applicable, the local authority 6257
having jurisdiction over the studied highway, expressway, or 6258
freeway, shall determine and declare a reasonable and safe speed 6259
limit for that highway, expressway, or freeway. 6260

(M)(1)(a) If the boundary of two local authorities rests on 6261
the centerline of a highway and both authorities have jurisdiction 6262
over the highway, the speed limit for the part of the highway 6263
within their joint jurisdiction shall be either one of the 6264
following as agreed to by both authorities: 6265

(i) Either prima-facie speed limit permitted by division (B) 6266
of this section; 6267

(ii) An altered speed limit determined and posted in 6268
accordance with this section. 6269

(b) If the local authorities are unable to reach an 6270
agreement, the speed limit shall remain as established and posted 6271
under this section. 6272

(2) Neither local authority may declare an altered 6273

prima-facie speed limit pursuant to this section on the part of 6274
the highway under their joint jurisdiction unless both of the 6275
local authorities determine, upon the basis of criteria 6276
established by an engineering and traffic investigation study, as 6277
defined by the director, that the speed permitted by this section 6278
is greater than is reasonable or safe under the conditions found 6279
to exist at the location and both authorities agree upon a uniform 6280
reasonable and safe prima-facie speed limit of less than 6281
fifty-five but not less than twenty-five miles per hour for that 6282
location. If both authorities so agree, each shall follow the 6283
procedure specified in this section for altering the prima-facie 6284
speed limit on the highway, and the speed limit for the part of 6285
the highway within their joint jurisdiction shall be uniformly 6286
altered. No altered speed limit may be withdrawn unless both local 6287
authorities determine that the altered prima-facie speed limit 6288
previously adopted becomes unreasonable and each adopts a 6289
resolution withdrawing the altered prima-facie speed limit 6290
pursuant to the procedure specified in this section. 6291

(N) The legislative authority of a municipal corporation or 6292
township in which a boarding school is located, by resolution or 6293
ordinance, may establish a boarding school zone. The legislative 6294
authority may alter the speed limit on any street or highway 6295
within the boarding school zone and shall specify the hours during 6296
which the altered speed limit is in effect. For purposes of 6297
determining the boundaries of the boarding school zone, the 6298
altered speed limit within the boarding school zone, and the hours 6299
the altered speed limit is in effect, the legislative authority 6300
shall consult with the administration of the boarding school and 6301
with the county engineer or other appropriate engineer, as 6302
applicable. A boarding school zone speed limit becomes effective 6303
only when appropriate signs giving notice thereof are erected at 6304
the appropriate locations. 6305

- (0) As used in this section: 6306
- (1) "Interstate system" has the same meaning as in 23 U.S.C. ~~A.~~ 101. 6307
6308
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 6309
6310
6311
- (3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. 6312
6313
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6315
- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director. 6316
6317
6318
6319
- (5) "Rural" means an area outside urbanized areas, ~~as designated in accordance with 23 U.S.C. 101,~~ and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas. 6320
6321
6322
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6324
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 6325
6326
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes. 6327
6328
6329
- (P)(1) A violation of any provision of this section is one of the following: 6330
6331
- (a) Except as otherwise provided in divisions (P)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor; 6332
6333
- (b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two 6334
6335

violations of any provision of this section or of any provision of 6336
a municipal ordinance that is substantially similar to any 6337
provision of this section, a misdemeanor of the fourth degree; 6338

(c) If, within one year of the offense, the offender 6339
previously has been convicted of or pleaded guilty to three or 6340
more violations of any provision of this section or of any 6341
provision of a municipal ordinance that is substantially similar 6342
to any provision of this section, a misdemeanor of the third 6343
degree. 6344

(2) If the offender has not previously been convicted of or 6345
pleaded guilty to a violation of any provision of this section or 6346
of any provision of a municipal ordinance that is substantially 6347
similar to this section and operated a motor vehicle faster than 6348
thirty-five miles an hour in a business district of a municipal 6349
corporation, faster than fifty miles an hour in other portions of 6350
a municipal corporation, or faster than thirty-five miles an hour 6351
in a school zone during recess or while children are going to or 6352
leaving school during the school's opening or closing hours, a 6353
misdemeanor of the fourth degree. 6354

(3) Notwithstanding division (P)(1) of this section, if the 6355
offender operated a motor vehicle in a construction zone where a 6356
sign was then posted in accordance with section 4511.98 of the 6357
Revised Code, the court, in addition to all other penalties 6358
provided by law, shall impose upon the offender a fine of two 6359
times the usual amount imposed for the violation. No court shall 6360
impose a fine of two times the usual amount imposed for the 6361
violation upon an offender if the offender alleges, in an 6362
affidavit filed with the court prior to the offender's sentencing, 6363
that the offender is indigent and is unable to pay the fine 6364
imposed pursuant to this division and if the court determines that 6365
the offender is an indigent person and unable to pay the fine. 6366

(4) If the offender commits the offense while distracted and 6367

the distracting activity is a contributing factor to the 6368
commission of the offense, the offender is subject to the 6369
additional fine established under section 4511.991 of the Revised 6370
Code. 6371

Sec. 4511.521. (A) No person shall operate a motorized 6372
bicycle upon a highway or any public or private property used by 6373
the public for purposes of vehicular travel or parking, unless all 6374
of the following conditions are met: 6375

(1) The person is fourteen or fifteen years of age and holds 6376
a valid probationary motorized bicycle license issued after the 6377
person has passed the test provided for in this section, or the 6378
person is sixteen years of age or older and holds either a valid 6379
commercial driver's license issued under Chapter 4506. or a 6380
driver's license issued under Chapter 4507. of the Revised Code or 6381
a valid motorized bicycle license issued after the person has 6382
passed the test provided for in this section, except that if a 6383
person is sixteen years of age, has a valid probationary motorized 6384
bicycle license and desires a motorized bicycle license, the 6385
person is not required to comply with the testing requirements 6386
provided for in this section; 6387

(2) The motorized bicycle is equipped in accordance with the 6388
rules adopted under division (B) of this section and is in proper 6389
working order; 6390

(3) The person, if under eighteen years of age, is wearing a 6391
protective helmet on the person's head with the chin strap 6392
properly fastened and the motorized bicycle is equipped with a 6393
rear-view mirror. 6394

(4) The person operates the motorized bicycle when 6395
practicable within three feet of the right edge of the roadway 6396
obeying all traffic rules applicable to vehicles. 6397

(B) The director of public safety, subject to sections 119.01 6398
to 119.13 of the Revised Code, shall adopt and promulgate rules 6399
concerning protective helmets, the equipment of motorized 6400
bicycles, and the testing and qualifications of persons who do not 6401
hold a valid driver's or commercial driver's license. The test 6402
shall be as near as practicable to the examination required for a 6403
motorcycle operator's endorsement under section 4507.11 of the 6404
Revised Code. The test shall also require the operator to give an 6405
actual demonstration of the operator's ability to operate and 6406
control a motorized bicycle by driving one under the supervision 6407
of an examining officer. 6408

(C) Every motorized bicycle license expires on the birthday 6409
of the applicant in the fourth year after the date it is issued, 6410
but in no event shall any motorized bicycle license be issued for 6411
a period longer than four years. 6412

(D) No person operating a motorized bicycle shall carry 6413
another person upon the motorized bicycle. 6414

(E) The protective helmet and rear-view mirror required by 6415
division (A)(3) of this section shall, on and after January 1, 6416
1985, conform with rules adopted by the director under division 6417
(B) of this section. 6418

~~(F) Each probationary motorized bicycle license or motorized 6419
bicycle license shall be laminated with a transparent plastic 6420
material. 6421~~

~~(G) Whoever violates division (A), (D), or (E) of this 6422
section is guilty of a minor misdemeanor. 6423~~

Sec. 4511.76. (A) The department of public safety, by and 6424
with the advice of the superintendent of public instruction, shall 6425
adopt and enforce rules relating to the construction, design, and 6426
equipment, including lighting equipment required by section 6427

4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to the moral character of the applicant; the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code; or

(2) A student does not live within thirty minutes of the chartered nonpublic school and the student's school district is not required to transport the student under section 3327.01 of the Revised Code.

(F) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

~~(F)~~(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

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

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than

its operator, who is occupying a seating position for which an occupant restraining device is provided.

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

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

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

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

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

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

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

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

(C)(1) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device or booster seat.

(2) Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3) Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states ~~that~~ the following:

(a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

(b) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;

(c) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4) Divisions (B)(1) and (3) of this section do not apply to a person who has registered with the registrar of motor vehicles in accordance with division (C)(5) of this section.

(5) A person who has received an affidavit under division (C)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable

may register with the registrar attesting to that fact. Upon such 6550
registration, the registrar shall make that information available 6551
in the law enforcement automated data system. A person included in 6552
the database under division (C)(5) of this section is not required 6553
to have the affidavit obtained in accordance with division (C)(3) 6554
of this section in their possession while operating or occupying 6555
an automobile. 6556

(6) A physician or chiropractor who issues an affidavit for 6557
the purposes of division (C)(3) or (4) of this section is immune 6558
from civil liability arising from any injury or death sustained by 6559
the person who was issued the affidavit due to the failure of the 6560
person to wear an occupant restraining device unless the physician 6561
or chiropractor, in issuing the affidavit, acted in a manner that 6562
constituted willful, wanton, or reckless misconduct. 6563

(7) The registrar shall adopt rules in accordance with 6564
Chapter 119. of the Revised Code establishing a process for a 6565
person to be included in the database under division (C)(5) of 6566
this section. The information provided and included in the 6567
database under division (C)(5) of this section is not a public 6568
record subject to inspection or copying under section 149.43 of 6569
the Revised Code. 6570

(D) Notwithstanding any provision of law to the contrary, no 6571
law enforcement officer shall cause an operator of an automobile 6572
being operated on any street or highway to stop the automobile for 6573
the sole purpose of determining whether a violation of division 6574
(B) of this section has been or is being committed or for the sole 6575
purpose of issuing a ticket, citation, or summons for a violation 6576
of that nature or causing the arrest of or commencing a 6577
prosecution of a person for a violation of that nature, and no law 6578
enforcement officer shall view the interior or visually inspect 6579
any automobile being operated on any street or highway for the 6580
sole purpose of determining whether a violation of that nature has 6581

been or is being committed. 6582

(E) All fines collected for violations of division (B) of 6583
this section, or for violations of any ordinance or resolution of 6584
a political subdivision that is substantively comparable to that 6585
division, shall be forwarded to the treasurer of state for deposit 6586
into the state treasury to the credit of the trauma and emergency 6587
medical services fund, which is hereby created. In addition, the 6588
portion of the driver's license reinstatement fee described in 6589
division (F)(2)(g) of section 4511.191 of the Revised Code, plus 6590
all fees collected under section 4765.11 of the Revised Code, plus 6591
all fines imposed under section 4765.55 of the Revised Code, plus 6592
the fees and other moneys specified in section 4766.05 of the 6593
Revised Code, and plus five per cent of fines and moneys arising 6594
from bail forfeitures as directed by section 5503.04 of the 6595
Revised Code, also shall be deposited into the trauma and 6596
emergency medical services fund. All money deposited into the 6597
trauma and emergency medical services fund shall be used by the 6598
department of public safety for the administration and operation 6599
of the division of emergency medical services and the state board 6600
of emergency medical, fire, and transportation services, and by 6601
the state board of emergency medical, fire, and transportation 6602
services to make grants, in accordance with section 4765.07 of the 6603
Revised Code and rules the board adopts under section 4765.11 of 6604
the Revised Code. The director of budget and management may 6605
transfer excess money from the trauma and emergency medical 6606
services fund to the public safety - highway purposes fund 6607
established in section 4501.06 of the Revised Code if the director 6608
of public safety determines that the amount of money in the trauma 6609
and emergency medical services fund exceeds the amount required to 6610
cover such costs incurred by the emergency medical services agency 6611
and the grants made by the state board of emergency medical, fire, 6612
and transportation services and requests the director of budget 6613
and management to make the transfer. 6614

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

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for

relief satisfies all of the following: 6648

(a) It seeks to recover damages for injury or death to the 6649
occupant. 6650

(b) The defendant in question is the manufacturer, designer, 6651
distributor, or seller of the passenger car. 6652

(c) The claim for relief against the defendant in question is 6653
that the injury or death sustained by the occupant was enhanced or 6654
aggravated by some design defect in the passenger car or that the 6655
passenger car was not crashworthy. 6656

(G)(1) Whoever violates division (B)(1) of this section shall 6657
be fined thirty dollars. 6658

(2) Whoever violates division (B)(3) of this section shall be 6659
fined twenty dollars. 6660

(3) Except as otherwise provided in this division, whoever 6661
violates division (B)(4) of this section is guilty of a minor 6662
misdemeanor. If the offender previously has been convicted of or 6663
pleaded guilty to a violation of division (B)(4) of this section, 6664
whoever violates division (B)(4) of this section is guilty of a 6665
misdemeanor of the third degree. 6666

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 6667
police of a municipal corporation, township, port authority, or 6668
township or joint police district, within the sheriff's or chief's 6669
respective territorial jurisdiction, upon complaint of any person 6670
adversely affected, may order into storage any motor vehicle, 6671
other than an abandoned junk motor vehicle as defined in section 6672
4513.63 of the Revised Code, that has been left on private 6673
residential or private agricultural property for at least four 6674
hours without the permission of the person having the right to the 6675
possession of the property. The sheriff or chief of police, upon 6676
complaint of a repair garage or place of storage, may order into 6677

storage any motor vehicle, other than an abandoned junk motor 6678
vehicle, that has been left at the garage or place of storage for 6679
a longer period than that agreed upon. When ordering a motor 6680
vehicle into storage pursuant to this division, a sheriff or chief 6681
of police may arrange for the removal of the motor vehicle by a 6682
towing service and shall designate a storage facility. 6683

(2) A towing service towing a motor vehicle under division 6684
(A)(1) of this section shall remove the motor vehicle in 6685
accordance with that division. The towing service shall deliver 6686
the motor vehicle to the location designated by the sheriff or 6687
chief of police not more than two hours after the time it is 6688
removed from the private property, unless the towing service is 6689
unable to deliver the motor vehicle within two hours due to an 6690
uncontrollable force, natural disaster, or other event that is not 6691
within the power of the towing service. 6692

(3) Subject to division (B) of this section, the owner of a 6693
motor vehicle that has been removed pursuant to this division may 6694
recover the vehicle only in accordance with division (D) of this 6695
section. 6696

(4) As used in this section, "private residential property" 6697
means private property on which is located one or more structures 6698
that are used as a home, residence, or sleeping place by one or 6699
more persons, if no more than three separate households are 6700
maintained in the structure or structures. "Private residential 6701
property" does not include any private property on which is 6702
located one or more structures that are used as a home, residence, 6703
or sleeping place by two or more persons, if more than three 6704
separate households are maintained in the structure or structures. 6705

(B) If the owner or operator of a motor vehicle that has been 6706
ordered into storage pursuant to division (A)(1) of this section 6707
arrives after the motor vehicle has been prepared for removal, but 6708

prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(C)(1) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was

removed, the date and time of its removal, the telephone number of 6741
the person from whom it may be recovered, and the address of the 6742
place to which it has been taken and from which it may be 6743
recovered. A sheriff or chief of police shall provide any 6744
information in the record that pertains to a particular motor 6745
vehicle to any person who, either in person or pursuant to a 6746
telephone call, identifies self as the owner or operator of the 6747
motor vehicle and requests information pertaining to its location. 6748

(2) Any person who registers a complaint that is the basis of 6749
a sheriff's or police chief's order for the removal and storage of 6750
a motor vehicle under division (A)(1) of this section shall 6751
provide the identity of the law enforcement agency with which the 6752
complaint was registered to any person who identifies self as the 6753
owner or operator of the motor vehicle and requests information 6754
pertaining to its location. 6755

(D)(1) The owner or lienholder of a motor vehicle that is 6756
ordered into storage pursuant to division (A)(1) of this section 6757
may reclaim it upon both of the following: 6758

(a) Payment of all applicable fees established by the public 6759
utilities commission in rules adopted under section 4921.25 of the 6760
Revised Code or, if the vehicle was towed within a municipal 6761
corporation that has established fees for vehicle removal and 6762
storage, payment of all applicable fees established by the 6763
municipal corporation. 6764

(b) Presentation of proof of ownership, which may be 6765
evidenced by a certificate of title to the motor vehicle, a 6766
certificate of registration for the motor vehicle, or a lease 6767
agreement. 6768

When the owner of a vehicle towed under this section 6769
retrieves the vehicle, the towing service or storage facility in 6770
possession of the vehicle shall give the owner written notice that 6771

if the owner disputes that the motor vehicle was lawfully towed, 6772
the owner may be able to file a civil action under section 6773
4513.611 of the Revised Code. 6774

(2) Upon presentation of proof of ownership as required under 6775
division (D)(1)(b) of this section, the owner of a motor vehicle 6776
that is ordered into storage under division (A)(1) of this section 6777
may retrieve any personal items from the motor vehicle without 6778
retrieving the vehicle and without paying any fee. However, a 6779
towing service or storage facility may charge an after-hours 6780
retrieval fee established by the public utilities commission in 6781
rules adopted under section 4921.25 of the Revised Code if the 6782
owner retrieves the personal items after hours, unless the towing 6783
service or storage facility fails to provide the notice required 6784
under division (B)(3) of section 4513.69 of the Revised Code, if 6785
applicable. The owner of a motor vehicle shall not do either of 6786
the following: 6787

(a) Retrieve any personal item that has been determined by 6788
the sheriff or chief of police, as applicable, to be necessary to 6789
a criminal investigation; 6790

(b) Retrieve any personal item from a vehicle if it would 6791
endanger the safety of the owner, unless the owner agrees to sign 6792
a waiver of liability. 6793

For purposes of division (D)(2) of this section, "personal 6794
items" do not include any items that are attached to the motor 6795
vehicle. 6796

(3) If a motor vehicle that is ordered into storage pursuant 6797
to division (A)(1) of this section remains unclaimed by the owner 6798
for thirty days, the procedures established by sections 4513.61 6799
and 4513.62 of the Revised Code apply. 6800

(E)(1) No person shall remove, or cause the removal of, any 6801
motor vehicle from any private residential or private agricultural 6802

property other than in accordance with division (A)(1) of this 6803
section or sections 4513.61 to 4513.65 of the Revised Code. 6804

(2) No towing service or storage facility shall fail to 6805
comply with the requirements of this section. 6806

(F) This section does not apply to any private residential or 6807
private agricultural property that is established as a private 6808
tow-away zone in accordance with section 4513.601 of the Revised 6809
Code. 6810

(G) Whoever violates division (E) of this section is guilty 6811
of a minor misdemeanor. 6812

Sec. 4513.601. (A) The owner of a private property may 6813
establish a private tow-away zone, but may do so only if all of 6814
the following conditions are satisfied: 6815

(1) The owner of the private property posts on the property a 6816
sign, that is at least eighteen inches by twenty-four inches in 6817
size, that is visible from all entrances to the property, and that 6818
includes all of the following information: 6819

(a) A statement that the property is a tow-away zone; 6820

(b) A description of persons authorized to park on the 6821
property. If the property is a residential property, the owner of 6822
the private property may include on the sign a statement that only 6823
tenants and guests may park in the private tow-away zone, subject 6824
to the terms of the property owner. If the property is a 6825
commercial property, the owner of the private property may include 6826
on the sign a statement that only customers may park in the 6827
private tow-away zone. In all cases, if it is not apparent which 6828
persons may park in the private tow-away zone, the owner of the 6829
private property shall include on the sign the address of the 6830
property on which the private tow-away zone is located or the name 6831
of the business that is located on the property designated as a 6832

private tow-away zone. 6833

(c) If the private tow-away zone is not enforceable at all 6834
times, the times during which the parking restrictions are 6835
enforced; 6836

(d) The telephone number and the address of the place from 6837
which a towed vehicle may be recovered at any time during the day 6838
or night; 6839

(e) A statement that the failure to recover a towed vehicle 6840
may result in the loss of title to the vehicle as provided in 6841
division (B) of section 4505.101 of the Revised Code. 6842

In order to comply with the requirements of division (A)(1) 6843
of this section, the owner of a private property may modify an 6844
existing sign by affixing to the existing sign stickers or an 6845
addendum in lieu of replacing the sign. 6846

(2) A towing service ensures that a vehicle towed under this 6847
section is taken to a location from which it may be recovered that 6848
complies with all of the following: 6849

(a) It is located within twenty-five linear miles of the 6850
location of the private tow-away zone, unless it is not 6851
practicable to take the vehicle to a place of storage within 6852
twenty-five linear miles. 6853

(b) It is well-lighted. 6854

(c) It is on or within a reasonable distance of a regularly 6855
scheduled route of one or more modes of public transportation, if 6856
any public transportation is available in the municipal 6857
corporation or township in which the private tow-away zone is 6858
located. 6859

(B)(1) If a vehicle is parked on private property that is 6860
established as a private tow-away zone in accordance with division 6861
(A) of this section, without the consent of the owner of the 6862

private property or in violation of any posted parking condition 6863
or regulation, the owner of the private property may cause the 6864
removal of the vehicle by a towing service. The towing service 6865
shall remove the vehicle in accordance with this section. The 6866
vehicle owner and the operator of the vehicle are considered to 6867
have consented to the removal and storage of the vehicle, to the 6868
payment of the applicable fees established by the public utilities 6869
commission in rules adopted under section 4921.25 of the Revised 6870
Code, and to the right of a towing service to obtain title to the 6871
vehicle if it remains unclaimed as provided in section 4505.101 of 6872
the Revised Code. The owner or lienholder of a vehicle that has 6873
been removed under this section, subject to division (C) of this 6874
section, may recover the vehicle in accordance with division (G) 6875
of this section. 6876

(2) If a municipal corporation requires tow trucks and tow 6877
truck operators to be licensed, no owner of a private property 6878
located within the municipal corporation shall cause the removal 6879
and storage of any vehicle pursuant to division (B) of this 6880
section by an unlicensed tow truck or unlicensed tow truck 6881
operator. 6882

(3) No towing service shall remove a vehicle from a private 6883
tow-away zone except pursuant to a written contract for the 6884
removal of vehicles entered into with the owner of the private 6885
property on which the private tow-away zone is located. 6886

(C) If the owner or operator of a vehicle that is being 6887
removed under authority of division (B) of this section arrives 6888
after the vehicle has been prepared for removal, but prior to its 6889
actual removal from the property, the towing service shall give 6890
the vehicle owner or operator oral or written notification at the 6891
time of such arrival that the vehicle owner or operator may pay a 6892
fee of not more than one-half of the fee for the removal of the 6893
vehicle established by the public utilities commission in rules 6894

adopted under section 4921.25 of the Revised Code in order to 6895
obtain release of the vehicle. That fee may be paid by use of a 6896
major credit card unless the towing service uses a mobile credit 6897
card processor and mobile service is not available at the time of 6898
the transaction. Upon payment of that fee, the towing service 6899
shall give the vehicle owner or operator a receipt showing both 6900
the full amount normally assessed and the actual amount received 6901
and shall release the vehicle to the owner or operator. Upon its 6902
release, the owner or operator immediately shall move the vehicle 6903
so that the vehicle is not parked on the private property 6904
established as a private tow-away zone without the consent of the 6905
owner of the private property or in violation of any posted 6906
parking condition or regulation. 6907

(D)(1) Prior to towing a vehicle under division (B) of this 6908
section, a towing service shall make all reasonable efforts to 6909
take as many photographs as necessary to evidence that the vehicle 6910
is clearly parked on private property in violation of a private 6911
tow-away zone established under division (A) of this section. 6912

The towing service shall record the time and date of the 6913
photographs taken under this section. The towing service shall 6914
retain the photographs and the record of the time and date, in 6915
electronic or printed form, for at least thirty days after the 6916
date on which the vehicle is recovered by the owner or lienholder 6917
or at least two years after the date on which the vehicle was 6918
towed, whichever is earlier. 6919

(2) A towing service shall deliver a vehicle towed under 6920
division (B) of this section to the location from which it may be 6921
recovered not more than two hours after the time it was removed 6922
from the private tow-away zone, unless the towing service is 6923
unable to deliver the motor vehicle within two hours due to an 6924
uncontrollable force, natural disaster, or other event that is not 6925
within the power of the towing service. 6926

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

(a) The vehicle's license number, make, model, and color;

(b) The location from which the vehicle was removed;

(c) The date and time the vehicle was removed;

(d) The telephone number of the person from whom the vehicle may be recovered;

(e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the

vehicle may be recovered shall cause a search to be made of the 6958
records of the bureau of motor vehicles to ascertain the identity 6959
of the owner and any lienholder of the motor vehicle. The 6960
registrar of motor vehicles shall ensure that such information is 6961
provided in a timely manner. Subject to division (F)(4) of this 6962
section, the towing service or storage facility shall send notice 6963
to the vehicle owner and any known lienholder as follows: 6964

