

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 279

Senator Wilson

Cosponsors: Senators Romanchuk, Lang

A BILL

To amend sections 127.15, 173.03, 1513.08, 4303.24, 1
4509.101, 4510.03, 5165.86, 5168.08, 5168.22, 2
5168.23, 5525.01, and 5703.37 and to enact 3
sections 1509.031 and 3745.019 of the Revised 4
Code to modify the law governing notifications 5
issued by state agencies. 6

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

Section 1. That sections 127.15, 173.03, 1513.08, 4303.24, 7
4509.101, 4510.03, 5165.86, 5168.08, 5168.22, 5168.23, 5525.01, 8
and 5703.37 be amended and sections 1509.031 and 3745.019 of the 9
Revised Code be enacted to read as follows: 10

Sec. 127.15. The controlling board may authorize any state 11
agency for which an appropriation is made, in any act making 12
appropriations for capital improvements, to expend the moneys 13
appropriated otherwise than in accordance with the items set 14
forth, and for such purpose may authorize transfers among items 15
or create new items and authorize transfers thereto, provided 16
that prior to such transfers the agency seeking the same shall 17
notify by mail or electronic mail the elected representatives to 18

the general assembly from the counties affected by such 19
transfers, stating the time and place of the hearing on the 20
proposed transfers thereto. Such transfers among items shall not 21
alter in total the appropriation to any state agency except as 22
otherwise provided by the general assembly. The board may not 23
authorize the transfer of a capital appropriation item of any 24
state agency for use by such agency for operating expenses, 25
except as otherwise provided by the general assembly. 26

Sec. 173.03. (A) There is hereby created the Ohio advisory 27
council for the aging, which shall consist of twelve members to 28
be appointed by the governor with the advice and consent of the 29
senate. Two ex officio members of the council shall be members 30
of the house of representatives appointed by the speaker of the 31
house of representatives and shall be members of two different 32
political parties. Two ex officio members of the council shall 33
be members of the senate appointed by the president of the 34
senate and shall be members of two different political parties. 35
The medicaid director and directors of mental health and 36
addiction services, developmental disabilities, health, and job 37
and family services, or their designees, shall serve as ex 38
officio members of the council. The council shall carry out its 39
role as defined under the "Older Americans Act of 1965," 79 40
Stat. 219, 42 U.S.C. 3001, as amended. 41

At the first meeting of the council, and annually 42
thereafter, the members shall select one of their members to 43
serve as chairperson and one of their members to serve as vice- 44
chairperson. The council may form a quorum and take votes at