(a) Within five business days after the registrar of motor 6965
vehicles provides the identity of the owner and any lienholder of 6966
the motor vehicle, if the vehicle remains unclaimed, to the 6967
owner's and lienholder's last known address by certified or 6968
express mail with return receipt requested or by a commercial 6969
carrier service utilizing any form of delivery requiring a signed 6970
receipt; 6971

(b) If the vehicle remains unclaimed thirty days after the 6972
first notice is sent, in the manner required under division 6973
(F)(1)(a) of this section; 6974

(c) If the vehicle remains unclaimed forty-five days after 6975
the first notice is sent, in the manner required under division 6976
(F)(1)(a) of this section. 6977

(2) Sixty days after any notice sent pursuant to division 6978
(F)(1) of this section is received, as evidenced by a receipt 6979
signed by any person, or the towing service or storage facility 6980
has been notified that delivery was not possible, the towing 6981
service or storage facility, if authorized under division (B) of 6982
section 4505.101 of the Revised Code, may initiate the process for 6983
obtaining a certificate of title to the motor vehicle as provided 6984
in that section. 6985

(3) A towing service or storage facility that does not 6986
receive a signed receipt of notice, or a notification that 6987
delivery was not possible, shall not obtain, and shall not attempt 6988

to obtain, a certificate of title to the motor vehicle under 6989
division (B) of section 4505.101 of the Revised Code. 6990

(4) With respect to a vehicle concerning which a towing 6991
service or storage facility is not eligible to obtain title under 6992
section 4505.101 of the Revised Code, the towing service or 6993
storage facility need only comply with the initial notice required 6994
under division (F)(1)(a) of this section. 6995

(G)(1) The owner or lienholder of a vehicle that is removed 6996
under division (B) of this section may reclaim it upon both of the 6997
following: 6998

(a) Presentation of proof of ownership, which may be 6999
evidenced by a certificate of title to the vehicle, a certificate 7000
of registration for the motor vehicle, or a lease agreement; 7001

(b) Payment of the following fees: 7002

(i) All applicable fees established by the public utilities 7003
commission in rules adopted under section 4921.25 of the Revised 7004
Code, except that the lienholder of a vehicle may retrieve the 7005
vehicle without paying any storage fee for the period of time that 7006
the vehicle was in the possession of the towing service or storage 7007
facility prior to the date the lienholder received the notice sent 7008
under division (F)(1)(a) of this section; 7009

(ii) If notice has been sent to the owner and lienholder as 7010
described in division (F) of this section, a processing fee of 7011
twenty-five dollars. 7012

(2) A towing service or storage facility in possession of a 7013
vehicle that is removed under authority of division (B) of this 7014
section shall show the vehicle owner, operator, or lienholder who 7015
contests the removal of the vehicle all photographs taken under 7016
division (D) of this section. Upon request, the towing service or 7017
storage facility shall provide a copy of all photographs in the 7018
medium in which the photographs are stored, whether paper, 7019

electronic, or otherwise. 7020

(3) When the owner of a vehicle towed under this section 7021
retrieves the vehicle, the towing service or storage facility in 7022
possession of the vehicle shall give the owner written notice that 7023
if the owner disputes that the motor vehicle was lawfully towed, 7024
the owner may be able to file a civil action under section 7025
4513.611 of the Revised Code. 7026

(4) Upon presentation of proof of ownership, which may be 7027
evidenced by a certificate of title to the vehicle, a certificate 7028
of registration for the motor vehicle, or a lease agreement, the 7029
owner of a vehicle that is removed under authority of division (B) 7030
of this section may retrieve any personal items from the vehicle 7031
without retrieving the vehicle and without paying any fee. The 7032
owner of the vehicle shall not retrieve any personal items from a 7033
vehicle if it would endanger the safety of the owner, unless the 7034
owner agrees to sign a waiver of liability. For purposes of 7035
division (G)(4) of this section, "personal items" do not include 7036
any items that are attached to the vehicle. 7037

(H) No person shall remove, or cause the removal of, any 7038
vehicle from private property that is established as a private 7039
tow-away zone under this section or store such a vehicle other 7040
than in accordance with this section, or otherwise fail to comply 7041
with any applicable requirement of this section. 7042

(I) This section does not affect or limit the operation of 7043
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 7044
as they relate to property other than private property that is 7045
established as a private tow-away zone under division (A) of this 7046
section. 7047

(J) Whoever violates division (H) of this section is guilty 7048
of a minor misdemeanor. 7049

(K) As used in this section, "owner of a private property" or 7050

"owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

Sec. 4513.61. (A) The sheriff of a county or chief of police of a municipal corporation, township, port authority, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that:

(1) Has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the sheriff's, chief's, or trooper's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the sheriff or chief of police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

(a) The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;

(b) The vehicle is a commercial motor vehicle. If the vehicle

is a commercial motor vehicle, the sheriff, chief of police, or 7081
state highway patrol trooper shall allow the owner or operator of 7082
the vehicle the opportunity to arrange for the removal of the 7083
motor vehicle within a period of time specified by the sheriff, 7084
chief of police, or state highway patrol trooper. If the sheriff, 7085
chief of police, or state highway patrol trooper determines that 7086
the vehicle cannot be removed within the specified period of time, 7087
the sheriff, chief of police, or state highway patrol trooper 7088
shall order the removal of the vehicle. 7089

Subject to division (C) of this section, the sheriff or chief 7090
of police shall designate the place of storage of any motor 7091
vehicle so ordered removed. 7092

(B) If the sheriff, chief of police, or a state highway 7093
patrol trooper issues an order under division (A) of this section 7094
and arranges for the removal of a motor vehicle by a towing 7095
service, the towing service shall deliver the motor vehicle to the 7096
location designated by the sheriff or chief of police not more 7097
than two hours after the time it is removed. 7098

(C)(1) The sheriff or chief of police shall cause a search to 7099
be made of the records of the bureau of motor vehicles to 7100
ascertain the identity of the owner and any lienholder of a motor 7101
vehicle ordered into storage by the sheriff or chief of police, or 7102
by a state highway patrol trooper within five business days of the 7103
removal of the vehicle. Upon obtaining such identity, the sheriff 7104
or chief of police shall send or cause to be sent to the owner or 7105
lienholder at the owner's or lienholder's last known address by 7106
certified mail with return receipt requested, notice that informs 7107
the owner or lienholder that the motor vehicle will be declared a 7108
nuisance and disposed of if not claimed within ten days of the 7109
date of mailing of the notice. 7110

(2) The owner or lienholder of the motor vehicle may reclaim 7111
the motor vehicle upon payment of any expenses or charges incurred 7112

in its removal and storage, and presentation of proof of 7113
ownership, which may be evidenced by a certificate of title or 7114
memorandum certificate of title to the motor vehicle, a 7115
certificate of registration for the motor vehicle, or a lease 7116
agreement. Upon presentation of proof of ownership evidenced as 7117
provided above, the owner of the motor vehicle also may retrieve 7118
any personal items from the vehicle without retrieving the vehicle 7119
and without paying any fee. However, a towing service or storage 7120
facility may charge an after-hours retrieval fee established by 7121
the public utilities commission in rules adopted under section 7122
4921.25 of the Revised Code if the owner retrieves the personal 7123
items after hours, unless the towing service or storage facility 7124
fails to provide the notice required under division (B)(3) of 7125
section 4513.69 of the Revised Code, if applicable. However, the 7126
owner shall not do either of the following: 7127

(a) Retrieve any personal item that has been determined by 7128
the sheriff, chief of police, or a state highway patrol trooper, 7129
as applicable, to be necessary to a criminal investigation; 7130

(b) Retrieve any personal item from a vehicle if it would 7131
endanger the safety of the owner, unless the owner agrees to sign 7132
a waiver of liability. 7133

For purposes of division (C)(2) of this section, "personal 7134
items" do not include any items that are attached to the vehicle. 7135

(3) If the owner or lienholder of the motor vehicle reclaims 7136
it after a search of the records of the bureau has been conducted 7137
and after notice has been sent to the owner or lienholder as 7138
described in this section, and the search was conducted by the 7139
place of storage, and the notice was sent to the motor vehicle 7140
owner by the place of storage, the owner or lienholder shall pay 7141
to the place of storage a processing fee of twenty-five dollars, 7142
in addition to any expenses or charges incurred in the removal and 7143
storage of the vehicle. 7144

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

(F) No towing service or storage facility shall fail to

comply with this section. 7177

Sec. 4513.62. Unclaimed motor vehicles ordered into storage 7178
pursuant to division (A)(1) of section 4513.60 or section 4513.61 7179
of the Revised Code shall be disposed of at the order of the 7180
sheriff of the county or the chief of police of the municipal 7181
corporation, township, port authority, or township or joint police 7182
district to a motor vehicle salvage dealer or scrap metal 7183
processing facility as defined in section 4737.05 of the Revised 7184
Code, or to any other facility owned by or under contract with the 7185
county, municipal corporation, port authority, or township, for 7186
the disposal of such motor vehicles, or shall be sold by the 7187
sheriff, chief of police, or licensed auctioneer at public 7188
auction, after giving notice thereof by advertisement, published 7189
once a week for two successive weeks in a newspaper of general 7190
circulation in the county or as provided in section 7.16 of the 7191
Revised Code. Any moneys accruing from the disposition of an 7192
unclaimed motor vehicle that are in excess of the expenses 7193
resulting from the removal and storage of the vehicle shall be 7194
credited to the general fund of the county, municipal corporation, 7195
port authority, township, or joint police district, as the case 7196
may be. 7197

Sec. 4513.63. "Abandoned junk motor vehicle" means any motor 7198
vehicle meeting all of the following requirements: 7199

(A) Left on private property for forty-eight hours or longer 7200
without the permission of the person having the right to the 7201
possession of the property, on a public street or other property 7202
open to the public for purposes of vehicular travel or parking, or 7203
upon or within the right-of-way of any road or highway, for 7204
forty-eight hours or longer; 7205

(B) Three years old, or older; 7206

(C) Extensively damaged, such damage including but not 7207
limited to any of the following: missing wheels, tires, motor, or 7208
transmission; 7209

(D) Apparently inoperable; 7210

(E) Having a fair market value of one thousand five hundred 7211
dollars or less. 7212

The sheriff of a county or chief of police of a municipal 7213
corporation, township, port authority, or township or joint police 7214
district, within the sheriff's or chief's respective territorial 7215
jurisdiction, or a state highway patrol trooper, upon notification 7216
to the sheriff or chief of police of such action, shall order any 7217
abandoned junk motor vehicle to be photographed by a law 7218
enforcement officer. The officer shall record the make of motor 7219
vehicle, the serial number when available, and shall also detail 7220
the damage or missing equipment to substantiate the value of one 7221
thousand five hundred dollars or less. The sheriff or chief of 7222
police shall thereupon immediately dispose of the abandoned junk 7223
motor vehicle to a motor vehicle salvage dealer as defined in 7224
section 4738.01 of the Revised Code or a scrap metal processing 7225
facility as defined in section 4737.05 of the Revised Code which 7226
is under contract to the county, township, port authority, or 7227
municipal corporation, or to any other facility owned by or under 7228
contract with the county, township, port authority, or municipal 7229
corporation for the destruction of such motor vehicles. The 7230
records and photograph relating to the abandoned junk motor 7231
vehicle shall be retained by the law enforcement agency ordering 7232
the disposition of such vehicle for a period of at least two 7233
years. The law enforcement agency shall execute in quadruplicate 7234
an affidavit, as prescribed by the registrar of motor vehicles, 7235
describing the motor vehicle and the manner in which it was 7236
disposed of, and that all requirements of this section have been 7237
complied with, and, within thirty days of disposing of the 7238

vehicle, shall sign and file the affidavit with the clerk of 7239
courts of the county in which the motor vehicle was abandoned. The 7240
clerk of courts shall retain the original of the affidavit for the 7241
clerk's files, shall furnish one copy thereof to the registrar, 7242
one copy to the motor vehicle salvage dealer or other facility 7243
handling the disposal of the vehicle, and one copy to the law 7244
enforcement agency ordering the disposal, who shall file such copy 7245
with the records and photograph relating to the disposal. Any 7246
moneys arising from the disposal of an abandoned junk motor 7247
vehicle shall be deposited in the general fund of the county, 7248
township, or the municipal corporation, as the case may be. 7249

Notwithstanding section 4513.61 of the Revised Code, any 7250
motor vehicle meeting the requirements of divisions (C), (D), and 7251
(E) of this section which has remained unclaimed by the owner or 7252
lienholder for a period of ten days or longer following 7253
notification as provided in section 4513.61 of the Revised Code 7254
may be disposed of as provided in this section. 7255

Sec. 4513.64. (A) No person shall willfully leave an 7256
abandoned junk motor vehicle as defined in section 4513.63 of the 7257
Revised Code on private property for more than seventy-two hours 7258
without the permission of the person having the right to the 7259
possession of the property, or on a public street or other 7260
property open to the public for purposes of vehicular travel or 7261
parking, or upon or within the right-of-way of any road or 7262
highway, for forty-eight hours or longer without notification to 7263
the sheriff of the county or chief of police of the municipal 7264
corporation, township, port authority, or township or joint police 7265
district of the reasons for leaving the motor vehicle in such 7266
place. 7267

For purposes of this section, the fact that a motor vehicle 7268
has been so left without permission or notification is prima-facie 7269

evidence of abandonment. 7270

Nothing contained in sections 4513.60, 4513.61, and 4513.63 7271
of the Revised Code shall invalidate the provisions of municipal 7272
ordinances or township resolutions regulating or prohibiting the 7273
abandonment of motor vehicles on streets, highways, public 7274
property, or private property within municipal corporations or 7275
townships. 7276

(B) Whoever violates this section is guilty of a minor 7277
misdemeanor and shall also be assessed any costs incurred by the 7278
county, township, joint police district, port authority, or 7279
municipal corporation in disposing of the abandoned junk motor 7280
vehicle that is the basis of the violation, less any money 7281
accruing to the county, township, joint police district, port 7282
authority, or municipal corporation from this disposal of the 7283
vehicle. 7284

Sec. 4513.65. (A) For purposes of this section, "junk motor 7285
vehicle" means any motor vehicle meeting the requirements of 7286
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 7287
Code that is left uncovered in the open on private property for 7288
more than seventy-two hours with the permission of the person 7289
having the right to the possession of the property, except if the 7290
person is operating a junk yard or scrap metal processing facility 7291
licensed under authority of sections 4737.05 to 4737.12 of the 7292
Revised Code, or regulated under authority of a political 7293
subdivision; or if the property on which the motor vehicle is left 7294
is not subject to licensure or regulation by any governmental 7295
authority, unless the person having the right to the possession of 7296
the property can establish that the motor vehicle is part of a 7297
bona fide commercial operation; or if the motor vehicle is a 7298
collector's vehicle. 7299

No political subdivision shall prevent a person from storing 7300

or keeping, or restrict a person in the method of storing or 7301
keeping, any collector's vehicle on private property with the 7302
permission of the person having the right to the possession of the 7303
property; except that a political subdivision may require a person 7304
having such permission to conceal, by means of buildings, fences, 7305
vegetation, terrain, or other suitable obstruction, any unlicensed 7306
collector's vehicle stored in the open. 7307

The sheriff of a county, or chief of police of a municipal 7308
corporation or port authority, within the sheriff's or chief's 7309
respective territorial jurisdiction, a state highway patrol 7310
trooper, a board of township trustees, the legislative authority 7311
of a municipal corporation or port authority, or the zoning 7312
authority of a township or a municipal corporation, may send 7313
notice, by certified mail with return receipt requested, to the 7314
person having the right to the possession of the property on which 7315
a junk motor vehicle is left, that within ten days of receipt of 7316
the notice, the junk motor vehicle either shall be covered by 7317
being housed in a garage or other suitable structure, or shall be 7318
removed from the property. 7319

No person shall willfully leave a junk motor vehicle 7320
uncovered in the open for more than ten days after receipt of a 7321
notice as provided in this section. The fact that a junk motor 7322
vehicle is so left is prima-facie evidence of willful failure to 7323
comply with the notice, and each subsequent period of thirty days 7324
that a junk motor vehicle continues to be so left constitutes a 7325
separate offense. 7326

(B) Whoever violates this section is guilty of a minor 7327
misdemeanor. 7328

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 7329
highway, public street, or other property open to the public for 7330
purposes of vehicular travel and if any motor vehicle, cargo, or 7331

personal property that has been damaged or spilled as a result of 7332
the motor vehicle accident is blocking the highway, street, or 7333
other property or is otherwise endangering public safety, a public 7334
safety official may do either of the following without the consent 7335
of the owner but with the approval of the law enforcement agency 7336
conducting any investigation of the accident: 7337

(1) Remove, or order the removal of, the motor vehicle if the 7338
motor vehicle is unoccupied, cargo, or personal property from the 7339
portion of the highway, public street, or property ordinarily used 7340
for vehicular travel on the highway, public street, or other 7341
property open to the public for purposes of vehicular travel. 7342

(2) If the motor vehicle is a commercial motor vehicle, allow 7343
the owner or operator of the vehicle the opportunity to arrange 7344
for the removal of the motor vehicle within a period of time 7345
specified by the public safety official. If the public safety 7346
official determines that the motor vehicle cannot be removed 7347
within the specified period of time, the public safety official 7348
shall remove or order the removal of the motor vehicle. 7349

(B)(1) Except as provided in division (B)(2) of this section, 7350
the department of transportation, any employee of the department 7351
of transportation, or a public safety official who authorizes or 7352
participates in the removal of any unoccupied motor vehicle, 7353
cargo, or personal property as authorized by division (A) of this 7354
section, regardless of whether the removal is executed by a 7355
private towing service, is not liable for civil damages for any 7356
injury, death, or loss to person or property that results from the 7357
removal of that unoccupied motor vehicle, cargo, or personal 7358
property. Further, except as provided in division (B)(2) of this 7359
section, if a public safety official authorizes, employs, or 7360
arranges to have a private towing service remove any unoccupied 7361
motor vehicle, cargo, or personal property as authorized by 7362

division (A) of this section, that private towing service is not 7363
liable for civil damages for any injury, death, or loss to person 7364
or property that results from the removal of that unoccupied motor 7365
vehicle, cargo, or personal property. 7366

(2) Division (B)(1) of this section does not apply to any of 7367
the following: 7368

(a) Any person or entity involved in the removal of an 7369
unoccupied motor vehicle, cargo, or personal property pursuant to 7370
division (A) of this section if that removal causes or contributes 7371
to the release of a hazardous material or to structural damage to 7372
the roadway; 7373

(b) A private towing service that was not authorized, 7374
employed, or arranged by a public safety official to remove an 7375
unoccupied motor vehicle, cargo, or personal property under this 7376
section; 7377

(c) Except as provided in division (B)(2)(d) of this section, 7378
a private towing service that was authorized, employed, or 7379
arranged by a public safety official to perform the removal of the 7380
unoccupied motor vehicle, cargo, or personal property but the 7381
private towing service performed the removal in a negligent 7382
manner; 7383

(d) A private towing service that was authorized, employed, 7384
or arranged by a public safety official to perform the removal of 7385
the unoccupied motor vehicle, cargo, or personal property that was 7386
endangering public safety but the private towing service performed 7387
the removal in a reckless manner. 7388

(C) As used in this section: 7389

(1) "Public safety official" means any of the following: 7390

(a) The sheriff of the county, or the chief of police in the 7391
municipal corporation, township, port authority, or township or 7392

joint police district, in which the accident occurred;	7393
(b) A state highway patrol trooper;	7394
(c) The chief of the fire department having jurisdiction where the accident occurred;	7395 7396
(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C)(1)(a) to (c) of this section.	7397 7398
(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code.	7399 7400
Sec. 4513.69. (A) A storage facility shall ensure that the facility remains open during both of the following periods of time to allow a vehicle owner or lienholder to retrieve a vehicle in the possession of the storage facility:	7401 7402 7403 7404
(1) Any time during which a towing service is towing a vehicle pursuant to section 4513.601 of the Revised Code and the vehicle will be held by the storage facility;	7405 7406 7407
(2) Between nine o'clock in the morning and noon on the day after any day during which the storage facility accepted for storage a vehicle towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code.	7408 7409 7410 7411
(B)(1) A storage facility that accepts for storage vehicles towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code shall ensure that a notice is conspicuously posted at the entrance to the storage facility that states the telephone number at which the owner or lienholder of a vehicle may contact the owner or a representative of the storage facility for the purpose of determining whether the person may retrieve a vehicle or personal items when the storage facility is closed. The storage facility also shall provide that telephone number to the sheriff of a county or chief of police of a municipal corporation, township, <u>port authority</u> , or township or joint police district.	7412 7413 7414 7415 7416 7417 7418 7419 7420 7421 7422

The storage facility shall ensure that a process is in place for 7423
purposes of answering calls at all times day or night. 7424

(2) After receiving a call from the owner or lienholder of a 7425
vehicle who seeks to recover a vehicle that was towed pursuant to 7426
section 4513.601 of the Revised Code, the storage facility shall 7427
ensure that, within three hours of receiving the phone call, a 7428
representative of the storage facility is available to release the 7429
vehicle upon being presented with proof of ownership of the 7430
vehicle, which may be evidenced by a certificate of title to the 7431
vehicle, a certificate of registration for the motor vehicle, or a 7432
lease agreement, and payment of an after-hours vehicle retrieval 7433
fee established under section 4921.25 of the Revised Code along 7434
with all other applicable fees. 7435

(3) If a storage facility receives a call from a person who 7436
seeks to recover personal items from a vehicle that was towed 7437
pursuant to section 4513.60 or 4513.61 of the Revised Code and the 7438
storage facility is not open to the public, the storage facility 7439
shall notify the person that an after-hours retrieval fee applies 7440
and shall state the amount of the fee as established by the public 7441
utilities commission in rules adopted under section 4921.25 of the 7442
Revised Code. The storage facility shall allow the person to 7443
retrieve personal items in accordance with division (D)(2) of 7444
section 4513.60 or division (C)(2) of section 4513.61 of the 7445
Revised Code, but shall not charge an after-hours retrieval fee 7446
unless notice is provided in accordance with this division. 7447

(C) No storage facility shall fail to comply with division 7448
(A) or (B) of this section. 7449

Sec. 4582.12. (A)(1) Except as otherwise provided in division 7450
(E) of section 307.671 of the Revised Code, division (A) of this 7451
section does not apply to a port authority educational and 7452
cultural facility acquired, constructed, and equipped pursuant to 7453

a cooperative agreement entered into under section 307.671 of the Revised Code.

(2) Except as provided in division (C) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under sections 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding one hundred fifty thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the jurisdiction of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract let shall be in writing and if the contract involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor, ~~and shall be executed in triplicate.~~

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code.

The port authority may reject any and all bids.

(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building, structure, or other improvement under any of the following

circumstances: 7486

(1) There exists a real and present emergency that threatens 7487
damage or injury to persons or property of the port authority or 7488
other persons, provided that a statement specifying the nature of 7489
the emergency that is the basis for the negotiation and award of a 7490
contract without competitive bidding shall be signed by the 7491
officer of the port authority that executes that contract at the 7492
time of the contract's execution and shall be attached to the 7493
contract. 7494

(2) A commonly recognized industry or other standard or 7495
specification does not exist and cannot objectively be articulated 7496
for the improvement. 7497

(3) The contract is for any energy conservation measure as 7498
defined in section 307.041 of the Revised Code. 7499

(4) With respect to material to be incorporated into the 7500
improvement, only a single source or supplier exists for the 7501
material. 7502

(5) A single bid is received by the port authority after 7503
complying with the provisions of division (A) of this section. 7504

(C)(1) If a contract is to be negotiated and awarded without 7505
competitive bidding for the reason set forth in division (B)(2) of 7506
this section, the port authority shall publish a notice calling 7507
for technical proposals at least twice, with at least seven days 7508
between publications, in a newspaper of general circulation in the 7509
area of the port authority. After receipt of the technical 7510
proposals, the port authority may negotiate with and award a 7511
contract for the improvement to the proposer making the proposal 7512
considered to be the most advantageous to the port authority. 7513

(2) If a contract is to be negotiated and awarded without 7514
competitive bidding for the reason set forth in division (B)(4) of 7515
this section, any construction activities related to the 7516

incorporation of the material into the improvement also may be 7517
provided without competitive bidding by the source or supplier of 7518
that material. 7519

Sec. 4582.31. (A) A port authority created in accordance with 7520
section 4582.22 of the Revised Code may: 7521

(1) Adopt bylaws for the regulation of its affairs and the 7522
conduct of its business; 7523

(2) Adopt an official seal; 7524

(3) Maintain a principal office within its jurisdiction, and 7525
maintain such branch offices as it may require; 7526

(4) Acquire, construct, furnish, equip, maintain, repair, 7527
sell, exchange, lease to or from, or lease with an option to 7528
purchase, convey other interests in real or personal property, or 7529
any combination thereof, related to, useful for, or in furtherance 7530
of any authorized purpose and operate any property in connection 7531
with transportation, recreational, governmental operations, or 7532
cultural activities; 7533

(5) Straighten, deepen, and improve any channel, river, 7534
stream, or other water course or way which may be necessary or 7535
proper in the development of the facilities of a port authority; 7536

(6) Make available the use or services of any port authority 7537
facility to one or more persons, one or more governmental 7538
agencies, or any combination thereof; 7539

(7) Issue bonds or notes for the acquisition, construction, 7540
furnishing, or equipping of any port authority facility or other 7541
permanent improvement that a port authority is authorized to 7542
acquire, construct, furnish, or equip, in compliance with Chapter 7543
133. of the Revised Code, except that such bonds or notes may only 7544
be issued pursuant to a vote of the electors residing within the 7545
area of jurisdiction of the port authority. The net indebtedness 7546

incurred by a port authority shall never exceed two per cent of 7547
the total value of all property within the territory comprising 7548
the port authority as listed and assessed for taxation. 7549

(8) Issue port authority revenue bonds beyond the limit of 7550
bonded indebtedness provided by law, payable solely from revenues 7551
as provided in section 4582.48 of the Revised Code, for the 7552
purpose of providing funds to pay the costs of any port authority 7553
facility or facilities or parts thereof; 7554

(9) Apply to the proper authorities of the United States 7555
pursuant to appropriate law for the right to establish, operate, 7556
and maintain foreign trade zones and establish, operate, and 7557
maintain foreign trade zones and to acquire, exchange, sell, lease 7558
to or from, lease with an option to purchase, or operate 7559
facilities, land, or property therefor in accordance with the 7560
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 7561
81u; 7562

(10) Enjoy and possess the same rights, privileges, and 7563
powers granted municipal corporations under sections 721.04 to 7564
721.11 of the Revised Code; 7565

(11) Maintain such funds as it considers necessary; 7566

(12) Direct its agents or employees, when properly identified 7567
in writing, and after at least five days' written notice, to enter 7568
upon lands within the confines of its jurisdiction in order to 7569
make surveys and examinations preliminary to location and 7570
construction of works for the purposes of the port authority, 7571
without liability of the port authority or its agents or employees 7572
except for actual damage done; 7573

(13) Promote, advertise, and publicize the port authority and 7574
its facilities; provide information to shippers and other 7575
commercial interests; and appear before rate-making authorities to 7576
represent and promote the interests of the port authority; 7577

(14) Adopt rules, not in conflict with general law, it finds 7578
necessary or incidental to the performance of its duties and the 7579
execution of its powers under sections 4582.21 to 4582.54 of the 7580
Revised Code. Any such rule shall be posted at no less than five 7581
public places in the port authority, as determined by the board of 7582
directors, for a period of not fewer than fifteen days, and shall 7583
be available for public inspection at the principal office of the 7584
port authority during regular business hours. No person shall 7585
violate any lawful rule adopted and posted as provided in this 7586
division. 7587

(15) Do any of the following, in regard to any interests in 7588
any real or personal property, or any combination thereof, 7589
including, without limitation, machinery, equipment, plants, 7590
factories, offices, and other structures and facilities related 7591
to, useful for, or in furtherance of any authorized purpose, for 7592
such consideration and in such manner, consistent with Article 7593
VIII of the Ohio Constitution, as the board in its sole discretion 7594
may determine: 7595

(a) Loan moneys to any person or governmental entity for the 7596
acquisition, construction, furnishing, and equipping of the 7597
property; 7598

(b) Acquire, construct, maintain, repair, furnish, and equip 7599
the property; 7600

(c) Sell to, exchange with, lease, convey other interests in, 7601
or lease with an option to purchase the same or any lesser 7602
interest in the property to the same or any other person or 7603
governmental entity; 7604

(d) Guarantee the obligations of any person or governmental 7605
entity. 7606

A port authority may accept and hold as consideration for the 7607
conveyance of property or any interest therein such property or 7608

interests therein as the board in its discretion may determine, 7609
notwithstanding any restrictions that apply to the investment of 7610
funds by a port authority. 7611

(16) Sell, lease, or convey other interests in real and 7612
personal property, and grant easements or rights-of-way over 7613
property of the port authority. The board of directors shall 7614
specify the consideration and any terms for the sale, lease, or 7615
conveyance of other interests in real and personal property. Any 7616
determination made by the board under this division shall be 7617
conclusive. The sale, lease, or conveyance may be made without 7618
advertising and the receipt of bids. 7619

(17) Exercise the right of eminent domain to appropriate any 7620
land, rights, rights-of-way, franchises, easements, or other 7621
property, necessary or proper for any authorized purpose, pursuant 7622
to the procedure provided in sections 163.01 to 163.22 of the 7623
Revised Code, if funds equal to the appraised value of the 7624
property to be acquired as a result of such proceedings are 7625
available for that purpose. However, nothing contained in sections 7626
4582.201 to 4582.59 of the Revised Code shall authorize a port 7627
authority to take or disturb property or facilities belonging to 7628
any agency or political subdivision of this state, public utility, 7629
cable operator, or common carrier, which property or facilities 7630
are necessary and convenient in the operation of the agency or 7631
political subdivision, public utility, cable operator, or common 7632
carrier, unless provision is made for the restoration, relocation, 7633
or duplication of such property or facilities, or upon the 7634
election of the agency or political subdivision, public utility, 7635
cable operator, or common carrier, for the payment of 7636
compensation, if any, at the sole cost of the port authority, 7637
provided that: 7638

(a) If any restoration or duplication proposed to be made 7639
under this section involves a relocation of the property or 7640

facilities, the new facilities and location shall be of at least 7641
comparable utilitarian value and effectiveness and shall not 7642
impair the ability of the public utility, cable operator, or 7643
common carrier to compete in its original area of operation; 7644

(b) If any restoration or duplication made under this section 7645
involves a relocation of the property or facilities, the port 7646
authority shall acquire no interest or right in or to the 7647
appropriated property or facilities, except as provided in 7648
division (A)(15) of this section, until the relocated property or 7649
facilities are available for use and until marketable title 7650
thereto has been transferred to the public utility, cable 7651
operator, or common carrier. 7652

As used in division (A)(17) of this section, "cable operator" 7653
has the same meaning as in the "Cable Communications Policy Act of 7654
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 7655
amended by the "Telecommunications Act of 1996," Pub. L. No. 7656
104-104, 110 Stat. 56. 7657

(18)(a) Make and enter into all contracts and agreements and 7658
execute all instruments necessary or incidental to the performance 7659
of its duties and the execution of its powers under sections 7660
4582.21 to 4582.59 of the Revised Code. 7661

(b) Except as provided in division (A)(18)(c) of this section 7662
or except when the port authority elects to construct a building, 7663
structure, or other improvement pursuant to a contract made with a 7664
construction manager at risk under sections 9.33 to 9.335 of the 7665
Revised Code or with a design-build firm under section 153.65 to 7666
153.73 of the Revised Code, when the cost of a contract for the 7667
construction of any building, structure, or other improvement 7668
undertaken by a port authority involves an expenditure exceeding 7669
one hundred fifty thousand dollars and the port authority is the 7670
contracting entity, the port authority shall make a written 7671
contract after notice calling for bids for the award of the 7672

contract has been given by publication twice, with at least seven 7673
days between publications, in a newspaper of general circulation 7674
in the area of the port authority or as provided in section 7.16 7675
of the Revised Code. Each such contract shall be let to the lowest 7676
responsive and responsible bidder in accordance with section 9.312 7677
of the Revised Code. Every contract shall be accompanied by or 7678
shall refer to plans and specifications for the work to be done, 7679
prepared for and approved by the port authority, and signed by an 7680
authorized officer of the port authority and by the contractor, 7681
~~and shall be executed in triplicate.~~ 7682

Each bid shall be awarded in accordance with sections 153.54, 7683
153.57, and 153.571 of the Revised Code. The port authority may 7684
reject any and all bids. 7685

(c) The board of directors by rule may provide criteria for 7686
the negotiation and award without competitive bidding of any 7687
contract as to which the port authority is the contracting entity 7688
for the construction of any building or structure or other 7689
improvement under any of the following circumstances: 7690

(i) There exists a real and present emergency that threatens 7691
damage or injury to persons or property of the port authority or 7692
other persons, provided that a statement specifying the nature of 7693
the emergency that is the basis for the negotiation and award of a 7694
contract without competitive bidding shall be signed by the 7695
officer of the port authority that executes that contract at the 7696
time of the contract's execution and shall be attached to the 7697
contract. 7698

(ii) A commonly recognized industry or other standard or 7699
specification does not exist and cannot objectively be articulated 7700
for the improvement. 7701

(iii) The contract is for any energy conservation measure as 7702
defined in section 307.041 of the Revised Code. 7703

(iv) With respect to material to be incorporated into the 7704
improvement, only a single source or supplier exists for the 7705
material. 7706

(v) A single bid is received by the port authority after 7707
complying with the provisions of division (A)(18)(b) of this 7708
section. 7709

(d)(i) If a contract is to be negotiated and awarded without 7710
competitive bidding for the reason set forth in division 7711
(A)(18)(c)(ii) of this section, the port authority shall publish a 7712
notice calling for technical proposals twice, with at least seven 7713
days between publications, in a newspaper of general circulation 7714
in the area of the port authority or as provided in section 7.16 7715
of the Revised Code. After receipt of the technical proposals, the 7716
port authority may negotiate with and award a contract for the 7717
improvement to the proposer making the proposal considered to be 7718
the most advantageous to the port authority. 7719

(ii) If a contract is to be negotiated and awarded without 7720
competitive bidding for the reason set forth in division 7721
(A)(18)(c)(iv) of this section, any construction activities 7722
related to the incorporation of the material into the improvement 7723
also may be provided without competitive bidding by the source or 7724
supplier of that material. 7725

(e)(i) Any purchase, exchange, sale, lease, lease with an 7726
option to purchase, conveyance of other interests in, or other 7727
contract with a person or governmental entity that pertains to the 7728
acquisition, construction, maintenance, repair, furnishing, 7729
equipping, or operation of any real or personal property, or any 7730
combination thereof, related to, useful for, or in furtherance of 7731
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 7732
Constitution, shall be made in such manner and subject to such 7733
terms and conditions as may be determined by the board of 7734
directors in its discretion. 7735

(ii) Division (A)(18)(e)(i) of this section applies to all 7736
contracts that are subject to the division, notwithstanding any 7737
other provision of law that might otherwise apply, including, 7738
without limitation, any requirement of notice, any requirement of 7739
competitive bidding or selection, or any requirement for the 7740
provision of security. 7741

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 7742
apply to either of the following: any contract secured by or to be 7743
paid from moneys raised by taxation or the proceeds of obligations 7744
secured by a pledge of moneys raised by taxation; or any contract 7745
secured exclusively by or to be paid exclusively from the general 7746
revenues of the port authority. For the purposes of this section, 7747
any revenues derived by the port authority under a lease or other 7748
agreement that, by its terms, contemplates the use of amounts 7749
payable under the agreement either to pay the costs of the 7750
improvement that is the subject of the contract or to secure 7751
obligations of the port authority issued to finance costs of such 7752
improvement, are excluded from general revenues. 7753

(19) Employ managers, superintendents, and other employees 7754
and retain or contract with consulting engineers, financial 7755
consultants, accounting experts, architects, attorneys, and any 7756
other consultants and independent contractors as are necessary in 7757
its judgment to carry out this chapter, and fix the compensation 7758
thereof. All expenses thereof shall be payable from any available 7759
funds of the port authority or from funds appropriated for that 7760
purpose by a political subdivision creating or participating in 7761
the creation of the port authority. 7762

(20) Receive and accept from any state or federal agency 7763
grants and loans for or in aid of the construction of any port 7764
authority facility or for research and development with respect to 7765
port authority facilities, and receive and accept aid or 7766
contributions from any source of money, property, labor, or other 7767

things of value, to be held, used, and applied only for the	7768
purposes for which the grants and contributions are made;	7769
(21) Engage in research and development with respect to port	7770
authority facilities;	7771
(22) Purchase fire and extended coverage and liability	7772
insurance for any port authority facility and for the principal	7773
office and branch offices of the port authority, insurance	7774
protecting the port authority and its officers and employees	7775
against liability for damage to property or injury to or death of	7776
persons arising from its operations, and any other insurance the	7777
port authority may agree to provide under any resolution	7778
authorizing its port authority revenue bonds or in any trust	7779
agreement securing the same;	7780
(23) Charge, alter, and collect rentals and other charges for	7781
the use or services of any port authority facility as provided in	7782
section 4582.43 of the Revised Code;	7783
(24) Provide coverage for its employees under Chapters 145.,	7784
4123., and 4141. of the Revised Code;	7785
(25) Establish and administer one or more payment card	7786
programs for purposes of paying expenses related to port authority	7787
business. Any obligation incurred as a result of the use of such a	7788
payment card shall be paid from port authority funds.	7789
(26) Do all acts necessary or proper to carry out the powers	7790
expressly granted in sections 4582.21 to 4582.59 of the Revised	7791
Code.	7792
(B) Any instrument by which real property is acquired	7793
pursuant to this section shall identify the agency of the state	7794
that has the use and benefit of the real property as specified in	7795
section 5301.012 of the Revised Code.	7796
(C) Whoever violates division (A)(14) of this section is	7797

guilty of a minor misdemeanor. 7798

Sec. 4926.01. As used in this chapter: 7799

(A) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, with the car sharing start time, in accordance with the peer-to-peer car sharing program agreement, and ends with the car sharing termination time. 7800
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(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the agreed upon location for the shared vehicle driver to take over possession of the vehicle, in accordance with the peer-to-peer car sharing program agreement. 7805
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(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared vehicle or the point in time when the shared vehicle driver was scheduled to take possession of the shared vehicle, whichever occurs first. 7810
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(D) "Car sharing termination time" means the point in time when the shared vehicle is returned to the location designated by the shared vehicle owner, in accordance with the peer-to-peer car sharing program agreement, and any of the following occur: 7815
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(1) The period of time established in the agreement expires. 7819

(2) The shared vehicle driver notifies the shared vehicle owner through the peer-to-peer car sharing program that the driver is finished using the shared vehicle. 7820
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(3) The shared vehicle owner or the owner's designee takes possession of the shared vehicle. 7823
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(E) "Motor vehicle" has the same meaning as in section 3937.30 of the Revised Code. 7825
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(F) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 7827
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(G) "Peer-to-peer car sharing" means the authorized use of a private motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program. 7829
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(H) "Peer-to-peer car sharing program" means a person who operates a business platform that connects a shared vehicle owner to a shared vehicle driver to enable the sharing of vehicles for financial consideration. 7832
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(I) "Peer-to-peer car sharing program agreement" means an agreement established through the peer-to-peer car sharing program that serves as a contract between the peer-to-peer car sharing program, the shared vehicle owner, and the shared vehicle driver and describes the specific terms and conditions of the agreement, including the car sharing period and the location or locations for transfer of possession. 7836
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(J) "Primary insurer" means any insurer issuing a primary policy of automobile insurance for a shared vehicle. 7843
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(K) "Primary policy of automobile insurance" means a policy of automobile insurance covering a shared vehicle for any period of time outside a vehicle sharing period. 7845
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(L) "Private motor vehicle" means a motor vehicle owned and registered in this state to an individual. "Private motor vehicle" does not include any vehicle owned or registered by a motor vehicle renting dealer. 7848
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(M) "Shared vehicle" means a private motor vehicle that is enrolled in a peer-to-peer car sharing program. 7852
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(N) "Shared vehicle driver" means a person authorized by a shared vehicle owner, in accordance with the terms and conditions of a peer-to-peer car sharing program agreement, to operate a 7854
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shared vehicle during a vehicle sharing period. 7857

(O) "Shared vehicle owner" means a registered owner of a 7858
shared vehicle. 7859

Sec. 4926.02. (A) A peer-to-peer car sharing program shall 7860
collect all of the following information before entering into a 7861
peer-to-peer car sharing program agreement: 7862

(1) The name and address of the shared vehicle owner and the 7863
shared vehicle driver; 7864

(2) The driver's license number and state of issuance of the 7865
shared vehicle owner and the shared vehicle driver and 7866
verification that both licenses are valid and not suspended for 7867
any reason; 7868

(3) The name, address, driver's license number, and state of 7869
issuance of any other person who will operate the shared vehicle 7870
during the car sharing period; 7871

(4) Information regarding whether the shared vehicle owner 7872
and the shared vehicle driver have a primary policy of automobile 7873
insurance and information related to that policy and the policy 7874
limits; 7875

(5) Whether the shared vehicle owner is aware of any safety 7876
recalls regarding the shared vehicle; 7877

(6) Verification that the shared vehicle is registered in 7878
accordance with the requirements established under Chapter 4503. 7879
of the Revised Code or a substantially similar law in another 7880
state. 7881

(B) A peer-to-peer car sharing program shall not allow a 7882
peer-to-peer car sharing program agreement through its platform if 7883
the program knows that the person who will operate the shared 7884
vehicle is not a party to the peer-to-peer car sharing program 7885
agreement or knows that such a person does not have a valid 7886

driver's license. 7887

(C) A peer-to-peer car sharing program shall not allow a 7888
peer-to-peer car sharing agreement through its platform if the 7889
shared vehicle that is the subject of the agreement is not 7890
registered or the shared vehicle owner does not maintain a primary 7891
policy of automobile insurance. 7892

Sec. 4926.03. A peer-to-peer car sharing program shall 7893
disclose all of the following to the shared vehicle owner and the 7894
shared vehicle driver in the peer-to-peer car sharing program 7895
agreement: 7896

(A) Any right of the program to seek indemnification from the 7897
shared vehicle owner or the shared vehicle driver for economic 7898
loss sustained by the program resulting from a breach of the terms 7899
and conditions of the agreement; 7900

(B) That any primary policy of automobile insurance for the 7901
shared vehicle does not provide a defense against or 7902
indemnification for any claim asserted by the program; 7903

(C) That the program's motor vehicle insurance coverage on 7904
the shared vehicle owner, the shared vehicle driver, and the 7905
shared vehicle is in effect only during the car sharing period and 7906
that any use of the shared vehicle by the shared vehicle driver 7907
after the car sharing termination time may not be covered by 7908
either the program's insurance or any primary policy of automobile 7909
insurance; 7910

(D) The daily rate, fees, and any insurance or protection 7911
package costs that are charged to the shared vehicle owner or the 7912
shared vehicle driver; 7913

(E) That the shared vehicle owner's primary policy of 7914
automobile insurance may not provide coverage for a shared vehicle 7915
during the car sharing period or for any use outside of the 7916

policy's stated terms and conditions; 7917

(F) Emergency contact information for roadside assistance and 7918
other customer service inquiries. 7919

Sec. 4926.04. A peer-to-peer car sharing program shall have 7920
sole responsibility for any equipment, including a global 7921
positioning system or other special equipment that is installed in 7922
or on the shared vehicle to monitor or facilitate peer-to-peer car 7923
sharing. The program shall agree to indemnify and hold harmless 7924
the shared vehicle owner for any damage or theft of the system or 7925
equipment during the car sharing period that is not caused by the 7926
shared vehicle owner. The program may seek indemnity from the 7927
shared vehicle driver for any loss or damage to the system or 7928
equipment that occurs during the car sharing period that is caused 7929
by the shared vehicle driver. 7930

Sec. 4926.05. (A) When a motor vehicle owner registers as a 7931
shared vehicle owner with a peer-to-peer car sharing program and 7932
before the shared vehicle owner makes the shared vehicle available 7933
for peer-to-peer car sharing, the peer-to-peer car sharing program 7934
shall do all of the following: 7935

(1) Verify that the shared vehicle does not have any 7936
outstanding safety recalls on the vehicle; 7937

(2) Provide notice to the shared vehicle owner of the owner's 7938
responsibilities under division (B) of this section. 7939

(B)(1) If a shared vehicle owner receives actual notice of a 7940
safety recall on the shared vehicle, the shared vehicle owner 7941
shall not make the shared vehicle available through a peer-to-peer 7942
car sharing program until the safety recall repair is made. 7943

(2) If the shared vehicle owner receives actual notice of a 7944
safety recall on the shared vehicle after the shared vehicle is 7945
available through a peer-to-peer car sharing program but while the 7946

shared vehicle is not currently possessed by a shared vehicle driver, the shared vehicle owner shall remove the shared vehicle from availability until the safety recall repair is made. 7947
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(3) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle while the vehicle is possessed by a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall, so that the car sharing period can be terminated to allow the shared vehicle owner to address the safety recall repair. 7950
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Sec. 4926.06. (A) A peer-to-peer car sharing program is a vendor for purposes of Chapter 5739. of the Revised Code and therefore is responsible for collecting and remitting any sales taxes required under that chapter. 7956
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(B) Whoever violates this section is subject to any applicable penalties for such violation. 7960
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Sec. 4926.07. (A) Peer-to-peer car sharing and a peer-to-peer car sharing program agreement are a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The peer-to-peer car sharing program is the supplier and the shared vehicle owner and the shared vehicle driver are the consumers for purposes of those sections. 7962
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(B) Whoever violates sections 4926.02 to 4926.05 of the Revised Code is subject to any applicable penalties under Chapter 1345. of the Revised Code for such violation. 7968
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Sec. 4926.08. (A) As used in this section, "public-use airport" has the same meaning as in section 4563.30 of the Revised Code. 7971
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(B) The operator of a public-use airport shall adopt reasonable standards, regulations, procedures, and fees that are 7974
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applicable to peer-to-peer car sharing programs. The operator may 7976
enter into such agreements, including concession agreements, with 7977
a peer-to-peer car sharing program. A peer-to-peer car sharing 7978
program, shared vehicle owner, and shared vehicle driver shall 7979
comply with any applicable standards, regulations, procedures, 7980
fees, and agreements adopted by a public-use airport, and shall 7981
pay any applicable fees in a timely manner. 7982

Sec. 4926.09. It is not the intent of the General Assembly 7983
that any provision in Chapter 4926. of the Revised Code be 7984
interpreted as either limiting or restricting an insurer's ability 7985
to exclude insurance coverage from an insurance policy or an 7986
insurer's ability to underwrite an insurance policy. 7987

Sec. 5501.21. The director of transportation shall provide a 7988
seal of the department of transportation, which shall be 7989
inscribed: "State of Ohio, Department of Transportation." 7990

Copies of records or parts thereof, and copies of any plan, 7991
drawing, document, or paper writing in the department when 7992
certified by the director to be true and correct copies of the 7993
record, plan, drawing, document, or paper writing and attested by 7994
the seal of the department shall be received in evidence in the 7995
courts of the state in the same manner and with the same effect as 7996
though the record, plan, drawing, document, or paper writing were 7997
offered. Any such copy as may be required by any party to any 7998
suit, upon request of such party, shall be furnished by the 7999
director. 8000

The director need not produce in any court an original paper 8001
or electronic record, plan, drawing, or other document, ~~or paper~~ 8002
~~writing.~~ 8003

~~Any party to any suit pending in any court may take the~~ 8004
~~deposition of the director, provided it is taken at the office of~~ 8005

~~the director.~~ All records, plans, and other documents and drawings 8006
of the department shall be open to the inspection of any 8007
interested person, subject to such reasonable rules as to the time 8008
of inspection and as to supervision, as the director prescribes. 8009

Sec. 5501.41. (A) The director of transportation may remove 8010
snow and ice from state highways, purchase the necessary equipment 8011
including snow fences, employ the necessary labor, and make all 8012
contracts necessary to enable such removal. The director may 8013
remove snow and ice from the state highways within municipal 8014
corporations, but before doing so ~~he~~ the director must obtain the 8015
consent of the legislative authority of such municipal 8016
corporation. The board of county commissioners on county highways, 8017
and the board of township trustees on township roads, shall have 8018
the same authority to purchase equipment for the removal of and to 8019
remove snow and ice as the director has on the state highway 8020
system. 8021

(B)(1) The director may provide road salt to a political 8022
subdivision if all of the following apply: 8023

(a) The director has excess road salt. 8024

(b) The political subdivision is otherwise unable to acquire 8025
road salt. 8026

(c) The political subdivision is in an emergency situation. 8027

(2) The director shall seek reimbursement from a political 8028
subdivision for road salt provided under this division. The 8029
reimbursement amount shall equal the price at which the director 8030
purchased the road salt. 8031

Sec. 5517.07. If the director of transportation determines it 8032
is appropriate, the department of transportation shall install, if 8033
not already present, signs and other traffic control devices 8034
designed to slow down the flow of traffic in construction and 8035

similar work zones. The signs and devices may include arrow boards, channelizing devices, temporary raise pavement markers, portable changeable message signs, temporary traffic barriers, screens, rumble strips, and any other signs or devices the director of transportation determines are appropriate for the highway and local conditions.

Sec. 5534.014. In addition to any other name prescribed by the Revised Code or otherwise, the road known as state route number one hundred twenty-two, running in an easterly and westerly direction, commencing at the intersection of that route and Wicoff street in Butler county and extending to the intersection of that route and Towne boulevard in Warren county, shall be known as the "SFC Charles E. Carpenter Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5534.407. In addition to any other name prescribed in the Revised Code or otherwise, the portion of the road known as state route number two, running in a northeasterly and southwesterly direction, between the intersection of that route and state route number three hundred six and the intersection of that route and state route number six hundred fifteen, in Lake county only, shall be known as the "Patrolman Mathew J. Mazany Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5534.807. In addition to any other name prescribed by the Revised Code or otherwise, the eastbound and westbound lanes of state route number sixty-three between the intersection of that route with state route number seven hundred forty-one and the

intersection of that route with Neil Armstrong way, in Warren 8065
county only, shall be known as the "SFC John E. Conger, Jr. 8066
Memorial Highway." 8067

The director of transportation may erect suitable markers 8068
along the highway indicating its name. 8069

Sec. 5543.19. (A) The county engineer may, when authorized by 8070
the board of county commissioners and not required by this section 8071
or other law to use competitive bidding, employ such laborers and 8072
vehicles, use such county employees and property, lease such 8073
implements and tools, and purchase such materials as are necessary 8074
in the construction, reconstruction, improvement, maintenance, or 8075
repair of roads by force account. 8076

In determining whether construction or reconstruction, 8077
including widening and resurfacing, of roads may be undertaken by 8078
force account, the county engineer shall first cause to be made an 8079
estimate of the cost of such work using the force account project 8080
assessment form developed by the auditor of state under section 8081
117.16 of the Revised Code. When the total estimated cost of the 8082
work exceeds ~~thirty~~ seventy-five thousand dollars per mile, the 8083
county commissioners shall invite and receive competitive bids for 8084
furnishing all the labor, materials, and equipment necessary to 8085
complete the work in accordance with sections 307.86 to 307.92 of 8086
the Revised Code. 8087

(B) The county engineer may, when authorized by the board of 8088
county commissioners and not required by this section or other law 8089
to use competitive bidding, employ such laborers and vehicles, use 8090
such county employees and property, lease such implements and 8091
tools, and purchase such materials as are necessary in the 8092
construction, reconstruction, improvement, maintenance, or repair 8093
of bridges and culverts by force account. 8094

In determining whether such construction, reconstruction, improvement, maintenance, or repair of bridges or culverts may be undertaken by force account, the county engineer shall first cause to be made an estimate of the cost of such work using the force account project assessment form. When the total estimated cost of the work exceeds ~~one~~ two hundred thousand dollars, the board of county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work, in accordance with sections 307.86 to 307.92 of the Revised Code. The county engineer shall obtain the approval required by section 5543.02 of the Revised Code.

(C) "Force account," as used in this section means that the county engineer will act as contractor, using labor employed by the engineer using material and equipment either owned by the county or leased or purchased in compliance with sections 307.86 to 307.92 of the Revised Code and excludes subcontracting any part of such work unless done pursuant to sections 307.86 to 307.92 of the Revised Code.

The term "competitive bids" as used in this section requires competition for the whole contract and in regard to its component parts, including labor and materials. Neither plans nor specifications shall be drawn to favor any manufacturer or bidder unless required by the public interest.

Sec. 5575.01. (A) In the maintenance and repair of roads, the board of township trustees may proceed either by contract or force account, but, unless the exemption specified in division (C) of this section applies, if the board wishes to proceed by force account, it first shall cause the county engineer to complete the force account assessment form developed by the auditor of state under section 117.16 of the Revised Code. Except as otherwise provided in sections 505.08 and 505.101 of the Revised Code, when

the board proceeds by contract, the contract shall, if the amount 8126
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 8127
board to the lowest responsible bidder after advertisement for 8128
bids once, not later than two weeks, prior to the date fixed for 8129
the letting of the contract, in a newspaper of general circulation 8130
within the township. If the amount involved is ~~forty-five~~ ninety 8131
thousand dollars or less, a contract may be let without 8132
competitive bidding, or the work may be done by force account. 8133
Such a contract shall be performed under the supervision of a 8134
member of the board or the township road superintendent. 8135

(B) Before undertaking the construction or reconstruction of 8136
a township road, the board shall cause to be made by the county 8137
engineer an estimate of the cost of the work, which estimate shall 8138
include labor, material, freight, fuel, hauling, use of machinery 8139
and equipment, and all other items of cost. If the board finds it 8140
in the best interest of the public, it may, in lieu of 8141
constructing the road by contract, proceed to construct the road 8142
by force account. Except as otherwise provided under sections 8143
505.08 and 505.101 of the Revised Code, where the total estimated 8144
cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 8145
the board shall invite and receive competitive bids for furnishing 8146
all the labor, materials, and equipment and doing the work, as 8147
provided in section 5575.02 of the Revised Code, and shall 8148
consider and reject them before ordering the work done by force 8149
account. When such bids are received, considered, and rejected, 8150
and the work is done by force account, the work shall be performed 8151
in compliance with the plans and specifications upon which the 8152
bids were based. 8153

(C) Force account assessment forms are not required under 8154
division (A) of this section for road maintenance or repair 8155
projects of less than ~~fifteen~~ thirty thousand dollars, or under 8156
division (B) of this section for road construction or 8157

reconstruction projects of less than ~~five~~ ten thousand dollars per 8158
mile. 8159

(D) All force account work under this section shall be done 8160
under the direction of a member of the board or the township road 8161
superintendent. 8162

Sec. 5577.15. (A) The size and weight provisions of this 8163
chapter do not apply to ~~a~~ any of the following: 8164

(1) A person who is engaged in the initial towing or removal 8165
of a wrecked or disabled motor vehicle from the site of an 8166
emergency on a public highway where the vehicle became wrecked or 8167
disabled to the nearest site where the vehicle can be brought into 8168
conformance with the requirements of this chapter, to the nearest 8169
storage facility, or to the nearest qualified repair facility; 8170

(2) A person who is en route to the site of an emergency on a 8171
public highway to remove a wrecked or disabled motor vehicle; 8172

(3) A person who is returning from delivering a wrecked or 8173
disabled motor vehicle to a site, storage facility, or repair 8174
facility as specified in division (A)(1) of this section. 8175

(B) Any subsequent towing of a wrecked or disabled vehicle 8176
shall comply with the size and weight provisions of this chapter. 8177

(C) No court shall impose any penalty prescribed in section 8178
5577.99 of the Revised Code or the civil liability established in 8179
section 5577.12 of the Revised Code upon a person ~~towing or 8180
removing~~ who is operating a vehicle in the manner described in 8181
division (A) of this section. 8182

Sec. 5735.01. As used in this chapter: 8183

(A) "Motor vehicles" includes all vehicles, vessels, 8184
watercraft, engines, machines, or mechanical contrivances which 8185
are powered by internal combustion engines or motors. 8186

(B) "Motor fuel" means gasoline, diesel fuel, kerosene, 8187
compressed natural gas, or any other liquid motor fuel, including, 8188
but not limited to, liquid petroleum gas or liquid natural gas, 8189
but excluding substances prepackaged and sold in containers of 8190
five gallons or less. 8191

(C) "Kerosene" means all grades of kerosene, including, but 8192
not limited to, the two grades of kerosene, no. 1-K and no. 2-K, 8193
commonly known as K-1 kerosene and K-2 kerosene, respectively, 8194
described in the American Society for Testing Materials Standard 8195
D-3699, in effect on January 1, 1999, and aviation grade kerosene. 8196

(D) "Diesel fuel" means any liquid fuel capable of use in 8197
discrete form or as a blend component in the operation of engines 8198
of the diesel type, including transmix when mixed with diesel 8199
fuel. 8200

(E) "Gasoline" means any of the following: 8201

(1) All products, commonly or commercially known or sold as 8202
gasoline; 8203

(2) Any blend stocks or additives, including alcohol, that 8204
are sold for blending with gasoline, other than products typically 8205
sold in containers of five gallons or less; 8206

(3) Transmix when mixed with gasoline, unless certified, as 8207
required by the tax commissioner, for withdrawal from terminals 8208
for reprocessing at refineries; 8209

(4) Alcohol that is offered for sale or sold for use as, or 8210
commonly and commercially used as, a fuel for internal combustion 8211
engines. 8212

Gasoline does not include diesel fuel, commercial or 8213
industrial naphthas or solvents manufactured, imported, received, 8214
stored, distributed, sold, or used exclusively for purposes other 8215
than as a motor fuel for a motor vehicle or vessel. The blending 8216

of any of the products listed in the preceding sentence, 8217
regardless of name or characteristics, is conclusively presumed to 8218
have been done to produce gasoline, unless the product obtained by 8219
the blending is entirely incapable for use as fuel to operate a 8220
motor vehicle. An additive, blend stock, or alcohol is presumed to 8221
be sold for blending unless a certification is obtained as 8222
required by the tax commissioner. 8223

(F) "Public highways" means lands and lots over which the 8224
public, either as user or owner, generally has a right to pass, 8225
even though the same are closed temporarily by the authorities for 8226
the purpose of construction, reconstruction, maintenance, or 8227
repair. 8228

(G) "Waters within the boundaries of this state" means all 8229
streams, lakes, ponds, marshes, water courses, and all other 8230
bodies of surface water, natural or artificial, which are situated 8231
wholly or partially within this state or within its jurisdiction, 8232
except private impounded bodies of water. 8233

(H) "Person" includes individuals, partnerships, firms, 8234
associations, corporations, receivers, trustees in bankruptcy, 8235
estates, joint-stock companies, joint ventures, the state and its 8236
political subdivisions, and any combination of persons of any 8237
form. 8238

(I)(1) "Motor fuel dealer" means any person who satisfies any 8239
of the following: 8240

(a) The person imports from another state or foreign country 8241
or acquires motor fuel by any means into a terminal in this state; 8242

(b) The person imports motor fuel from another state or 8243
foreign country in bulk lot vehicles for subsequent sale and 8244
distribution in this state from bulk lot vehicles; 8245

(c) The person refines motor fuel in this state; 8246

(d) The person acquires motor fuel from a motor fuel dealer 8247
for subsequent sale and distribution by that person in this state 8248
from bulk lot vehicles; 8249

(e) The person possesses an unrevoked permissive motor fuel 8250
dealer's license. 8251

(2) Any person who obtains dyed diesel fuel for use other 8252
than the operation of motor vehicles upon the public highways or 8253
upon waters within the boundaries of this state, but later uses 8254
that motor fuel for the operation of motor vehicles upon the 8255
public highways or upon waters within the boundaries of this 8256
state, is deemed a motor fuel dealer as regards any unpaid motor 8257
fuel taxes levied on the motor fuel so used. 8258

(J) As used in section 5735.05 of the Revised Code only: 8259

(1) With respect to gasoline, "received" or "receipt" shall 8260
be construed as follows: 8261

(a) Gasoline produced at a refinery in this state or 8262
delivered to a terminal in this state is deemed received when it 8263
is disbursed through a loading rack at that refinery or terminal; 8264

(b) Except as provided in division (J)(1)(a) of this section, 8265
gasoline imported into this state or purchased or otherwise 8266
acquired in this state by any person is deemed received within 8267
this state by that person when the gasoline is withdrawn from the 8268
container in which it was transported; 8269

(c) Gasoline delivered or disbursed by any means from a 8270
terminal directly to another terminal is not deemed received. 8271

(2) With respect to motor fuel other than gasoline, 8272
"received" or "receipt" means distributed or sold for use or used 8273
to generate power for the operation of motor vehicles upon the 8274
public highways or upon waters within the boundaries of this 8275
state. All diesel fuel that is not dyed diesel fuel, regardless of 8276

its use, shall be considered as used to generate power for the 8277
operation of motor vehicles upon the public highways or upon 8278
waters within the boundaries of this state when the fuel is sold 8279
or distributed to a person other than a licensed motor fuel dealer 8280
or to a person licensed under section 5735.026 of the Revised 8281
Code. 8282

(K) Motor fuel used for the operation of licensed motor 8283
vehicles employed in the maintenance, construction, or repair of 8284
public highways is deemed to be used for the operation of motor 8285
vehicles upon the public highways. 8286

(L) "Licensed motor fuel dealer" means any dealer possessing 8287
an unrevoked motor fuel dealer's license issued by the tax 8288
commissioner as provided in section 5735.02 of the Revised Code. 8289

(M) "Licensed retail dealer" means any retail dealer 8290
possessing an unrevoked retail dealer's license issued by the tax 8291
commissioner as provided in section 5735.022 of the Revised Code. 8292

(N) "Refinery" means a facility used to produce motor fuel 8293
and from which motor fuel may be removed by pipeline, by vessel, 8294
or at a rack. 8295

(O) "Retail dealer" means any person that sells or 8296
distributes motor fuel at a retail service station located in this 8297
state. 8298

(P) "Retail service station" means a location from which 8299
motor fuel is sold to the general public and is dispensed or 8300
pumped directly into motor vehicle fuel tanks for consumption. 8301

(Q) "Transit bus" means a motor vehicle that is operated for 8302
public transit or paratransit service on a regular and continuing 8303
basis within the state by or for a county, a municipal 8304
corporation, a county transit board pursuant to sections 306.01 to 8305
306.13 of the Revised Code, a regional transit authority pursuant 8306
to sections 306.30 to 306.54 of the Revised Code, or a regional 8307

transit commission pursuant to sections 306.80 to 306.90 of the Revised Code. Public transit or paratransit service may include fixed route, demand-responsive, or subscription bus service transportation, but does not include shared-ride taxi service, carpools, vanpools, jitney service, school bus transportation, or charter or sightseeing services.

(R) "Export" means to obtain motor fuel in this state for sale or other distribution outside this state. For the purposes of this division, motor fuel delivered outside this state by or for the seller constitutes an export by the seller, and motor fuel delivered outside this state by or for the purchaser constitutes an export by the purchaser.

(S) "Import" means motor fuel delivered into this state from outside this state. Motor fuel delivered into this state from outside this state by or for the seller constitutes an import by the seller. Motor fuel delivered into this state from outside this state by or for the purchaser constitutes an import by the purchaser.

(T) "Terminal" means a motor fuel storage or distribution facility that is supplied by pipeline or marine vessel.

(U) "Consumer" means a buyer of motor fuel for purposes other than resale in any form.

(V) "Bulk lot vehicle" means railroad tank cars, transport tank trucks, and tank wagons with a capacity of at least 1,400 gallons.

(W) "Licensed permissive motor fuel dealer" means any person possessing an unrevoked permissive motor fuel dealer's license issued by the tax commissioner under section 5735.021 of the Revised Code.

(X) "Licensed terminal operator" means any person possessing an unrevoked terminal operator's license issued by the tax

commissioner under section ~~5735.026~~ 5735.027 of the Revised Code. 8339

(Y) "Licensed exporter" means any person possessing an 8340
unrevoked exporter's license issued by the tax commissioner under 8341
section 5735.026 of the Revised Code. 8342

(Z) "Dyed diesel fuel" means diesel fuel satisfying the 8343
requirements of 26 U.S.C. 4082. 8344

(AA) "Gross gallons" means U.S. gallons without temperature 8345
or barometric adjustments. 8346

(BB) "Bulk plant" means a motor fuel storage and distribution 8347
facility, other than a terminal, from which motor fuel may be 8348
withdrawn by railroad car, transport trucks, tank wagons, or 8349
marine vessels. 8350

(CC) "Transporter" means either of the following: 8351

(1) A railroad company, street, suburban, or interurban 8352
railroad company, a pipeline company, or water transportation 8353
company that transports motor fuel, either in interstate or 8354
intrastate commerce, to points in this state; 8355

(2) A person that transports motor fuel by any manner to a 8356
point in this state. 8357

(DD) "Exporter" means either of the following: 8358

(1) A person that is licensed to collect and remit motor fuel 8359
taxes in a specified state of destination; 8360

(2) A person that is statutorily prohibited from obtaining a 8361
license to collect and remit motor fuel taxes in a specified state 8362
of destination, and is licensed to sell or distribute tax-paid 8363
motor fuel in the specified state of destination. 8364

(EE) "Report" means a report or return required to be filed 8365
under this chapter and may be used interchangeably with, and for 8366
all purposes has the same meaning as, "return." 8367

(FF) "Aviation fuel" means aviation gasoline or aviation
grade kerosene or any other fuel that is used in aircraft.

(GG) "Aviation gasoline" means fuel specifically compounded
for use in reciprocating aircraft engines.

(HH) "Aviation grade kerosene" means any kerosene type jet
fuel covered by ASTM Specification D1655 or meeting specification
MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8).

(II) "Aviation fuel dealer" means a person that acquires
aviation fuel from a supplier or from another aviation fuel dealer
for subsequent sale to a person other than an end user.

(JJ) "Compressed natural gas" means natural gas compressed to
a level at or above two thousand nine hundred pounds per square
inch and stored in high pressure containers.

Sec. 5735.011. For the purposes of this chapter, amounts of
liquid natural gas and compressed natural gas shall be measured in
gallon equivalents. ~~The as follows:~~

(A) The diesel gallon equivalent standard for liquid natural
gas shall be the equivalent of one gallon of motor fuel;

(B) The diesel gallon equivalent standard for compressed
natural gas is one hundred thirty-nine and thirty one-hundredths
cubic feet, which equals six and thirty-eight one-hundredths
pounds.

Sec. 5735.05. (A) There is hereby levied a motor fuel excise
tax on each motor fuel dealer, measured by gross gallons, upon the
receipt of motor fuel within this state.

~~The~~ Except as provided in division (F) of this section, the
tax is levied at the total rate of ~~twenty-eight~~ thirty-four cents
per gallon to provide revenue for. ~~Twenty-eight~~ thirty-fourths of
the revenue from the tax shall be distributed under divisions (A),

(B), (C), and (D) of section 5735.051 of the Revised Code to fund 8397
the following purposes ~~and~~ in the following amounts: 8398

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ 8399
shall be used solely to provide revenue for maintaining the state 8400
highway system; to widen existing surfaces on such highways; to 8401
resurface such highways; to pay that portion of the construction 8402
cost of a highway project which a county, township, or municipal 8403
corporation normally would be required to pay, but which the 8404
director of transportation, pursuant to division (B) of section 8405
5531.08 of the Revised Code, determines instead will be paid from 8406
moneys in the highway operating fund; to enable the counties of 8407
the state properly to plan, maintain, and repair their roads and 8408
to pay principal, interest, and charges on bonds and other 8409
obligations issued pursuant to Chapter 133. of the Revised Code or 8410
incurred pursuant to section 5531.09 of the Revised Code for 8411
highway improvements; to enable the municipal corporations to 8412
plan, construct, reconstruct, repave, widen, maintain, repair, 8413
clear, and clean public highways, roads, and streets, and to pay 8414
the principal, interest, and charges on bonds and other 8415
obligations issued pursuant to Chapter 133. of the Revised Code or 8416
incurred pursuant to section 5531.09 of the Revised Code for 8417
highway improvements; to enable the Ohio turnpike and 8418
infrastructure commission to construct, reconstruct, maintain, and 8419
repair turnpike projects; to maintain and repair bridges and 8420
viaducts; to purchase, erect, and maintain street and traffic 8421
signs and markers; to purchase, erect, and maintain traffic lights 8422
and signals; to pay the costs apportioned to the public under 8423
sections 4907.47 and 4907.471 of the Revised Code and to 8424
supplement revenue already available for such purposes; to pay the 8425
costs incurred by the public utilities commission in administering 8426
sections 4907.47 to 4907.476 of the Revised Code; to distribute 8427
equitably among those persons using the privilege of driving motor 8428
vehicles upon such highways and streets the cost of maintaining 8429

and repairing them; to pay the interest, principal, and charges on 8430
highway capital improvements bonds and other obligations issued 8431
pursuant to Section 2m of Article VIII, Ohio Constitution, and 8432
section 151.06 of the Revised Code; to pay the interest, 8433
principal, and charges on highway obligations issued pursuant to 8434
Section 2i of Article VIII, Ohio Constitution, and sections 8435
5528.30 and 5528.31 of the Revised Code; to pay the interest, 8436
principal, and charges on major new state infrastructure bonds and 8437
other obligations of the state issued pursuant to Section 13 of 8438
Article VIII, Ohio Constitution, and section 5531.10 of the 8439
Revised Code; to provide revenue for the purposes of sections 8440
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 8441
the department of taxation incident to the administration of the 8442
motor fuel laws. 8443

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 8444
used solely to pay the expenses of administering and enforcing the 8445
state law relating to the registration and operation of motor 8446
vehicles; to supply the state's share of the cost of planning, 8447
constructing, widening, and reconstructing the state highways; to 8448
supply the state's share of the cost of eliminating railway grade 8449
crossings upon such highways; to pay that portion of the 8450
construction cost of a highway project that a county, township, or 8451
municipal corporation normally would be required to pay, but that 8452
the director of transportation, pursuant to division (B) of 8453
section 5531.08 of the Revised Code, determines instead will be 8454
paid from moneys in the highway operating fund; to enable counties 8455
and townships to properly plan, construct, widen, reconstruct, and 8456
maintain their public highways, roads, and streets; to enable 8457
counties to pay principal, interest, and charges on bonds and 8458
other obligations issued pursuant to Chapter 133. of the Revised 8459
Code or incurred pursuant to section 5531.09 of the Revised Code 8460
for highway improvements; to enable municipal corporations to 8461
plan, construct, reconstruct, repave, widen, maintain, repair, 8462

clear, and clean public highways, roads, and streets; to enable 8463
municipal corporations to pay the principal, interest, and charges 8464
on bonds and other obligations issued pursuant to Chapter 133. of 8465
the Revised Code or incurred pursuant to section 5531.09 of the 8466
Revised Code for highway improvements; to maintain and repair 8467
bridges and viaducts; to purchase, erect, and maintain street and 8468
traffic signs and markers; to purchase, erect, and maintain 8469
traffic lights and signals; to pay the costs apportioned to the 8470
public under section 4907.47 of the Revised Code; to provide 8471
revenue for the purposes of sections 1547.71 to 1547.77 of the 8472
Revised Code and to supplement revenue already available for such 8473
purposes; to pay the expenses of the department of taxation 8474
incident to the administration of the motor fuel laws and to 8475
supplement revenue already available for such purposes; to pay the 8476
interest, principal, and charges on bonds and other obligations 8477
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 8478
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 8479
the interest, principal, and charges on highway obligations issued 8480
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8481
sections 5528.30 and 5528.31 of the Revised Code. 8482

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 8483
used solely to supply the state's share of the cost of 8484
constructing, widening, maintaining, and reconstructing the state 8485
highways; to maintain and repair bridges and viaducts; to 8486
purchase, erect, and maintain street and traffic signs and 8487
markers; to purchase, erect, and maintain traffic lights and 8488
signals; to pay the expense of administering and enforcing the 8489
state law relative to the registration and operation of motor 8490
vehicles; to make road improvements associated with retaining or 8491
attracting business for this state; to pay that portion of the 8492
construction cost of a highway project that a county, township, or 8493
municipal corporation normally would be required to pay, but that 8494
the director of transportation, pursuant to division (B) of 8495

section 5531.08 of the Revised Code, determines instead will be 8496
paid from moneys in the highway operating fund; to provide revenue 8497
for the purposes of sections 1547.71 to 1547.77 of the Revised 8498
Code and to supplement revenue already available for such 8499
purposes; to pay the expenses of the department of taxation 8500
incident to the administration of the motor fuel laws and to 8501
supplement revenue already available for such purposes; to pay the 8502
interest, principal, and charges on highway obligations issued 8503
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8504
sections 5528.30 and 5528.31 of the Revised Code; to enable 8505
counties and townships to properly plan, construct, widen, 8506
reconstruct, and maintain their public highways, roads, and 8507
streets; to enable counties to pay principal, interest, and 8508
charges on bonds and other obligations issued pursuant to Chapter 8509
133. of the Revised Code or incurred pursuant to section 5531.09 8510
of the Revised Code for highway improvements; to enable municipal 8511
corporations to plan, construct, reconstruct, repave, widen, 8512
maintain, repair, clear, and clean public highways, roads, and 8513
streets; to enable municipal corporations to pay the principal, 8514
interest, and charges on bonds and other obligations issued 8515
pursuant to Chapter 133. of the Revised Code or incurred pursuant 8516
to section 5531.09 of the Revised Code for highway improvements; 8517
and to pay the costs apportioned to the public under section 8518
4907.47 of the Revised Code. 8519

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 8520
used solely to pay the state's share of the cost of constructing 8521
and reconstructing highways and eliminating railway grade 8522
crossings on the major thoroughfares of the state highway system 8523
and urban extensions thereof; to pay that portion of the 8524
construction cost of a highway project that a county, township, or 8525
municipal corporation normally would be required to pay, but that 8526
the director of transportation, pursuant to division (B) of 8527
section 5531.08 of the Revised Code, determines instead will be 8528

paid from moneys in the highway operating fund; to pay the 8529
interest, principal, and charges on bonds and other obligations 8530
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 8531
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 8532
interest, principal, and charges on highway obligations issued 8533
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8534
sections 5528.30 and 5528.31 of the Revised Code; to provide 8535
revenues for the purposes of sections 1547.71 to 1547.77 of the 8536
Revised Code; and to pay the expenses of the department of 8537
taxation incident to the administration of the motor fuel laws. 8538

(B) Six thirty-fourths of the revenue from the tax shall be 8539
distributed under division (E) of section 5735.051 of the Revised 8540
Code to fund the purposes described in division (A) of this 8541
section, as provided in divisions (A) and (B) of section 5735.27 8542
of the Revised Code. 8543

(C) The tax imposed by this section does not apply to the 8544
following transactions: 8545

(1) The sale of dyed diesel fuel by a licensed motor fuel 8546
dealer from a location other than a retail service station 8547
provided the licensed motor fuel dealer places on the face of the 8548
delivery document or invoice, or both if both are used, a 8549
conspicuous notice stating that the fuel is dyed and is not for 8550
taxable use, and that taxable use of that fuel is subject to a 8551
penalty. The tax commissioner, by rule, may provide that any 8552
notice conforming to rules or regulations issued by the United 8553
States department of the treasury or the Internal Revenue Service 8554
is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 8555
this section. 8556

(2) The sale of K-1 kerosene to a retail service station, 8557
except when placed directly in the fuel supply tank of a motor 8558
vehicle. Such sale shall be rebuttably presumed to not be 8559
distributed or sold for use or used to generate power for the 8560

operation of motor vehicles upon the public highways or upon the waters within the boundaries of this state.

(3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer;

(4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country;

(5) The sale of motor fuel to the United States government or any of its agencies, except such tax as is permitted by it, where such sale is evidenced by an exemption certificate, in a form approved by the tax commissioner, executed by the United States government or an agency thereof certifying that the motor fuel therein identified has been purchased for the exclusive use of the United States government or its agency;

(6) The sale of motor fuel that is in the process of transportation in foreign or interstate commerce, except insofar as it may be taxable under the Constitution and statutes of the United States, and except as may be agreed upon in writing by the dealer and the commissioner;

(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(1) of section 5735.01 of the Revised Code;

(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(2) of section 5735.01 of the Revised Code, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.

(10) The sale to a consumer of diesel fuel, by a motor fuel dealer for delivery from a bulk lot vehicle, for consumption in operating a vessel when the use of such fuel in a vessel would otherwise qualify for a refund under section 5735.14 of the Revised Code.

Division ~~(B)~~(C)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel.

~~(C)~~(D) The tax commissioner may adopt rules as necessary to administer this section.

(E) The use of any revenue from the tax levied under this section shall be used for construction, maintenance, and repair of roads and bridges, the operational costs of applicable state agencies, or used to match other revenue for these purposes.

(F) The tax on each gallon equivalent of compressed natural gas shall be:

(1) Seven cents on and after July 1, 2019, and before July 1, 2020;

(2) Fourteen cents on and after July 1, 2020, and before July 1, 2021;

(3) Twenty-one cents on and after July 1, 2021, and before July 1, 2022;

(4) Twenty-eight cents on and after July 1, 2022, and before July 1, 2023;

(5) Thirty-four cents on and after July 1, 2023.

Sec. 5735.051. Out of revenue from the tax levied by section

5735.05 of the Revised Code, the treasurer of state shall place to 8621
the credit of the tax refund fund established by section 5703.052 8622
of the Revised Code amounts equal to the refunds certified by the 8623
tax commissioner pursuant to sections 5735.13, 5735.14, and 8624
5735.142 of the Revised Code. The treasurer of state shall then 8625
transfer seven-eighths per cent of the revenue to the waterways 8626
safety fund to be used for the purposes of sections 1547.71 to 8627
1547.77 of the Revised Code, one-eighth per cent to the wildlife 8628
boater angler fund to be used for the purposes specified by 8629
section 1531.35 of the Revised Code, and the amount ~~required by~~ 8630
described in section 5735.053 of the Revised Code to the motor 8631
fuel tax administration fund. Revenue remaining after such 8632
crediting and transfers shall be distributed each month as 8633
provided in divisions (A) to ~~(D)~~(E) of this section. 8634

(A) The portion of revenue described in division (A)(1) of 8635
section 5735.05 of the Revised Code shall be credited as follows: 8636

(1) One hundred thousand dollars to the grade crossing 8637
protection fund for the purposes specified by section 4907.472 of 8638
the Revised Code; 8639

(2) Of such revenue remaining after crediting under division 8640
(A)(1) of this section, five and two thousand nine hundred 8641
forty-two ten thousandths per cent shall be credited to the 8642
highway operating fund, which is hereby created in the state 8643
treasury, and ninety-four and seven thousand fifty-eight ten 8644
thousandths per cent to the gasoline excise tax fund. 8645

(a) Of the amount credited to the gasoline excise tax fund 8646
under division (A)(2) of this section, ninety-three and one 8647
thousand six hundred seventy-seven ten thousandths per cent shall 8648
be transferred as follows: 8649

(i) Six and seven-tenths per cent of the amount to be 8650
transferred under division (A)(2)(a) of this section to the local 8651

transportation improvement program fund created by section 164.14 8652
of the Revised Code; 8653

(ii) An amount equal to five cents multiplied by the number 8654
of gallons of motor fuel sold at stations operated by the Ohio 8655
turnpike and infrastructure commission, such gallonage to be 8656
certified by the commission to the treasurer of state not later 8657
than the last day of the month following. Such money shall be 8658
expended for the construction, reconstruction, maintenance, and 8659
repair of turnpike projects, except that the funds may not be 8660
expended for the construction of new interchanges. The funds also 8661
may be expended for the construction, reconstruction, maintenance, 8662
and repair of those portions of connecting public roads that serve 8663
existing interchanges and are determined by the commission and the 8664
director of transportation to be necessary for the safe merging of 8665
traffic between the turnpike and those public roads. 8666

(iii) The remainder of the amount to be transferred under 8667
division (A)(2)(a) of this section after the transfers under 8668
divisions (A)(2)(a)(i) and (ii) of this section shall be 8669
distributed on the fifteenth day of the following month as 8670
follows: 8671

(I) Ten and seven-tenths per cent for distribution among 8672
municipal corporations under division (A)(1) of section 5735.27 of 8673
the Revised Code, except that the sum of seven hundred forty-five 8674
thousand eight hundred seventy-five dollars shall be subtracted 8675
each month from the amount so computed and credited to the highway 8676
operating fund; 8677

(II) Nine and three-tenths per cent for distribution among 8678
counties under division (A)(2) of section 5735.27 of the Revised 8679
Code, except that the sum of seven hundred forty-five thousand 8680
eight hundred seventy-five dollars shall be subtracted each month 8681
from the amount so computed and credited to the highway operating 8682
fund; 8683

(III) Five per cent for distribution among townships under 8684
division (A)(3)(a) of section 5735.27 of the Revised Code, except 8685
that the sum of two hundred sixty-three thousand two hundred fifty 8686
dollars shall be subtracted each month from the amount so computed 8687
and credited to the highway operating fund; 8688

(IV) Except as provided in division (A)(3) of this section, 8689
the balance shall be transferred to the highway operating fund and 8690
used for the purposes set forth in division (B) of section 5735.27 8691
of the Revised Code. 8692

(b) Of the amount credited to the gasoline excise tax fund 8693
under division (A)(2) of this section, six and eight thousand 8694
three hundred twenty-three ten thousandths per cent shall be 8695
distributed on the fifteenth day of the following month as 8696
follows: 8697

(i) Forty-two and eighty-six hundredths per cent shall be 8698
distributed among municipal corporations in accordance with 8699
division (A)(1) of section 5735.27 of the Revised Code; 8700

(ii) Thirty-seven and fourteen hundredths per cent shall be 8701
distributed among counties in accordance with division (A)(2) of 8702
section 5735.27 of the Revised Code; 8703

(iii) Twenty per cent shall be combined with twenty per cent 8704
of any amounts transferred from the highway operating fund to the 8705
gasoline excise tax fund through biennial appropriations acts of 8706
the general assembly pursuant to the planned phase-in of a new 8707
source of funding for the state highway patrol, and shall be 8708
distributed among townships in accordance with division (A)(3)(b) 8709
of section 5735.27 of the Revised Code. 8710

(3) Monthly from September to February of each fiscal year, 8711
an amount equal to one-sixth of the amount certified in July of 8712
that year by the treasurer of state pursuant to division (Q) of 8713
section 151.01 of the Revised Code shall, from amounts required to 8714

be credited or transferred to the highway operating fund pursuant 8715
to division (A)(2)(a)(iii)(IV) of this section, be credited or 8716
transferred to the highway capital improvement bond service fund 8717
created in section 151.06 of the Revised Code. If, in any of those 8718
months, the amount available to be credited or transferred to the 8719
bond service fund is less than one-sixth of the amount so 8720
certified, the shortfall shall be added to the amount due the next 8721
succeeding month. Any amount still due at the end of the six-month 8722
period shall be credited or transferred as the money becomes 8723
available, until such time as the office of budget and management 8724
receives certification from the treasurer of state or the 8725
treasurer of state's designee that sufficient money has been 8726
credited or transferred to the bond service fund to meet in full 8727
all payments of debt service and financing costs due during the 8728
fiscal year from that fund. 8729

(B) The portion of revenue described in division (A)(2) of 8730
section 5735.05 of the Revised Code shall be credited each month 8731
as follows: 8732

(1) Sixty-seven and one-half per cent to the highway 8733
operating fund for distribution pursuant to division (B) of 8734
section 5735.27 of the Revised Code; 8735

(2) Thirty-two and one-half per cent to the gasoline excise 8736
tax fund for distribution under division (A) of section 5735.27 of 8737
the Revised Code in the same manner as money from that fund is 8738
distributed under division (A)(2)(b) of this section. 8739

(C)(1) The portion of revenue described in division (A)(3) of 8740
section 5735.05 of the Revised Code shall be credited each month 8741
as follows: 8742

(a) Three-sixteenths to the gasoline excise tax fund for 8743
distribution under division (C)(2) of this section; 8744

(b) Thirteen-sixteenths to the highway operating fund, 8745

subject to the deduction under division (C)(3) of this section. 8746

(2) The revenue credited to the gasoline excise tax fund 8747
under division (C)(1)(a) of this section shall be distributed in 8748
the same manner as in division (A)(2)(b) of this section, subject 8749
to the deductions under division (C)(3) of this section. Each 8750
municipal corporation, county, or township shall use at least 8751
ninety per cent of the revenue distributed to it under division 8752
(C)(2) of this section to supplement, rather than supplant, other 8753
local funds used for highway-related purposes. 8754

(3)(a) Before the distribution from the gasoline excise tax 8755
fund to municipal corporations as provided in division (C)(2) of 8756
this section, the department of taxation shall deduct thirty-three 8757
and one-third per cent of the amount specified in division 8758
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 8759
distribution to townships pursuant to division (A)(3)(b) of that 8760
section. 8761

(b) Before the distribution from the gasoline excise tax fund 8762
to counties as provided in division (C)(2) of this section, the 8763
department of taxation shall deduct thirty-three and one-third per 8764
cent of the amount specified in division (A)(3)(c) of section 8765
5735.27 of the Revised Code and use it for distribution to 8766
townships pursuant to division (A)(3)(b) of that section. 8767

(c) Before crediting the portion of revenue described in 8768
division (A)(3) of section 5735.05 of the Revised Code to the 8769
highway operating fund under division (C)(1)(b) of this section, 8770
the department of taxation shall deduct thirty-three and one-third 8771
per cent of the amount specified in division (A)(3)(c) of section 8772
5735.27 of the Revised Code and use it for distribution to 8773
townships pursuant to division (A)(3)(b) of that section. 8774

(D) The portion of revenue described in division (A)(4) of 8775
section 5735.05 of the Revised Code shall be credited each month 8776

to the highway operating fund. 8777

(E) The portion of revenue described in division (B) of 8778
section 5735.05 of the Revised Code shall be credited each month 8779
as follows: 8780

(1) Fifty-five per cent of that revenue to the highway 8781
operating fund for distribution pursuant to division (B) of 8782
section 5735.27 of the Revised Code; 8783

(2) Forty-five per cent of that revenue to the gasoline 8784
excise tax fund to be divided each month as follows: 8785

(a) Forty-two and eighty-six hundredths per cent for 8786
distribution among municipal corporations under division (A)(1) of 8787
section 5735.27 of the Revised Code; 8788

(b) Thirty-seven and fourteen hundredths per cent for 8789
distribution among counties under division (A)(2) of section 8790
5735.27 of the Revised Code; 8791

(c) Twenty per cent for distribution among townships as 8792
follows: 8793

(i) Fifty-two per cent shall be distributed as provided under 8794
division (A)(3)(a) of section 5735.27 of the Revised Code; 8795

(ii) Forty-eight per cent shall be distributed as provided 8796
under division (A)(3)(b) of section 5735.27 of the Revised Code. 8797

Sec. 5735.053. There is hereby created in the state treasury 8798
the motor fuel tax administration fund for the purpose of paying 8799
the expenses of the department of taxation incident to the 8800
administration of the motor fuel laws. After the treasurer of 8801
state credits the tax refund fund out of tax receipts as required 8802
by section 5735.051 of the Revised Code, the treasurer of state 8803
shall transfer to the motor fuel tax administration fund ~~two~~ 8804
~~hundred seventy five one thousandths per cent of the receipts from~~ 8805
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 8806

an amount not to exceed one twenty-fourth of the approved 8807
appropriation assigned to the fund for the biennium. 8808

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 8809
which the tax imposed by section 5735.05 of the Revised Code has 8810
been paid, for the purpose of operating a transit bus shall be 8811
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 8812
total tax paid on motor fuel so used by public transportation 8813
systems providing transit or paratransit service on a regular and 8814
continuing basis within the state, or by a person contracting with 8815
such a system and providing such services, less one cent per 8816
gallon of such fuel; 8817

(2) A city, exempted village, joint vocational, or local 8818
school district or educational service center that purchases any 8819
motor fuel for school district or service center operations, on 8820
which any tax imposed by section 5735.05 of the Revised Code has 8821
been paid, may, if an application is filed under this section, be 8822
reimbursed in the amount of ~~six cents per gallon of the total tax~~ 8823
imposed by that section and paid on motor fuel less twenty-two 8824
cents per gallon of such fuel. The reimbursement under division 8825
(A)(2) of this section also may be obtained, upon application 8826
under this section, by a person that purchases motor fuel on which 8827
the tax has been paid and uses that fuel to perform school 8828
district or service center operations pursuant to a contract with 8829
a city, exempted village, joint vocational, or local school 8830
district or an educational service center. 8831

(3) A county board of developmental disabilities that, ~~on or~~ 8832
~~after July 1, 2005,~~ purchases any motor fuel for county board 8833
operations, on which any tax imposed by section 5735.05 of the 8834
Revised Code has been paid may, if an application is filed under 8835
this section, be reimbursed in the amount ~~of six cents per gallon~~ 8836
of the total tax imposed by that section and paid on motor fuel 8837

less twenty-two cents per gallon of such fuel. The reimbursement 8838
under division (A)(3) of this section also may be obtained, upon 8839
application under this section, by a person that purchases motor 8840
fuel on which the tax has been paid and uses that fuel to perform 8841
county board operations pursuant to a contract with a county board 8842
of developmental disabilities. 8843

(B) Such person, school district, educational service center, 8844
or county board shall file with the tax commissioner an 8845
application for refund within one year from the date of purchase, 8846
stating the quantity of fuel used for operating transit buses used 8847
by local transit systems, or a contractor thereof, in furnishing 8848
scheduled common carrier, public passenger land transportation 8849
service along regular routes primarily in one or more municipal 8850
corporations, or for operating vehicles used for school district, 8851
service center, or county board operations. However, no claim 8852
shall be made for the tax on fewer than one hundred gallons of 8853
motor fuel. A school district, educational service center, or 8854
county board shall not apply for a refund for any tax paid on 8855
motor fuel that is sold by the district, service center, or county 8856
board. The application shall be accompanied by the statement 8857
described in section 5735.15 of the Revised Code showing the 8858
purchase, together with evidence of payment thereof. 8859

(C) After consideration of the application and statement, the 8860
commissioner shall determine the amount of refund to which the 8861
applicant is entitled. If the amount is not less than that 8862
claimed, the commissioner shall certify the amount to the director 8863
of budget and management and treasurer of state for payment from 8864
the tax refund fund created by section 5703.052 of the Revised 8865
Code. If the amount is less than that claimed, the commissioner 8866
shall proceed in accordance with section 5703.70 of the Revised 8867
Code. 8868

The commissioner may require that the application be 8869

supported by the affidavit of the claimant. No refund shall be 8870
authorized or ordered for any single claim for the tax on fewer 8871
than one hundred gallons of motor fuel. No refund shall be 8872
authorized or ordered on motor fuel that is sold by a school 8873
district, educational service center, or county board. 8874

(D) The right to receive any refund under this section or 8875
section 5703.70 of the Revised Code is not assignable. The payment 8876
of this refund shall not be made to any person or entity other 8877
than the person or entity originally entitled thereto who used the 8878
motor fuel upon which the claim for refund is based, except that 8879
the refund when allowed and certified, as provided in this 8880
section, may be paid to the executor, the administrator, the 8881
receiver, the trustee in bankruptcy, or the assignee in insolvency 8882
proceedings of the person. 8883

Sec. 5735.27. (A) There is hereby created in the state 8884
treasury the gasoline excise tax fund. All investment earnings of 8885
the fund shall be credited to the fund. Revenue credited to the 8886
fund under section 5735.051 from the tax levied under section 8887
5735.05 of the Revised Code shall be distributed to municipal 8888
corporations, counties, and townships as provided in divisions 8889
(A)(1), (2), and (3) of this section. 8890

(1) The amount distributed to each municipal corporation 8891
shall be that proportion of the amount to be distributed among 8892
municipal corporations that the number of motor vehicles 8893
registered within the municipal corporation bears to the total 8894
number of motor vehicles registered within all the municipal 8895
corporations of this state during the preceding motor vehicle 8896
registration year. When a new village is incorporated, the 8897
registrar of motor vehicles shall determine from the applications 8898
on file in the bureau of motor vehicles the number of motor 8899
vehicles located within the territory comprising the village 8900

during the entire registration year in which the municipal 8901
corporation was incorporated. The registrar shall forthwith 8902
certify the number of motor vehicles so determined to the tax 8903
commissioner for use in distributing motor vehicle fuel tax funds 8904
to the village until the village is qualified to participate in 8905
the distribution of the funds pursuant to this division. The 8906
number of motor vehicle registrations shall be determined by the 8907
official records of the bureau of motor vehicles. The amount 8908
received by each municipal corporation shall be used to plan, 8909
construct, reconstruct, repave, widen, maintain, repair, clear, 8910
and clean public highways, roads, and streets; to maintain and 8911
repair bridges and viaducts; to purchase, erect, and maintain 8912
street and traffic signs and markers; to pay the costs apportioned 8913
to the municipal corporation under section 4907.47 of the Revised 8914
Code; to purchase, erect, and maintain traffic lights and signals; 8915
to pay the principal, interest, and charges on bonds and other 8916
obligations issued pursuant to Chapter 133. of the Revised Code or 8917
incurred pursuant to section 5531.09 of the Revised Code for the 8918
purpose of acquiring or constructing roads, highways, bridges, or 8919
viaducts or acquiring or making other highway improvements for 8920
which the municipal corporation may issue bonds; and to supplement 8921
revenue already available for these purposes. 8922

(2) The amount distributed to counties shall be paid in equal 8923
proportions to the county treasurer of each county within the 8924
state and shall be used only for the purposes of planning, 8925
maintaining, and repairing the county system of public roads and 8926
highways within the county; the planning, construction, and repair 8927
of walks or paths along county roads in congested areas; the 8928
planning, construction, purchase, lease, and maintenance of 8929
suitable buildings for the housing and repair of county road 8930
machinery, housing of supplies, and housing of personnel 8931
associated with the machinery and supplies; the payment of costs 8932
apportioned to the county under section 4907.47 of the Revised 8933

Code; the payment of principal, interest, and charges on bonds and 8934
other obligations issued pursuant to Chapter 133. of the Revised 8935
Code or incurred pursuant to section 5531.09 of the Revised Code 8936
for the purpose of acquiring or constructing roads, highways, 8937
bridges, or viaducts or acquiring or making other highway 8938
improvements for which the board of county commissioners may issue 8939
bonds under that chapter; and the purchase, installation, and 8940
maintenance of traffic signal lights. 8941

(3)(a) The amounts described under divisions 8942
(A)(2)(a)(iii)(III) ~~and~~, (B)(2), and (E)(2)(c)(i) of section 8943
5735.051 of the Revised Code to be distributed among townships 8944
shall be divided in equal proportions among the townships. 8945

(b) As used in division (A)(3)(b) of this section, the 8946
"formula amount" for any township is the amount that would be 8947
allocated to that township if fifty per cent of the total amount 8948
credited to townships pursuant to ~~division~~ divisions 8949
(A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of section 5735.051 of 8950
the Revised Code were allocated among townships in the state 8951
proportionate to the number of centerline miles within the 8952
boundaries of the respective townships, as determined annually by 8953
the department of transportation, and the other fifty per cent of 8954
that amount were allocated among townships in the state 8955
proportionate to the number of motor vehicles registered within 8956
the respective townships, as determined annually by the records of 8957
the bureau of motor vehicles. The number of centerline miles 8958
within the boundaries of a township shall not include any 8959
centerline miles of township roads that have been placed on 8960
nonmaintained status by a board of township trustees pursuant to 8961
section 5571.20 of the Revised Code. 8962

The portion of the revenue of the tax levied by section 8963
5735.05 of the Revised Code that is described under ~~division~~ 8964
divisions (A)(3) and (B) of that section shall be partially 8965

allocated to provide funding for townships. Each township shall 8966
receive the greater of the following two calculations: 8967

(i) The total statewide amount credited to townships under 8968
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of 8969
section 5735.051 of the Revised Code divided by the number of 8970
townships in the state at the time of the calculation; 8971

(ii) Seventy per cent of the formula amount for that 8972
township. 8973

(c) The total difference between the amount of money credited 8974
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 8975
(E)(2)(c)(ii) of section 5735.051 of the Revised Code and the 8976
total amount of money required to make all the payments specified 8977
in division (A)(3)(b) of this section shall be deducted, in 8978
accordance with division (C)(3) of section 5735.051 of the Revised 8979
Code, from the revenues resulting from the portion of the revenue 8980
described in division (A)(3) of section 5735.05 of the Revised 8981
Code prior to crediting portions of such revenues to counties, 8982
municipal corporations, and the highway operating fund. 8983

(d) All amounts credited pursuant to divisions (A)(3)(a) and 8984
(b) of this section shall be paid to the county treasurer of each 8985
county for the total amount payable to the townships within each 8986
of the counties. The county treasurer shall pay to each township 8987
within the county its proportional share of the funds, which shall 8988
be expended by each township only for the purposes of planning, 8989
constructing, maintaining, widening, and reconstructing the public 8990
roads and highways within the township, paying principal, 8991
interest, and charges on bonds and other obligations issued 8992
pursuant to Chapter 133. or 505. of the Revised Code or incurred 8993
pursuant to section 5531.09 of the Revised Code for the purpose of 8994
acquiring or constructing roads, highways, bridges, or viaducts or 8995
acquiring or making other highway improvements for which the board 8996
of township trustees may issue bonds under those chapters, and 8997

paying costs apportioned to the township under section 4907.47 of 8998
the Revised Code. 8999

No part of the funds designated for road and highway purposes 9000
shall be used for any purpose except to pay in whole or part the 9001
contract price of any such work done by contract, or to pay the 9002
cost of labor in planning, constructing, widening, and 9003
reconstructing such roads and highways, and the cost of materials 9004
forming a part of the improvement; provided that the funds may be 9005
used for the purchase of road machinery and equipment, the 9006
planning, construction, and maintenance of suitable buildings for 9007
housing road machinery and equipment, and the payment of 9008
principal, interest, and charges on bonds and other obligations 9009
issued pursuant to Chapter 133. or 505. of the Revised Code for 9010
the purpose of purchasing road machinery and equipment or 9011
planning, constructing, and maintaining suitable buildings for 9012
housing road machinery and equipment; and provided that all such 9013
improvement of roads shall be under supervision and direction of 9014
the county engineer as provided in section 5575.07 of the Revised 9015
Code. No obligation against the funds shall be incurred unless 9016
plans and specifications for the improvement, approved by the 9017
county engineer, are on file in the office of the township fiscal 9018
officer, and all contracts for material and for work done by 9019
contract shall be approved by the county engineer before being 9020
signed by the board of township trustees. The board of township 9021
trustees of any township may pass a resolution permitting the 9022
board of county commissioners to expend the township's share of 9023
the funds, or any portion of it, for the improvement of the roads 9024
within the township as may be designated in the resolution. 9025

(B) Amounts credited to the highway operating fund under 9026
section 5735.051 and other sections of the Revised Code are 9027
subject to transfer to the sinking fund upon receipt by the 9028
treasurer of state of the certification by the commissioners of 9029

the sinking fund, as required by section 5528.15 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of principal, interest, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year. All remaining amounts credited to the highway operating fund shall be expended for the purposes of planning, maintaining, repairing, and keeping in passable condition for travel the roads and highways of the state required by law to be maintained by the department; paying the costs apportioned to the state under section 4907.47 of the Revised Code; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; paying the costs of the department of public safety in administering and enforcing the state law relating to the registration and operation of motor vehicles; paying the state's share of the cost of planning, constructing, widening, maintaining, and reconstructing the state highways; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; and also for supplying the state's share of the cost of eliminating railway grade crossings upon such highways and costs apportioned to the state under section 4907.47 of the Revised Code. The director of transportation may expend portions of such amount upon extensions of state highways within municipal corporations or upon portions of state highways within

municipal corporations, as is provided by law. 9063

All investment earnings of the highway operating fund shall 9064
be credited to the fund. 9065

Sec. 5735.50. (A) As used in this section: 9066

(1) "Rate of federal motor fuel tax" means the rate of tax 9067
levied under section 4081 of the Internal Revenue Code on one 9068
gallon of gasoline other than aviation gasoline or one gallon of 9069
diesel fuel, as those terms are defined in section 4083 of the 9070
Internal Revenue Code. 9071

(2) "Rate of state motor fuel tax" means the rate of tax 9072
levied under section 5735.05 of the Revised Code on one gallon of 9073
gasoline or one gallon of diesel fuel. 9074

(3) "Adjustment date" means a date on which a change in the 9075
rate of federal or state motor fuel tax takes effect or, if such a 9076
change occurs within six months after an adjustment date, the 9077
first day of the seventh month following that adjustment date. 9078

(4) "Fuel tax notice" means a notice described in division 9079
(B)(1) of this section. 9080

(5) "Retail pump" means a pump situated at a retail service 9081
station through which gasoline or diesel fuel is pumped directly 9082
into motor vehicle fuel tanks for consumption. 9083

(6) "Municipal sealer" means a sealer of weights and measures 9084
appointed under section 733.63 of the Revised Code. 9085

(B)(1) The director of agriculture shall, within ninety days 9086
after an adjustment date, design and cause to be produced a notice 9087
that displays, in readable font, the following information, which 9088
the director may obtain in consultation with the tax commissioner: 9089

(a) The rate of federal and state motor fuel tax as of the 9090
adjustment date. The information required by division (B)(1)(a) of 9091

this section shall be categorized and arranged on the notice as 9092
such information is categorized and arranged on the following 9093
table: 9094

	<u>GASOLINE</u>	<u>DIESEL FUEL</u>	
<u>FEDERAL TAX</u>	<u>[Rate of federal motor fuel tax on gasoline other than aviation gasoline]</u>	<u>[Rate of federal motor fuel tax on diesel fuel]</u>	9095
<u>STATE TAX</u>	<u>[Rate of state motor fuel tax on gasoline]</u>	<u>[Rate of state motor fuel tax on diesel fuel]</u>	9096
<u>TOTAL TAX</u>	<u>[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]</u>	<u>[sum of the rate of motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]</u>	9097
			9098

Each of the three columns in the table described in division 9099
(B)(1)(a) of this section shall be separated by a vertical line 9100
and each of the four rows shall be separated by a horizontal line. 9101
The table shall be enclosed within lines forming a box such that 9102
"federal tax," "state tax," "total tax," and the corresponding 9103
gasoline and diesel rates appear as individual cells within a grid 9104
pattern. 9105

(b) The last date on which a change in the rate of state 9106
motor fuel tax took effect; 9107

(c) Among the rate of motor fuel excise taxes levied by Ohio 9108
and by other states on gasoline and diesel fuel, the relative 9109
numerical rank of Ohio's rates compared to the rates of other 9110
states in this format: "Among all states, Ohio has the ... highest 9111
state motor fuel tax rate on gasoline and the ... highest tax rate 9112
on diesel fuel." 9113

(d) A representation of the great seal of the state as 9114

described in section 5.10 of the Revised Code without regard to 9115
the minimum dimensions prescribed by that section; 9116

(e) At the bottom of the notice and in a font smaller than 9117
that used to display the information described in division 9118
(B)(1)(a) of this section, a statement that reads as follows: 9119
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 9120
O.R.C. 5735.50." 9121

(2) A fuel tax notice shall not display any information other 9122
than the information required under divisions (B)(1)(a) to (e) of 9123
this section, and shall not display the name of any public 9124
official, state employee, or state agency. No color shall be 9125
displayed on the notice other than red, white, or blue. The width 9126
and length of a fuel tax notice shall not be less than four inches 9127
and shall not exceed four and one-half inches. 9128

(3) The director shall, within ninety days after an 9129
adjustment date, distribute fuel tax notices to each county 9130
auditor or municipal sealer in the number requested by the auditor 9131
or sealer under division (C)(1) of this section. The director 9132
shall not charge a county auditor, municipal sealer, or any person 9133
for the creation or delivery of a fuel tax notice under this 9134
section. 9135

(C)(1) Within fifteen days after an adjustment date, the 9136
director of agriculture shall notify each county auditor and 9137
municipal sealer that the director is designing and causing to be 9138
produced fuel tax notices as required under division (B)(1) of 9139
this section. Within fifteen days after receipt of such a notice, 9140
a county auditor or municipal sealer shall notify the director of 9141
the number of fuel tax notices the auditor or sealer requires to 9142
perform the auditor's or sealer's duties under division (C)(2) of 9143
this section. 9144

(2) Except as otherwise provided in division (C)(3) of this 9145

section, each county auditor or municipal sealer or an employee thereof shall affix fuel tax notices received from the director of agriculture on each retail pump the auditor or sealer is required to inspect under the authority of section 1327.52 of the Revised Code. Each notice shall be affixed on or before the earlier of fourteen months following the most recent adjustment date or the date the auditor or sealer or an employee thereof arrives on the premises of a retail service station for the purposes of carrying out a required inspection or other official business, including the performance of the auditor's or sealer's duties under section 1327.52 of the Revised Code. A fuel tax notice shall be displayed in a clear and prominent manner and shall be affixed on each face of a retail pump on which a meter measuring the volume of gasoline or diesel fuel dispensed is located. A notice shall not be affixed in a manner that obstructs or obscures any other notice or sticker required to be displayed pursuant to federal, state, or local law. A county auditor or municipal sealer or employee thereof shall replace any fuel tax notice that is no longer readable or is no longer affixed as required under division (C)(2) of this section or that has been affixed on a retail pump for more than three consecutive years.

(3) In lieu of fuel tax notices being affixed on each retail pump as required by division (C)(2) of this section, the owner or operator of a retail service station may provide the information required to be displayed on the notice by any of the following means:

(a) Displaying video messages via video displays visible to users of the retail pump;

(b) Printing the information on customer receipts;

(c) Posting the information conspicuously at the public entrance to the premises of the service station.

(D) A county auditor or municipal sealer may notify the 9177
director of agriculture at any time if the auditor or sealer 9178
requires additional fuel tax notices to perform the auditor's or 9179
sealer's duties under this section. Upon receiving such a request, 9180
the director shall distribute the number of fuel tax notices so 9181
requested to the auditor or sealer. 9182

(E) Nothing in this section makes the owner or operator of a 9183
retail service station liable for affixing or maintaining a fuel 9184
tax notice. 9185

Sec. 5739.023. (A)(1) For the purpose of providing additional 9186
general revenues for a transit authority ~~or~~, funding a regional 9187
transportation improvement project under section 5595.06 of the 9188
Revised Code, or ~~both~~ funding public infrastructure projects as 9189
described in section 306.353 of the Revised Code, and to pay the 9190
expenses of administering such levy, any transit authority ~~as~~ 9191
~~defined in division (U) of section 5739.01 of the Revised Code~~ may 9192
levy a tax upon every retail sale made in the territory of the 9193
transit authority, except sales of watercraft and outboard motors 9194
required to be titled pursuant to Chapter 1548. of the Revised 9195
Code and sales of motor vehicles, at a rate of not more than one 9196
and one-half per cent and may increase the rate of an existing tax 9197
to not more than one and one-half per cent. The rate of any tax 9198
levied pursuant to this section shall be a multiple of one-fourth 9199
or one-tenth of one per cent. The tax shall be levied and the rate 9200
increased pursuant to a resolution of the legislative authority of 9201
the transit authority and a certified copy of the resolution shall 9202
be delivered by the fiscal officer to the board of elections as 9203
provided in section 3505.071 of the Revised Code and to the tax 9204
commissioner. The resolution shall specify the number of years for 9205
which the tax is to be in effect or that the tax is for a 9206
continuing period of time, the purpose or purposes of the levy, 9207
and the date of the election on the question of the tax pursuant 9208

to section 306.70 of the Revised Code. The board of elections 9209
shall certify the results of the election to the transit authority 9210
and tax commissioner. 9211

A resolution adopted under this section may not specify that 9212
the sole purpose of the tax is to fund infrastructure projects as 9213
described in section 306.353 of the Revised Code; that purpose 9214
must be combined with the purpose of providing additional general 9215
revenues for the transit authority, funding a regional 9216
transportation improvement project under section 5595.06 of the 9217
Revised Code, or both. The resolution may specify the percentage 9218
of the proceeds of the tax that will be allocated among each of 9219
the purposes for which the tax is to be levied. If one of the 9220
purposes of the tax is to provide general revenue for the transit 9221
authority, the resolution may identify specific projects, 9222
functions, or other uses to which that general revenue will be 9223
allocated and the percentage of the tax proceeds to be allocated 9224
to each of those projects, functions, or other uses. 9225

(2) Except as provided in division (C) of this section, the 9226
tax levied by the resolution shall become effective on the first 9227
day of a calendar quarter next following the sixty-fifth day 9228
following the date the tax commissioner receives from the board of 9229
elections the certification of the results of the election on the 9230
question of the tax. 9231

(B) The legislative authority may, at any time while the tax 9232
is in effect, by resolution fix the rate of the tax at any rate 9233
authorized by this section and not in excess of that approved by 9234
the voters pursuant to section 306.70 of the Revised Code. Except 9235
as provided in division (C) of this section, any change in the 9236
rate of the tax shall be made effective on the first day of a 9237
calendar quarter next following the sixty-fifth day following the 9238
date the tax commissioner receives the certification of the 9239

resolution; provided, that in any case where bonds, or notes in 9240
anticipation of bonds, of a regional transit authority have been 9241
issued under section 306.40 of the Revised Code without a vote of 9242
the electors while the tax proposed to be reduced was in effect, 9243
the board of trustees of the regional transit authority shall 9244
continue to levy and collect under authority of the original 9245
election authorizing the tax a rate of tax that the board of 9246
trustees reasonably estimates will produce an amount in that year 9247
equal to the amount of principal of and interest on those bonds as 9248
is payable in that year. 9249

(C) Upon receipt from the board of elections of the 9250
certification of the results of the election required by division 9251
(A) of this section, or from the legislative authority of the 9252
certification of a resolution under division (B) of this section, 9253
the tax commissioner shall provide notice of a tax rate change in 9254
a manner that is reasonably accessible to all affected vendors. 9255
The commissioner shall provide this notice at least sixty days 9256
prior to the effective date of the rate change. The commissioner, 9257
by rule, may establish the method by which notice will be 9258
provided. 9259

(D) If a vendor makes a sale in this state by printed catalog 9260
and the consumer computed the tax on the sale based on local rates 9261
published in the catalog, any tax levied or rate changed under 9262
this section shall not apply to such a sale until the first day of 9263
a calendar quarter following the expiration of one hundred twenty 9264
days from the date of notice by the tax commissioner pursuant to 9265
division (C) of this section. 9266

(E) The tax on every retail sale subject to a tax levied 9267
pursuant to this section is in addition to the tax levied by 9268
section 5739.02 of the Revised Code and any tax levied pursuant to 9269
section 5739.021 or 5739.026 of the Revised Code. 9270

(F) The additional tax levied by the transit authority shall 9271

be collected pursuant to section 5739.025 of the Revised Code. 9272

(G) Any tax levied pursuant to this section is subject to the 9273
exemptions provided in section 5739.02 of the Revised Code and in 9274
addition shall not be applicable to sales not within the taxing 9275
power of a transit authority under the constitution of the United 9276
States or the constitution of this state. 9277

(H) The rate of a tax levied under this section is subject to 9278
reduction under section 5739.028 of the Revised Code, if a ballot 9279
question is approved by voters pursuant to that section. 9280

Sec. 5747.71. There is hereby allowed a nonrefundable credit 9281
against a taxpayer's aggregate tax liability under section 5747.02 9282
of the Revised Code for a taxpayer who is an "eligible individual" 9283
as defined in section 32 of the Internal Revenue Code. The credit 9284
shall equal ~~five per cent of the credit allowed on the taxpayer's~~ 9285
~~federal income tax return pursuant to section 32 of the Internal~~ 9286
~~Revenue Code for taxable years beginning in 2013, and ten thirty~~ 9287
per cent of the federal credit allowed for the taxable years 9288
~~beginning in or after 2014 year. If the Ohio adjusted gross income~~ 9289
~~of the taxpayer, or the taxpayer and the taxpayer's spouse if the~~ 9290
~~taxpayer and the taxpayer's spouse file a joint return under~~ 9291
~~section 5747.08 of the Revised Code, less applicable exemptions~~ 9292
~~under section 5747.025 of the Revised Code, exceeds twenty~~ 9293
thousand dollars, the credit authorized by this section shall not 9294
exceed fifty per cent of the aggregate amount of tax otherwise due 9295
under section 5747.02 of the Revised Code after deducting any 9296
other nonrefundable credits that precede the credit allowed under 9297
this section in the order prescribed by section 5747.98 of the 9298
Revised Code except for the joint filing credit authorized under 9299
division (E) of section 5747.05 of the Revised Code. In all other 9300
cases, the The credit authorized by this section shall not exceed 9301
the aggregate amount of tax otherwise due under section 5747.02 of 9302

the Revised Code after deducting any other nonrefundable credits 9303
that precede the credit allowed under this section in the order 9304
prescribed by section 5747.98 of the Revised Code. 9305

The credit shall be claimed in the order prescribed by 9306
section 5747.98 of the Revised Code. 9307

Section 101.02. That existing sections 9.54, 107.03, 119.14, 9308
122.14, 164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 723.52, 9309
723.53, 1349.61, 3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 9310
4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 9311
4503.10, 4503.103, 4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 9312
4506.11, 4506.17, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 9313
4509.101, 4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 4513.60, 9314
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 9315
4513.69, 4582.12, 4582.31, 5501.21, 5501.41, 5543.19, 5575.01, 9316
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 9317
5735.27, 5739.023, and 5747.71 of the Revised Code are hereby 9318
repealed. 9319

Section 105.01. That section 9.57 of the Revised Code is 9320
hereby repealed. 9321

Section 201.10. Except as otherwise provided in this act, all 9322
appropriation items in this act are appropriated out of any moneys 9323
in the state treasury to the credit of the designated fund that 9324
are not otherwise appropriated. For all appropriations made in 9325
this act, the amounts in the first column are for fiscal year 2020 9326
and the amounts in the second column are for fiscal year 2021. 9327

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 9328
General Revenue Fund 9329
GRF 775470 Public Transportation \$ 46,500,000 \$ 46,500,000 9330

As Reported by the Senate Transportation, Commerce and Workforce Committee

	- State				
TOTAL GRF General Revenue Fund		\$ 46,500,000	\$ 46,500,000		9331
Highway Operating Fund Group					9332
2120 772426 Highway		\$ 5,000,000	\$ 5,000,000		9333
Infrastructure Bank -					
Federal					
2120 772427 Highway		\$ 15,250,000	\$ 15,250,000		9334
Infrastructure Bank -					
State					
2120 772430 Infrastructure Debt		\$ 600,000	\$ 600,000		9335
Reserve Title 23-49					
2130 772431 Roadway		\$ 3,500,000	\$ 3,500,000		9336
Infrastructure Bank -					
State					
2130 772433 Infrastructure Debt		\$ 650,000	\$ 650,000		9337
Reserve - State					
2130 777477 Aviation		\$ 2,000,000	\$ 2,000,000		9338
Infrastructure Bank -					
State					
7002 770003 Transportation		\$ 17,658,600	\$ 20,798,000		9339
Facilities Lease					
Rental Bond Payments					
7002 771411 Planning and Research		\$ 27,591,086	\$ 28,089,039		9340
- State					
7002 771412 Planning and Research		\$ 41,742,250	\$ 41,742,251		9341
- Federal					
7002 772421 Highway Construction		\$ 668,734,023	\$ 661,604,799		9342
- State					
7002 772422 Highway Construction		\$ 1,228,078,291	\$ 1,238,839,103		9343
- Federal					
7002 772424 Highway Construction		\$ 80,000,000	\$ 80,000,000		9344
- Other					
7002 772437 Major New State		\$ 27,462,900	\$ 24,972,600		9345

As Reported by the Senate Transportation, Commerce and Workforce Committee

		Infrastructure Bond				
		Debt Service - State				
7002	772438	Major New State	\$	162,741,000	\$	151,352,500 9346
		Infrastructure Bond				
		Debt Service -				
		Federal				
7002	773431	Highway Maintenance -	\$	603,832,334	\$	595,209,104 9347
		State				
7002	775452	Public Transportation	\$	35,143,571	\$	35,846,442 9348
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 9349
		- Other				
7002	776462	Grade Crossings -	\$	14,172,000	\$	14,172,000 9350
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 9351
		- Federal				
7002	777475	Aviation	\$	7,110,974	\$	7,304,945 9352
		Administration				
7002	779491	Administration -	\$	107,815,669	\$	112,116,608 9353
		State				
TOTAL HOF Highway Operating						9354
Fund Group			\$	3,050,987,698	\$	3,040,952,391 9355
Dedicated Purpose Fund Group						9356
4N40	776664	Rail Transportation -	\$	2,875,800	\$	2,875,800 9357
		Other				
5W90	777615	County Airport	\$	620,000	\$	620,000 9358
		Maintenance				
TOTAL DPF Dedicated Purpose						9359
Fund Group			\$	3,495,800	\$	3,495,800 9360
Capital Projects Fund Group						9361
7042	772723	Highway Construction	\$	65,000,000	\$	65,000,000 9362
		- Bonds				

7045	772428	Highway	\$	67,652,556	\$	66,101,265	9363
		Infrastructure Bank -					
		Bonds					
TOTAL CPF Capital Projects							9364
Fund Group			\$	132,652,556	\$	131,101,265	9365
TOTAL ALL BUDGET FUND GROUPS							9366

Section 203.12. HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDING 9367
ALLOCATIONS 9368

Portions of the appropriations contained in Section 203.10 of 9369
this act shall be used to allocate the following minimum amounts 9370
of funding to specific programs under the Department of 9371
Transportation budget: 9372

(A) For the maintenance program, not less than \$1,832,000,000 9373
in fiscal year 2020 and \$1,831,000,000 in fiscal year 2021; 9374

(B) For the operating programs, not less than \$885,000,000 in 9375
fiscal year 2020 and \$890,000,000 in fiscal year 2021; 9376

(C) For the Major New program, not less than \$100,000,000 in 9377
each fiscal year from revenues received from the tax levied under 9378
section 5735.05 of the Revised Code; and 9379

(D) For the safety program, not less than \$25,000,000 in each 9380
fiscal year from revenues received from the tax levied under 9381
section 5735.05 of the Revised Code. 9382

The allocation under this division is supplemental to the 9383
\$108,500,000 in federal safety program funding allocated within 9384
the maintenance program under division (A) of this section. 9385

Section 203.15. PUBLIC TRANSPORTATION - STATE 9386

Of the foregoing appropriation item 775470, Public 9387
Transportation - State, \$40,000,000 in each fiscal year shall be 9388
used for the same purposes as funding allocated under the Federal 9389

Highway Administration (FHWA) flexible funding program in the 9390
biennium ending June 30, 2019, and \$6,500,000 in each fiscal year 9391
shall be used for the same purposes as funding allocated under 9392
appropriation item 775451, Public Transportation - State, in the 9393
biennium ending June 30, 2019. 9394

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 9395
PAYMENTS 9396

The foregoing appropriation item 770003, Transportation 9397
Facilities Lease Rental Bond Payments, shall be used to meet all 9398
payments during the period from July 1, 2019, through June 30, 9399
2021, by the Department of Transportation pursuant to the leases 9400
and agreements for facilities made under Chapter 154. of the 9401
Revised Code. These appropriations are the source of funds pledged 9402
for bond service charges on related obligations issued under 9403
Chapter 154. of the Revised Code. 9404

Should the appropriation in appropriation item 770003, 9405
Transportation Facilities Lease Rental Bond Payments, exceed the 9406
associated debt service payments in either fiscal year of the 9407
biennium ending June 30, 2021, then the balance may be transferred 9408
to appropriation item 772421, Highway Construction - State, 9409
773431, Highway Maintenance - State, or 779491, Administration - 9410
State, upon the written request of the Director of Transportation 9411
and with the approval of the Director of Budget and Management. 9412
The transfers are hereby appropriated and shall be reported to the 9413
Controlling Board. 9414

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 9415
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 9416

(A) Notwithstanding section 5511.06 of the Revised Code, the 9417
Director of Transportation shall, in each fiscal year of the 9418
biennium ending June 30, 2021, determine portions of the foregoing 9419

appropriation item 772421, Highway Construction - State, which 9420
shall be used for the construction, reconstruction, or maintenance 9421
of public access roads, including support features, to and within 9422
state facilities owned or operated by the Department of Natural 9423
Resources. 9424

(B) Notwithstanding section 5511.06 of the Revised Code, of 9425
the foregoing appropriation item 772421, Highway Construction - 9426
State, \$2,562,000 in each fiscal year shall be used for the 9427
construction, reconstruction, or maintenance of park drives or 9428
park roads within the boundaries of metropolitan parks. 9429

(C) The Department of Transportation may use the foregoing 9430
appropriation item 772421, Highway Construction - State, to 9431
perform: 9432

(1) Related road work on behalf of the Ohio Expositions 9433
Commission at the state fairgrounds, including reconstruction or 9434
maintenance of public access roads and support features to and 9435
within fairgrounds facilities, as requested by the Commission and 9436
approved by the Director of Transportation; and 9437

(2) Related road work on behalf of the Ohio History 9438
Connection, including reconstruction or maintenance of public 9439
access roads and support features to and within Ohio History 9440
Connection facilities, as requested by the Ohio History Connection 9441
and approved by the Director of Transportation. 9442

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 9443

(A) Of the foregoing appropriation item 772421, Highway 9444
Construction - State, \$4,500,000 in each fiscal year shall be made 9445
available for distribution by the Director of Transportation to 9446
Transportation Improvement Districts that have facilitated funding 9447
for the cost of a project or projects in conjunction with and 9448
through other governmental agencies. 9449

(B) A Transportation Improvement District shall submit 9450
requests for project funding to the Ohio Department of 9451
Transportation not later than the first day of September in each 9452
fiscal year. The Ohio Department of Transportation shall notify 9453
the Transportation Improvement District whether the Department has 9454
approved or disapproved the project funding request within 90 days 9455
after the day the request was submitted by the Transportation 9456
Improvement District. 9457

(C) Any funding provided to a Transportation Improvement 9458
District specified in this section shall not be used for the 9459
purposes of administrative costs or administrative staffing and 9460
must be used to fund a specific project or projects within that 9461
District's area. The total amount of a specific project's cost 9462
shall not be fully funded by the amount of funds provided under 9463
this section. The total amount of funding provided for each 9464
project is limited to 25% of total project costs not to exceed 9465
\$250,000 per fiscal year. Transportation Improvement Districts 9466
that are co-sponsoring a specific project may individually apply 9467
for up to \$250,000 for that project. However, not more than 25% of 9468
a project's total costs per biennium shall be funded through 9469
moneys provided under this section. 9470

(D) Funding provided under this section may be used for 9471
preliminary engineering, detailed design, right-of-way 9472
acquisition, and construction of the specific project and such 9473
other project costs that are defined in section 5540.01 of the 9474
Revised Code and approved by the Director of Transportation. Upon 9475
receipt of a copy of an invoice for work performed on the specific 9476
project, the Director of Transportation shall reimburse a 9477
Transportation Improvement District for the expenditures described 9478
above, subject to the requirements of this section. 9479

(E) Any Transportation Improvement District that is 9480
requesting funds under this section shall register with the 9481

Director of Transportation. The Director of Transportation shall 9482
register a Transportation Improvement District only if the 9483
district has a specific, eligible project and may cancel the 9484
registration of a Transportation Improvement District that is not 9485
eligible to receive funds under this section. The Director shall 9486
not provide funds to any Transportation Improvement District under 9487
this section if the district is not registered. The Director of 9488
Transportation shall not register a Transportation Improvement 9489
District and shall cancel the registration of a currently 9490
registered Transportation Improvement District unless at least one 9491
of the following applies: 9492

(1) The Transportation Improvement District, by a resolution 9493
or resolutions, designated a project or program of projects and 9494
facilitated, including in conjunction with and through other 9495
governmental agencies, funding for costs of a project or program 9496
of projects in an aggregate amount of not less than \$10,000,000 9497
within the eight-year period commencing January 1, 2005. 9498

(2) The Transportation Improvement District, by a resolution 9499
or resolutions, designated a project or program of projects and 9500
facilitated, including in conjunction with and through other 9501
governmental agencies, funding for costs of a project or program 9502
of projects in an aggregate amount of not less than \$15,000,000 9503
from the commencement date of the project or program of projects. 9504

(3) The Transportation Improvement District has designated, 9505
by a resolution or resolutions, a project or program of projects 9506
that has estimated aggregate costs in excess of \$10,000,000 and 9507
the County Engineer of the county in which the Transportation 9508
Improvement District is located has attested by a sworn affidavit 9509
that the costs of the project or program of projects exceeds 9510
\$10,000,000 and that the Transportation Improvement District is 9511
facilitating a portion of funding for that project or program of 9512
projects. 9513

(F) For purposes of this section:	9514
(1) "Project" shall have the same meaning as in division (D) of section 5540.01 of the Revised Code.	9515 9516
(2) "Governmental agency" shall have the same meaning as in division (B) of section 5540.01 of the Revised Code.	9517 9518
(3) "Cost" shall have the same meaning as in division (C) of section 5540.01 of the Revised Code.	9519 9520
Section 203.50. BOND ISSUANCE AUTHORIZATION	9521
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 \$57,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly.	9522 9523 9524 9525 9526 9527 9528
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 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.	9529 9530 9531 9532 9533 9534 9535 9536 9537 9538 9539
Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS, APPROPRIATION INCREASES, AND CASH TRANSFERS	9540 9541
TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002)	9542

APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9543
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9544
ADMINISTRATION 9545

The Director of Transportation may request the Controlling 9546
Board to approve of the transfer of Highway Operating Fund (Fund 9547
7002) appropriations for planning and research (appropriation 9548
items 771411 and 771412), highway construction and debt service 9549
(appropriation items 772421, 772422, 772424, 772425, 772437, 9550
772438, and 770003), highway maintenance (appropriation item 9551
773431), public transportation - federal (appropriation item 9552
775452), elderly and disabled special equipment (appropriation 9553
item 775459), rail grade crossings (appropriation item 776462), 9554
aviation (appropriation item 777475), and administration 9555
(appropriation item 779491). The Director of Transportation may 9556
not seek requests of transfers out of debt service appropriation 9557
items unless the Director determines that the appropriated amounts 9558
exceed the actual and projected debt service requirements. 9559

This transfer request authorization is intended to provide 9560
for emergency situations or for the purchase of goods and services 9561
relating to dangerous inclement weather that arise during the 9562
biennium ending June 30, 2021. It also is intended to allow the 9563
department to adjust to circumstances affecting the obligation and 9564
expenditure of federal funds. 9565

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9566
AVIATION, AND RAIL AND LOCAL TRANSIT 9567

The Director of Transportation may request the Controlling 9568
Board to approve of the transfer of appropriations between 9569
appropriation items 772422, Highway Construction - Federal, 9570
775452, Public Transportation - Federal, 775454, Public 9571
Transportation - Other, 775459, Elderly and Disabled Special 9572
Equipment, 776475, Federal Rail Administration, and 777472, 9573
Airport Improvements - Federal. 9574

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	9575
BANK	9576
The Director of Transportation may request the Controlling	9577
Board to approve of the transfer of appropriations and cash of the	9578
Infrastructure Bank funds created in section 5531.09 of the	9579
Revised Code, including transfers between fiscal years 2020 and	9580
2021.	9581
The Director of Transportation may request the Controlling	9582
Board to approve of the transfer of appropriations and cash from	9583
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank	9584
funds created in section 5531.09 of the Revised Code. The Director	9585
of Budget and Management may transfer from the Infrastructure Bank	9586
funds to the Highway Operating Fund up to the amounts originally	9587
transferred to the Infrastructure Bank funds under this section.	9588
However, the Director may not make transfers between modes or	9589
transfers between different funding sources.	9590
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	9591
The Director of Transportation may request the Controlling	9592
Board to approve of the transfer of appropriations and cash of the	9593
Ohio Toll Fund and any subaccounts created in section 5531.14 of	9594
the Revised Code, including transfers between fiscal years 2020	9595
and 2021.	9596
INCREASING APPROPRIATIONS: STATE FUNDS	9597
In the event that receipts or unexpended balances credited to	9598
the Highway Operating Fund (Fund 7002) exceed the estimates upon	9599
which the appropriations have been made in this act, upon the	9600
request of the Director of Transportation, the Controlling Board	9601
may increase those appropriations in the manner prescribed in	9602
section 131.35 of the Revised Code.	9603
INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS	9604

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND

Upon the request of the Director of Transportation, the Director of Budget and Management may transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042) created in section 5528.53 of the Revised Code. The Director of Budget and Management may transfer cash from Fund 7042 to Fund 7002 up to the amount of cash previously transferred to Fund 7042 under this section.

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2019, and on January 1, 2020, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2020, and on January 1, 2021, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0). Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector

General for ODOT, in the amount of the additional cash transfers. 9636

LIQUIDATION OF UNFORESEEN LIABILITIES 9637

Any appropriation made from the Highway Operating Fund (Fund 9638

7002) not otherwise restricted by law is available to liquidate 9639

unforeseen liabilities arising from contractual agreements of 9640

prior years when the prior year encumbrance is insufficient. 9641

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 9642

The Director of Transportation may remove snow and ice and 9643

maintain, repair, improve, or provide lighting upon interstate 9644

highways that are located within the boundaries of municipal 9645

corporations, in a manner adequate to meet the requirements of 9646

federal law. When agreed in writing by the Director of 9647

Transportation and the legislative authority of a municipal 9648

corporation and notwithstanding sections 125.01 and 125.11 of the 9649

Revised Code, the Department of Transportation may reimburse a 9650

municipal corporation for all or any part of the costs, as 9651

provided by such agreement, incurred by the municipal corporation 9652

in maintaining, repairing, lighting, and removing snow and ice 9653

from the interstate system. 9654

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9655

The Director of Transportation may use revenues from the 9656

state motor vehicle fuel tax to match approved federal grants 9657

awarded to the Department of Transportation, regional transit 9658

authorities, or eligible public transportation systems, for public 9659

transportation highway purposes, or to support local or state 9660

funded projects for public transportation highway purposes. Public 9661

transportation highway purposes include: the construction or 9662

repair of high-occupancy vehicle traffic lanes, the acquisition or 9663

construction of park-and-ride facilities, the acquisition or 9664

construction of public transportation vehicle loops, the 9665

construction or repair of bridges used by public transportation 9666
vehicles or that are the responsibility of a regional transit 9667
authority or other public transportation system, or other similar 9668
construction that is designated as an eligible public 9669
transportation highway purpose. Motor vehicle fuel tax revenues 9670
may not be used for operating assistance or for the purchase of 9671
vehicles, equipment, or maintenance facilities. 9672

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 9673
ENVIRONMENTAL REVIEW PURPOSES 9674

The Director of Transportation may enter into agreements as 9675
provided in this section with the United States or any department 9676
or agency of the United States, including, but not limited to, the 9677
United States Army Corps of Engineers, the United States Forest 9678
Service, the United States Environmental Protection Agency, and 9679
the United States Fish and Wildlife Service. An agreement entered 9680
into pursuant to this section shall be solely for the purpose of 9681
dedicating staff to the expeditious and timely review of 9682
environmentally related documents submitted by the Director of 9683
Transportation, as necessary for the approval of federal permits. 9684
The agreements may include provisions for advance payment by the 9685
Director of Transportation for labor and all other identifiable 9686
costs of the United States or any department or agency of the 9687
United States providing the services, as may be estimated by the 9688
United States, or the department or agency of the United States. 9689
The Director shall submit a request to the Controlling Board 9690
indicating the amount of the agreement, the services to be 9691
performed by the United States or the department or agency of the 9692
United States, and the circumstances giving rise to the agreement. 9693

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY 9694
CONTRACTS 9695

(A) As used in this section, "indefinite delivery indefinite quantity contract" means a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period.

(B) The Director of Transportation shall advertise and seek bids for, and shall award, indefinite delivery indefinite quantity contracts for not more than two projects in fiscal year 2020 and for not more than two projects in fiscal year 2021. For purposes of entering into indefinite delivery indefinite quantity contracts, the Director shall do all of the following:

(1) Prepare bidding documents;

(2) Establish contract forms;

(3) Determine contract terms and conditions, including the following:

(a) The maximum overall value of the contract, which may include an allowable increase of one hundred thousand dollars or five per cent of the advertised contract value, whichever is less;

(b) The duration of the contract, including a time extension of up to one year if determined appropriate by the Director;

(c) The defined geographical area to which the contract applies, which shall be not greater than the size of one district of the Department of Transportation.

(4) Develop and implement a work order process in order to provide the awarded bidder adequate notice of requested supplies or services, the anticipated quantities of supplies, and work location information for each work order.

(5) Take any other action necessary to fulfill the duties and obligations of the Director under this section.

(C) Section 5525.01 of the Revised Code applies to indefinite delivery indefinite quantity contracts.

As Reported by the Senate Transportation, Commerce and Workforce Committee

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY				9726
General Revenue Fund				9727
GRF	761408	Highway Patrol	\$ 0 \$ 35,000,000	9728
Operating Expenses				
TOTAL GRF	General Revenue Fund		\$ 0 \$ 35,000,000	9729
Highway Safety Fund Group				9730
5TM0	761401	Public Safety	\$ 1,595,800 \$ 1,598,300	9731
Facilities Lease				
Rental Bond Payments				
5TM0	762321	Operating Expense - BMV	\$ 108,178,738 \$ 111,822,673	9732
5TM0	762636	Financial Responsibility Compliance	\$ 5,463,977 \$ 5,540,059	9733
5TM0	762637	Local Immobilization Reimbursement	\$ 200,000 \$ 200,000	9734
5TM0	764321	Operating Expense - Highway Patrol	\$ 345,534,531 \$ 349,339,662	9735
5TM0	764605	Motor Carrier Enforcement Expenses	\$ 4,283,940 \$ 4,308,088	9736
5TM0	769636	Administrative Expenses - Highway Purposes	\$ 48,326,950 \$ 49,020,261	9737
8370	764602	Turnpike Policing	\$ 12,720,330 \$ 12,840,263	9738
83C0	764630	Contraband, Forfeiture, and Other	\$ 1,210,917 \$ 1,213,407	9739
83F0	764657	Law Enforcement Automated Data System	\$ 6,903,824 \$ 6,441,735	9740
83G0	764633	OMVI Enforcement/Education	\$ 593,518 \$ 596,799	9741
83M0	765624	Operating - EMS	\$ 5,281,688 \$ 5,521,843	9742

As Reported by the Senate Transportation, Commerce and Workforce Committee

83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	9743
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	9744
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	9745
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	9746
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	9747
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	9748
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	9749
TOTAL HSF Highway Safety Fund Group			\$	584,493,868	\$	592,807,136	9750
Dedicated Purpose Fund Group							9751
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	9752
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	9753
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	9754
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000	9755
Fiduciary Fund Group							9756
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	9757
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	9758
TOTAL FID Fiduciary Fund Group			\$	3,450,000	\$	3,450,000	9759
Holding Account Fund Group							9760
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	9761

R052	762623	Security Deposits	\$	50,000	\$	50,000	9762
TOTAL HLD	Holding Account Fund		\$	1,935,000	\$	1,935,000	9763
Group							
Federal Fund Group							9764
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	9765
3GR0	764693	Highway Patrol	\$	1,230,549	\$	1,234,258	9766
Justice Contraband							
3GS0	764694	Highway Patrol	\$	21,000	\$	21,000	9767
Treasury Contraband							
3GU0	761610	Information and	\$	300,000	\$	300,000	9768
Education Grant							
3GU0	764608	Fatality Analysis	\$	175,000	\$	175,000	9769
Report System Grant							
3GU0	764610	Highway Safety	\$	4,036,721	\$	4,071,387	9770
Programs Grant							
3GU0	764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	9771
Assistance Program							
Grant							
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	9772
3GV0	761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	9773
Plan Grants							
TOTAL FED	Federal Fund Group		\$	43,094,170	\$	43,192,761	9774
TOTAL ALL	BUDGET FUND GROUPS		\$	635,247,038	\$	678,658,897	9775

Section 205.20. MOTOR VEHICLE REGISTRATION 9777

The Director of Public Safety may deposit revenues to meet 9778
the cash needs of the Public Safety - Highway Purposes Fund (Fund 9779
5TM0) established in section 4501.06 of the Revised Code, obtained 9780
under section 4503.02 of the Revised Code, less all other 9781
available cash. Revenue deposited pursuant to this paragraph shall 9782
support in part appropriations for the administration and 9783
enforcement of laws relative to the operation and registration of 9784
motor vehicles, for payment of highway obligations and other 9785

statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 761401, Public Safety Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period July 1, 2019, through June 30, 2021, by the Department of Public Safety under the leases and agreements for facilities under Chapters 152. and 154. of the Revised Code. The appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

CASH TRANSFERS - HIGHWAY PATROL

Upon written request of the Director of Public Safety, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the State Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the Security, Investigations and Policing Fund (Fund 8400).

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND -

SHIPLEY UPGRADES 9817

Pursuant to a plan submitted by the Director of Public 9818
Safety, or as otherwise determined by the Director of Budget and 9819
Management, the Director of Budget and Management, upon approval 9820
of the Controlling Board, may make appropriate cash transfers on a 9821
pro-rata basis as approved by the Director of Budget and 9822
Management from other funds used by the Department of Public 9823
Safety, excluding the Public Safety Building Fund (Fund 7025), to 9824
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 9825
reimburse expenditures for capital upgrades to the Shipley 9826
Building. 9827

COLLECTIVE BARGAINING INCREASES 9828

Notwithstanding division (D) of section 127.14 and division 9829
(B) of section 131.35 of the Revised Code, except for the General 9830
Revenue Fund, the Controlling Board may, upon the request of 9831
either the Director of Budget and Management, or the Department of 9832
Public Safety with the approval of the Director of Budget and 9833
Management, authorize expenditures in excess of appropriations and 9834
transfer appropriations, as necessary, for any fund used by the 9835
Department of Public Safety, to assist in paying the costs of 9836
increases in employee compensation that have occurred pursuant to 9837
collective bargaining agreements under Chapter 4117. of the 9838
Revised Code and, for exempt employees, under section 124.152 of 9839
the Revised Code. Any money approved for expenditure under this 9840
paragraph is hereby appropriated. 9841

CASH BALANCE FUND REVIEW 9842

The Director of Public Safety shall review the cash balances 9843
for each fund in the State Highway Safety Fund Group, and may 9844
submit a request in writing to the Director of Budget and 9845
Management to transfer amounts from any fund in the State Highway 9846
Safety Fund Group to the credit of the Public Safety - Highway 9847

Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a request, and subject to the approval of the Controlling Board, the Director of Budget and Management may make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY

Dedicated Purpose Fund Group					
4W00 195629 Roadwork Development	\$	15,200,000	\$	15,200,000	
TOTAL DPF Dedicated Purpose Fund Group	\$	15,200,000	\$	15,200,000	
TOTAL ALL BUDGET FUND GROUPS	\$	15,200,000	\$	15,200,000	

Section 207.20. ROADWORK DEVELOPMENT FUND

The Roadwork Development Fund shall be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio, including the construction, reconstruction, maintenance, or repair of public roads that provide access to a public airport or are located within a public airport. "Road improvements" are improvements to public roadway facilities located on, or serving or capable of serving, a project site.

The Department of Transportation, under the direction of the Development Services Agency, shall provide these funds in accordance with all guidelines and requirements established for other Development Services Agency programs, including Controlling Board review and approval as well as the requirements for usage of motor vehicle fuel tax revenue prescribed in Section 5a of Article XII, Ohio Constitution. Should the Development Services Agency require the assistance of the Department of Transportation to bring a project to completion, the Department of Transportation shall use its authority under Title 55 of the Revised Code to

provide such assistance and may enter into contracts on behalf of 9879
the Development Services Agency. These funds may be used in 9880
conjunction with any other state funds appropriated for 9881
infrastructure improvements. 9882

The Director of Budget and Management, pursuant to a plan 9883
submitted by the Director of Development Services or as otherwise 9884
determined by the Director of Budget and Management, shall set a 9885
cash transfer schedule to meet the cash needs of the Roadwork 9886
Development Fund (Fund 4W00) used by the Development Services 9887
Agency, less any other available cash. The Director of Budget and 9888
Management shall transfer such cash amounts from the Highway 9889
Operating Fund (Fund 7002) established in section 5735.051 of the 9890
Revised Code to Fund 4W00 at such times as determined by the 9891
transfer schedule. 9892

Section 209.10. PWC PUBLIC WORKS COMMISSION 9893

Dedicated Purpose Fund Group 9894

7052 150402	Local Transportation	\$	374,938	\$	303,311	9895
	Improvement Program -					
	Operating					

7052 150701	Local Transportation	\$	63,000,000	\$	63,000,000	9896
	Improvement Program					

TOTAL DPF Dedicated Purpose 9897

Fund Group		\$	63,374,938	\$	63,303,311	9898
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TOTAL ALL BUDGET FUND GROUPS		\$	63,374,938	\$	63,303,311	9899
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Section 209.20. REAPPROPRIATIONS 9900

All capital appropriations from the Local Transportation 9901
Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 9902
General Assembly remaining unencumbered as of June 30, 2019, are 9903
reappropriated for use during the period July 1, 2019, through 9904
June 30, 2020, for the same purpose. 9905

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 7052) in this act remaining unencumbered as of June 30, 2020, are reappropriated for use during the period July 1, 2020, through June 30, 2021, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

TEMPORARY TRANSFERS

Notwithstanding section 127.14 of the Revised Code, the Director of the Public Works Commission may request that the Director of Budget and Management transfer cash from the Local Transportation Improvement Fund (Fund 7052) to the State Capital Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund (Fund 7056). The Director of Budget and Management may approve temporary cash transfers if such transfers are needed for capital outlays for which notes or bonds will be issued. When there is a sufficient cash balance in the fund that receives a cash transfer under this section, the Director of Budget and Management shall transfer cash from the fund to Fund 7052 in order to repay Fund 7052 for the amount of the temporary cash transfers made under this section. Any transfers executed under this section shall be reported to the Controlling Board by June 30 of the fiscal year in which the transfer occurred.

Section 501.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS

The capital appropriations made in this act for buildings or structures, including remodeling and renovations, are limited to:

(A) Acquisition of real property or interests in real property;

(B) Buildings and structures, which includes construction, demolition, complete heating and cooling, lighting and lighting

fixtures, and all necessary utilities, ventilating, plumbing,	9936
sprinkling, water, and sewer systems, when such systems are	9937
authorized or necessary;	9938
(C) Architectural, engineering, and professional services	9939
expenses directly related to the projects;	9940
(D) Machinery that is a part of structures at the time of	9941
initial acquisition or construction;	9942
(E) Acquisition, development, and deployment of new computer	9943
systems, including the redevelopment or integration of existing	9944
and new computer systems, but excluding regular or ongoing	9945
maintenance or support agreements;	9946
(F) Furniture, fixtures, or equipment that meets all the	9947
following criteria:	9948
(1) Is essential in bringing the facility up to its intended	9949
use or is necessary for the functioning of the particular facility	9950
or project;	9951
(2) Has a unit cost, and not the individual parts of a unit,	9952
of about \$100 or more; and	9953
(3) Has a useful life of five years or more.	9954
Furniture, fixtures, or equipment that is not an integral	9955
part of or directly related to the basic purpose or function of a	9956
project for which moneys are appropriated shall not be paid from	9957
these appropriations.	9958
Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION	9959
If it is determined that a payment is necessary in the amount	9960
computed at the time to represent the portion of investment income	9961
to be rebated or amounts in lieu of or in addition to any rebate	9962
amount to be paid to the federal government in order to maintain	9963
the exclusion from gross income for federal income tax purposes of	9964

interest on those state obligations under section 148(f) of the Internal Revenue Code, such amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS

The Office of Budget and Management shall process payments from lease rental payment appropriation items during the period from July 1, 2019, to June 30, 2021, pursuant to the lease and other agreements relating to bonds or notes issued under Section 2i of Article VIII of the Ohio Constitution and Chapters 152. and 154. of the Revised Code, and acts of the General Assembly. Payments shall be made upon certification by the Treasurer of State of the dates and amounts due on those dates.

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state and for the purpose of making lease rental and other payments under leases and agreements relating to bonds or notes issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 509.51. REAPPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION

In each fiscal year of the biennium ending June 30, 2021, the Director of Budget and Management may request the Controlling

Board to reappropriate any remaining unencumbered balances of 9994
prior years' appropriations to the Highway Operating Fund (Fund 9995
7002), the Highway Capital Improvement Fund (Fund 7042), and the 9996
Infrastructure Bank funds created in section 5531.09 of the 9997
Revised Code for the same purpose in the following fiscal year. 9998

Prior to the Director of Budget and Management's seeking 9999
approval of the Controlling Board, the Director of Transportation 10000
shall develop a reappropriation request plan that identifies the 10001
appropriate fund and appropriation item of the reappropriation, 10002
and the reappropriation request amount and submit the plan to the 10003
Director of Budget and Management for evaluation. The Director of 10004
Budget and Management may request additional information necessary 10005
for evaluating the reappropriation request plan, and the Director 10006
of Transportation shall provide the requested information to the 10007
Director of Budget and Management. Based on the information 10008
provided by the Director of Transportation, the Director of Budget 10009
and Management shall determine amounts to be reappropriated by 10010
fund and appropriation item to submit to the Controlling Board for 10011
its approval. 10012

Any balances of prior years' unencumbered appropriations to 10013
the Highway Operating Fund (Fund 7002), the Highway Capital 10014
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 10015
created in section 5531.09 of the Revised Code for which 10016
reappropriations are requested and approved are subject to the 10017
availability of revenue in the funds. 10018

Section 512.10. TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM 10019
THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE 10020
BUILDING FUND 10021

On July 1, 2019, or as soon as possible thereafter, the 10022
Director of Budget and Management shall transfer the unencumbered 10023
and unallotted balance, as of June 30, 2019, of all capital 10024

appropriation items from the Public Safety - Highway Purposes Fund 10025
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 10026
July 1, 2019, or as soon as possible thereafter, the Director of 10027
Budget and Management shall cancel any existing encumbrances 10028
against capital appropriation items in Fund 5TM0 and reestablish 10029
them in Fund 7026. The reestablished encumbrance amounts are 10030
hereby appropriated. 10031

The Director of Budget and Management shall establish 10032
accounts indicating the source and amount of funds for each 10033
appropriation made in this section, and shall determine the form 10034
and manner in which appropriation accounts shall be maintained. 10035
Expenditures from appropriations contained in this section shall 10036
be accounted for as though made in H.B. 529 of the 132nd General 10037
Assembly. 10038

The appropriations made in this section are subject to all 10039
provisions of H.B. 529 of the 132nd General Assembly that are 10040
generally applicable to such appropriations. 10041

Section 610.03. That Section 213.20 of H.B. 529 of the 132nd 10042
General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd 10043
General Assembly, be amended to read as follows: 10044

Sec. 213.20. The Treasurer of State is hereby authorized to 10045
issue and sell, in accordance with Section 2i of Article VIII, 10046
Ohio Constitution, Chapter 154. of the Revised Code, and other 10047
applicable sections of the Revised Code, original obligations in 10048
an aggregate principal amount not to exceed ~~\$112,800,000~~ 10049
122,800,000 in addition to the original issuance of obligations 10050
heretofore authorized by prior acts of the General Assembly. These 10051
authorized obligations shall be issued, subject to applicable 10052
constitutional and statutory limitations, as needed to provide 10053
sufficient moneys to the credit of the Administrative Building 10054

Fund (Fund 7026) to pay costs associated with previously 10055
 authorized capital facilities for the housing of branches and 10056
 agencies of state government or their functions. 10057

Section 610.04. That existing Section 213.20 of H.B. 529 of 10058
 the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 10059
 132nd General Assembly, is hereby repealed. 10060

Section 610.05. That Section 223.15 of H.B. 529 of the 132nd 10061
 General Assembly, as most recently amended by Am. Sub. S.B. 51 of 10062
 the 132nd General Assembly, be amended to read as follows: 10063

Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION 10064
 PROJECTS 10065

Of the foregoing appropriation item C725E2, Local Parks, 10066
 Recreation, and Conservation Projects, an amount equal to two per 10067
 cent of the projects listed may be used by the Department of 10068
 Natural Resources for the administration of local projects. 10069

Project Description	Amount	
Cuyahoga Franklin Hill Stabilization	\$ 2,500,000	10071
Quarry Trails Project	\$ 1,250,000	10072
Bridge Park Center	\$ 1,000,000	10073
Canal Fulton Community Park	\$ 750,000	10074
North Canton Parks Upgrades	\$ 750,000	10075
The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion	\$ 700,000	10076
John F. Wolfe Palm House Renovation and Improvements	\$ 600,000	10077
The REC at Crawford Commons Facility	\$ 500,000	10078
Prairie Township Artificial Turf Soccer Fields	\$ 500,000	10079
Jackson Township North Park Activity Complex	\$ 500,000	10080
Westward Ho National Monument	\$ 500,000	10081
City of Sheffield Lake Regional Watershed Initiative	\$ 450,000	10082

As Reported by the Senate Transportation, Commerce and Workforce Committee

Buckeye Lake Feeder Channel Restoration	\$ 400,000	10083
Chagrin Riverbank Stabilization	\$ 400,000	10084
Buckeye Lake Public Pier	\$ 400,000	10085
Mill Creek Conservation and Flood Control Area in North Ridgeville	\$ 400,000	10086
Danny Thomas Park Renovation	\$ 400,000	10087
Lincoln Park Stadium and Field Restoration	\$ 400,000	10088
New Philadelphia South Side Community Park	\$ 400,000	10089
Mason Common Ground Park	\$ 400,000	10090
Grand River Conservation Campus	\$ 385,000	10091
Stanbery Park Pavilion	\$ 360,000	10092
Miami Canal Trail Extension at Gilmore MetroPark	\$ 350,000	10093
Voice of America Park Turf Fields	\$ 350,000	10094
Dover Riverfront Trailhead Connector	\$ 350,000	10095
Montpelier Rails to Trails	\$ 325,000	10096
Ashland Brookside Tennis Courts	\$ 300,000	10097
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	10098
Ohio to Erie Trail Land Acquisition	\$ 300,000	10099
Grove City Gantz Park Improvements	\$ 300,000	10100
Symmes Township Home of the Brave Phase 2	\$ 300,000	10101
Wadsworth City Park	\$ 300,000	10102
Piqua Great Miami River Trail Bridge Replacement Project	\$ 300,000	10103
Chudzinski Johannsen Conservancy Park Improvements	\$ 300,000	10104
Tiffin Recreation, Arts and Learning Park	\$ 300,000	10105
Wooster Venture Boulevard Park Project	\$ 300,000	10106
Pierce Park Learning and History Trail Improvements	\$ 275,000	10107
Versailles Poultry Days Amphitheater	\$ 275,000	10108
Adams County Splash Pad	\$ 250,000	10109
New Bremen Bike Path	\$ 250,000	10110
Grand Lake Shoreline Water Quality Improvements	\$ 250,000	10111
Clinton County to Little Miami Scenic Trail Connector	\$ 250,000	10112
Jeffrey Mansion Expansion Project	\$ 250,000	10113

As Reported by the Senate Transportation, Commerce and Workforce Committee

Chardon Mel Harder Park Improvements	\$ 250,000	10114
Montgomery Gateway Keystone Park	\$ 250,000	10115
Hocking Valley Scenic Trail	\$ 250,000	10116
Sheffield Village Walking Trails	\$ 250,000	10117
Magnolia Flouring Mills Restoration	\$ 250,000	10118
Wilmington Parks	\$ 250,000	10119
Eastlake Field and Press Box	\$ 225,000	10120
Cleveland Zoological Society	\$ 200,000	10121
Powhatan Point Marina Improvement Project	\$ 200,000	10122
Chagrin Falls Chagrin River Retaining Walls	\$ 200,000	10123
Avon Veterans Memorial and Ice Rink	\$ 200,000	10124
London Access Cowling Playground	\$ 200,000	10125
Plum Creek Recreation, Conservation, and Flood Control Project	\$ 200,000	10126
Dayton Webster Station Landing	\$ 200,000	10127
Village of New Paris Community Park Splash Pad Development	\$ 200,000	10128
Waynesburg Park	\$ 200,000	10129
Little Miami State Park / Little Miami Trail	\$ 200,000	10130
James E. Carnes Convention Center	\$ 200,000	10131
Sharonville Sharon Woods Park Improvements	\$ 175,000	10132
Monroe Crossings Park	\$ 165,000	10133
Ottawa Corridor Improvements	\$ 150,000	10134
Harrisburg Baseball Complex	\$ 150,000	10135
Hilliard Miracle Field	\$ 150,000	10136
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	10137
Moberly Branch Connector Trail-Pedestrian Bridge	\$ 150,000	10138
Willard Reservoir Recreation and Safety Upgrades	\$ 150,000	10139
Merrick Hutchinson Memorial Park	\$ 150,000	10140
Montville Township Park Improvements	\$ 150,000	10141
Medina County Rocky River Trail West Branch	\$ 150,000	10142
Middle Point Ballpark Improvements	\$ 150,000	10143

As Reported by the Senate Transportation, Commerce and Workforce Committee

Redskin Memorial Park Playground	\$ 145,000	10144
Cahoon Memorial Park Improvements	\$ 130,000	10145
Valley View Outdoor Classroom	\$ 125,000	10146
Schines Park Stage	\$ 125,000	10147
McIntyre Park Bike Path	\$ 125,000	10148
Fairlawn Gully Water Quality Basins	\$ 125,000	10149
Fremont Upland Reservoir Trail	\$ 123,000	10150
St. Mary's Splash Pad	\$ 100,000	10151
Fairview Park Indoor Pool and Aquatics Center	\$ 100,000	10152
Maple Heights Recreation Improvements	\$ 100,000	10153
Greenville Parks Projects	\$ 100,000	10154
Concord Township History and Community Trail	\$ 100,000	10155
Upper Arlington Multi-modal Transportation Project	\$ 100,000	10156
Blue Ash Summit Park Nature Playscape	\$ 100,000	10157
Deer Park Community Center Renovation & Trailhead	\$ 100,000	10158
Fairfax Ziegler Park Improvements	\$ 100,000	10159
Filview Bike/Hike Trail-Green Township	\$ 100,000	10160
Findlay Miracle Field Upgrades	\$ 100,000	10161
Sally Buffalo Park Playground Improvement	\$ 100,000	10162
Norwalk Alex Waite Trail Project	\$ 100,000	10163
Steubenville Ohio River Marina Improvement Project	\$ 100,000	10164
City of Sylvania SOMO Project	\$ 100,000	10165
Brunswick Hills Township Park	\$ 100,000	10166
Westfield Center Village Park Improvements	\$ 100,000	10167
Racine Star Mill Park Splash Pad	\$ 100,000	10168
Meadowbrook and Clayton Community Center Renovations	\$ 100,000	10169
Earl Thomas Conley Splash Pad	\$ 100,000	10170
Akron Finish Line Park	\$ 100,000	10171
Richwood Beach and Shelter House	\$ 100,000	10172
Lebanon Countryside YMCA Trail Realignment	\$ 100,000	10173
Muskingum Township River Road Streambank Stabilization	\$ 100,000	10174
Rails to Trails of Wayne County	\$ 100,000	10175

As Reported by the Senate Transportation, Commerce and Workforce Committee

<u>Van Wert Jubilee Park Improvements</u>	\$	<u>100,000</u>	10176
Sandusky River Sand Dock	\$	78,000	10177
2019 Loudonville Swimming Pool Improvements Project	\$	75,000	10178
Jackson Street Pier and Shoreline Drive Revitalization Project	\$	75,000	10179
Holmes County Rails to Trails Maintenance Building	\$	75,000	10180
Jackson Manpower Park Improvements	\$	75,000	10181
Leipsic Parks Tennis Courts and Boat Dock	\$	75,000	10182
Western Reserve Greenway Bike Trail	\$	75,000	10183
Smiley Park Ball Field Updates	\$	75,000	10184
Miracle League of Northwest Ohio Restroom & Concession Building	\$	75,000	10185
Delhi Township Bicentennial Pavilion	\$	62,000	10186
Indian Mound Park & Cultural Education Project	\$	60,000	10187
Plymouth Game Room and Spray Park	\$	60,000	10188
James Day Park Splash Pad	\$	50,000	10189
Jefferson Park Recreation Upgrades	\$	50,000	10190
Fairborn Fairfield Park Enhancements	\$	50,000	10191
Napoleon Buckeye Trail Connections	\$	50,000	10192
Rocky Fork State Park Water and Electrical Upgrade	\$	50,000	10193
Manry Park Exercise Trail Improvements	\$	50,000	10194
Avon Lake Veterans Park Gazebo	\$	50,000	10195
Camp Sherman Park	\$	50,000	10196
Roger Young & Biggs Kettner Parks Tennis Courts	\$	50,000	10197
Hinton/Humiston Fitness Park	\$	50,000	10198
Van Wert Jubilee Park Improvements	\$	50,000	10199
Van Wert Rotary Athletic Complex Improvements	\$	50,000	10200
Little Hocking Riverfront Park Enhancements	\$	50,000	10201
Upper Sandusky Bicentennial Park	\$	50,000	10202
Kelley Nature Preserve Boat Ramp	\$	50,000	10203
Swanton Village Memorial Park Pavilion Improvements	\$	45,000	10204
Carroll Community Park	\$	40,000	10205
Michael A. Reis Park Playground	\$	35,000	10206

Monroeville Clark Park - North Coast Inland Trail Connection	\$ 33,000	10207
Sam Kerr Campground Expansion	\$ 25,000	10208
Crestline Park Lighting	\$ 25,000	10209
Sandusky County North Inland Trail Hub	\$ 25,000	10210
Miami Erie Canal Towpath Trail	\$ 25,000	10211
Delphos Swimming Pool Renovations	\$ 25,000	10212
Orr Pool Bathhouse Renovations	\$ 25,000	10213
Ohio City Warrior Trail Extension Phase 2	\$ 22,000	10214
Epworth Park Walking Trail Project	\$ 20,000	10215
Clifton to Yellow Springs Bike Trail	\$ 20,000	10216
Village of Roseville Park Improvements	\$ 20,000	10217
Waverly Canal Park	\$ 20,000	10218
Seville Memorial Park Public Restroom Facilities	\$ 15,000	10219
Hinkley Township Park	\$ 13,000	10220
Van Wert County Park District Trail Improvements	\$ 13,000	10221
Shiloh Firestone Park Restoration	\$ 12,000	10222

Section 610.06. That existing Section 223.15 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 51 of the 132nd General Assembly, is hereby repealed.

Section 610.20. That Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as most recently amended by Am. Sub. H.B. 163 of the 123rd General Assembly, is hereby repealed.

Section 703.71. The amendment or enactment by this act of sections 306.353, 306.70, and 5739.023 of the Revised Code is not intended to prohibit a regional transit authority that has not levied a tax specifically for the purpose of funding public infrastructure projects as described in section 306.353 of the Revised Code, as enacted by this act, from funding such projects as otherwise permitted by law. The amendment or enactment of those

sections shall not be construed to imply that, before the 10236
effective date of that amendment or enactment, transit authorities 10237
lacked authority to expend the proceeds from a previously 10238
authorized tax levy for construction and maintenance of roads and 10239
bridges over which buses travel, or to levy a new tax without 10240
specifically authorizing a portion of the proceeds to be spent on 10241
such purposes. 10242

Section 741.10. The amendments made to sections 4111.03, 10243
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under 10244
Section 101.01 of this act do not apply to any claim or cause of 10245
action pending under Chapter 4111., 4121., 4123., or 4141. of the 10246
Revised Code on the effective date of this section. 10247

Section 755.15. (A) As an alternative to the creation of a 10248
countywide emergency management agency under section 5502.26 of 10249
the Revised Code, the board of county commissioners of a county 10250
that has a population between three hundred fifty thousand and 10251
four hundred thousand on the effective date of this section, by 10252
resolution, may enter into a contract, not to exceed four years, 10253
to implement a countywide emergency management program that meets 10254
the requirements and conditions specified in divisions (A)(1) to 10255
(3) of section 5502.26 of the Revised Code. The board shall enter 10256
into the contract with the county sheriff or a chief of a fire 10257
department that has countywide authority. 10258

The sheriff or chief shall appoint a director/coordinator of 10259
emergency management for the countywide emergency management 10260
program. The director/coordinator shall pursue and complete a 10261
professional development training program in accordance with rules 10262
adopted under section 5502.25 of the Revised Code. The 10263
director/coordinator is responsible for coordinating, organizing, 10264
administering, and operating emergency management in accordance 10265
with the program established under this section, subject to the 10266

direction of the sheriff or chief. All agencies, boards, and 10267
divisions having emergency management functions within each 10268
political subdivision in the county shall cooperate in the 10269
development of the all-hazards emergency operations plan and shall 10270
cooperate in the preparation and conduct of the annual exercise as 10271
specified under division (A) of section 5502.26 of the Revised 10272
Code. 10273

(B) The board of county commissioners of the county, after it 10274
enters into a contract to establish a countywide emergency 10275
management program, may appropriate money from its general fund to 10276
meet its obligations under the contract, including the 10277
development, acquisition, operation, and maintenance of a 10278
countywide public safety communication system and any 10279
communication devices, radios, and other equipment necessary for 10280
the system's operation and use. Money appropriated under this 10281
section may be expended to purchase and maintain the assets or 10282
equipment of the county or of the sheriff or chief who has entered 10283
into the contract with the board, including equipment used by the 10284
personnel of the sheriff or chief. The board also may appropriate 10285
money under this section directly to the office of the sheriff or 10286
chief who has entered into the contract with the board, to enable 10287
the sheriff or chief to purchase communication devices, radios, 10288
and other equipment necessary for the countywide public safety 10289
communication system's operation and use. 10290

Section 755.20. (A) There is hereby created the Ohio's Road 10291
to Our Future Joint Legislative Study Committee, composed of the 10292
following members: 10293

(1) Five members of the Senate appointed by the President of 10294
the Senate, three of whom are members of the majority party and 10295
two of whom are members of the minority party; 10296

(2) Five members of the House of Representatives appointed by 10297

the Speaker of the House of Representatives, three of whom are 10298
members of the majority party and two of whom are members of the 10299
minority party. 10300

From the members appointed, the Speaker shall appoint one 10301
member of the House of Representatives as co-chairperson and the 10302
President shall appoint one member of the Senate as 10303
co-chairperson. 10304

(B) The Department of Transportation shall provide the Study 10305
Committee any administrative assistance the Study Committee 10306
requests. 10307

(C) The purpose of the Study Committee is to review all of 10308
the following as they pertain to the Department: 10309

(1) Alternative sources of revenue; 10310

(2) Expense mitigation; 10311

(3) Evolving technology; 10312

(4) Exploration of innovative finance techniques; 10313

(5) Asset leverage and conditions; 10314

(6) The demographics of employees within the Department. 10315

(D) To accomplish the purpose of the Study Committee, the 10316
Study Committee shall conduct all of the following: 10317

(1) An analysis of the future needs of the Department and the 10318
state's infrastructure, including local infrastructure; 10319

(2) An analysis of all Department personnel, with an emphasis 10320
on future retirements and possible attrition. The analysis shall 10321
include a list of technology that will provide greater efficiency 10322
for the Department. 10323

(3) A cost-benefit analysis of leasing vehicles versus 10324
purchasing vehicles weighing more than 12,000 pounds gross vehicle 10325
weight; 10326

(4) A cost-benefit analysis of leasing versus purchasing construction equipment that has a lifespan of five years or more;	10327 10328
(5) A review of evolving technology and its incorporation into traditional engineering and infrastructure solutions, as applied to planning, capacity enhancement, risk management, system operations, safety, and system reliability;	10329 10330 10331 10332
(6) An analysis of the Department's debt policies, structures, and practices;	10333 10334
(7) An analysis of methods for leveraging state assets, including cell towers, light poles, rights-of-way, rest areas, buildings, and garages. The analysis shall include the methods the Department is currently using to leverage its assets and whether there are any impediments to leveraging assets, such as restrictions in advertising, constraints in renting spaces, or other impediments.	10335 10336 10337 10338 10339 10340 10341
(8) An analysis of all Department-maintained transportation systems. The analysis shall include an inventory of the structure ratings versus the Department's target ratings; the urban, rural, general, and priority pavement condition ratings versus the Department's target ratings; and a cost analysis of the funds that are necessary to maintain, improve, and expand the current transportation system under the Department's jurisdiction;	10342 10343 10344 10345 10346 10347 10348
(9) An analysis of using a vehicle-miles-traveled approach to transportation funding in Ohio and the feasibility of either starting a pilot program or fully using the vehicle-miles-traveled approach in this state;	10349 10350 10351 10352
(10) A review of all Department functions and whether such functions accomplish and further the Department's mission.	10353 10354
(E) Not later than October 1, 2019, the Study Committee shall complete a report of its findings. At the completion of the report, the Study Committee shall present it to the Speaker of the	10355 10356 10357

House of Representatives and the President of the Senate. 10358

(F) The presentation shall occur at the call of the Speaker 10359
and President. 10360

(G) Upon presentation of the report, the Study Committee 10361
shall cease to exist. 10362

Section 755.50. Any agency or entity, including a local 10363
government entity, that receives funding derived from the motor 10364
fuel tax levied under Chapter 5735. of the Revised Code, and 10365
expends \$100,000 or more of the funds, shall include on that 10366
agency or entity's web site annual status updates on how the funds 10367
are being used. Such information may include how much money is 10368
spent, when the money is spent, on what projects the money is 10369
spent, and similar information demonstrating to the public the use 10370
of funds received. 10371

Section 755.70. (A) The Director of Transportation shall 10372
conduct a study of the economic impact of the Ohio River on the 10373
State of Ohio. As part of the study, the Director shall do all of 10374
the following as it relates to Ohio's economy: 10375

(1) Determine the tonnage of steel delivered by barges on the 10376
Ohio River; 10377

(2) Determine the tonnage of fertilizer delivered by barges 10378
on the Ohio River; and 10379

(3) Determine the tonnage of coal delivered by barges that 10380
travel on the Ohio River and the megawatt capacity generated by 10381
that coal. 10382

(B) Not later than one hundred eighty days after the 10383
effective date of this section, the Director shall submit a report 10384
of the study's findings to the Governor, the Speaker of the House 10385
of Representatives, and the President of the Senate. 10386

Section 755.80. (A) The Director of Transportation shall 10387
conduct a study of the fees charged for overweight vehicle permits 10388
granted under section 4513.34 of the Revised Code and the general 10389
impact of overweight vehicles on Ohio's infrastructure. As part of 10390
the study, the Director shall determine all of the following: 10391

(1) The additional highway, bridge, and safety infrastructure 10392
design requirements, and their associated costs, that are 10393
necessary because of the operation of overweight vehicles; 10394

(2) The extent of the wear that such vehicles cause on roads, 10395
bridges, and safety infrastructure; 10396

(3) The overall construction and maintenance costs associated 10397
with such vehicles; 10398

(4) Whether the current permit fees are sufficient to pay for 10399
the additional highway, bridge, and safety infrastructure costs 10400
caused by the operation of overweight vehicles; if not sufficient, 10401
then determine the amount the fees need to be increased to offset 10402
those additional costs. 10403

(B) Not later than October 1, 2019, the Director shall submit 10404
a report of the study's findings and recommendations for changes 10405
to the existing permit fee structure to the Governor, the Speaker 10406
of the House of Representatives, and the President of the Senate. 10407

Section 755.90. Not later than January 1, 2020, the Auditor 10408
of State shall provide for the completion of a performance audit 10409
of the Ohio Department of Transportation. The performance audit 10410
shall be conducted in accordance with the requirements of Chapter 10411
117. of the Revised Code. 10412

Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY 10413
OPERATING FUND 10414

(A) Except as provided in division (B) of this section, on 10415

the last day of each month in the biennium ending June 30, 2021, 10416
before making any of the distributions specified in section 10417
5735.051 of the Revised Code but after any transfers to the tax 10418
refund fund as required by that section and section 5703.052 of 10419
the Revised Code, the Treasurer of State shall deposit the first 10420
two per cent of the amount of motor fuel tax received for the 10421
preceding calendar month to the credit of the Highway Operating 10422
Fund (Fund 7002). 10423

(B) Beginning October 2019, the deposit required under 10424
division (A) of this section shall be computed based only on the 10425
portion of motor fuel tax receipts for the preceding calendar 10426
month that are attributable to the first twenty-eight cents per 10427
gallon of the rates prescribed by section 5735.05 of the Revised 10428
Code. 10429

Section 757.20. MOTOR FUEL DEALER REFUNDS 10430

Notwithstanding Chapter 5735. of the Revised Code, the 10431
following apply for the period of July 1, 2019, through June 30, 10432
2021: 10433

(A) For the discount under section 5735.06 of the Revised 10434
Code, if the monthly report is timely filed and the tax is timely 10435
paid, one per cent of the total number of gallons of motor fuel 10436
received by the motor fuel dealer within the state during the 10437
preceding calendar month, less the total number of gallons 10438
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10439
the Revised Code, less one-half of one per cent of the total 10440
number of gallons of motor fuel that were sold to a retail dealer 10441
during the preceding calendar month. 10442

(B) For the semiannual periods ending December 31, 2019, June 10443
30, 2020, December 31, 2020, and June 30, 2021, the refund 10444
provided to retail dealers under section 5735.141 of the Revised 10445
Code shall be one-half of one per cent of the Ohio motor fuel 10446

taxes paid on fuel purchased during those semiannual periods. 10447

Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 10448

The Director of Budget and Management shall transfer cash in 10449
equal monthly increments totaling \$170,437,584 in fiscal year 2020 10450
and in equal monthly increments totaling \$172,360,236 in fiscal 10451
year 2021 from the Highway Operating Fund (Fund 7002) to the 10452
Gasoline Excise Tax Fund (Fund 7060). The monthly amounts 10453
transferred under this section shall be distributed as follows: 10454

(A) 42.86 per cent shall be distributed among the municipal 10455
corporations within the state under division (A)(2)(b)(i) of 10456
section 5735.051 of the Revised Code; 10457

(B) 37.14 per cent shall be distributed among the counties 10458
within the state under division (A)(2)(b)(ii) of section 5735.051 10459
of the Revised Code; and 10460

(C) 20 per cent shall be distributed among the townships 10461
within the state under division (A)(2)(b)(iii) of section 5735.051 10462
of the Revised Code. 10463

Section 757.40. The amendment by this act of sections 10464
5735.01, 5735.011, 5735.05, 5735.051, 5735.053, and 5736.01 of the 10465
Revised Code applies on and after July 1, 2019. 10466

Section 757.60. The enactment by this act of section 4926.06 10467
of the Revised Code, designating peer-to-peer car sharing programs 10468
as vendors for the purposes of Chapter 5739. of the Revised Code, 10469
is intended to clarify the status of such programs under that 10470
chapter and is not intended to change the existing application of 10471
that chapter to such programs. 10472

Section 757.90. For the purposes of section 5735.50 of the 10473
Revised Code, as enacted by this act, the first adjustment date is 10474

the effective date of the enactment of that section. 10475

Section 757.100. The amendment by this act of section 5747.71 10476
of the Revised Code applies to taxable years beginning on or after 10477
January 1, 2019. 10478

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 10479
APPROPRIATIONS 10480

Law contained in the main operating appropriations act of the 10481
133rd General Assembly that is generally applicable to the 10482
appropriations made in the main operating appropriations act also 10483
is generally applicable to the appropriations made in this act. 10484

Section 806.10. SEVERABILITY 10485

The items of law contained in this act, and their 10486
applications, are severable. If any item of law contained in this 10487
act, or if any application of any item of law contained in this 10488
act, is held invalid, the invalidity does not affect other items 10489
of law contained in this act and their applications that can be 10490
given effect without the invalid item or application. 10491

Section 812.10. LAWS AND REFERENDUM 10492

Except as otherwise provided in this act, the amendment, 10493
enactment, or repeal by this act of a section of law is subject to 10494
the referendum under Ohio Constitution, Article II, Section 1c and 10495
therefore takes effect on the ninety-first day after this act is 10496
filed with the Secretary of State or, if a later effective date is 10497
specified below, on that date. 10498

Section 812.20. APPROPRIATIONS AND REFERENDUM 10499

In this section, an "appropriation" includes another 10500
provision of law in this act that relates to the subject of the 10501

appropriation. 10502

An appropriation of money made in this act is not subject to 10503
the referendum insofar as a contemplated expenditure authorized 10504
thereby is wholly to meet a current expense within the meaning of 10505
Ohio Constitution, Article II, Section 1d. To that extent, the 10506
appropriation takes effect immediately when this act becomes law. 10507
Conversely, the appropriation is subject to the referendum insofar 10508
as a contemplated expenditure authorized thereby is wholly or 10509
partly not to meet a current expense within the meaning of Ohio 10510
Constitution, Article II, Section 1d. To that extent, the 10511
appropriation takes effect on the ninety-first day after this act 10512
is filed with the Secretary of State. 10513

Section 812.30. Sections 5735.01, 5735.011, 5735.05, and 10514
5735.051 of the Revised Code are exempt from the referendum under 10515
Ohio Constitution, Article II, Section 1d and therefore take 10516
effect immediately when this act becomes law. 10517

Section 815.10. The General Assembly, applying the principle 10518
stated in division (B) of section 1.52 of the Revised Code that 10519
amendments are to be harmonized if reasonably capable of 10520
simultaneous operation, finds that the following section, 10521
presented in this act as a composite of the section as amended by 10522
the acts indicated, is the resulting version of the section in 10523
effect prior to the effective date of the section as presented in 10524
this act: 10525

Section 4511.21 of the Revised Code as amended by both Sub. 10526
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 10527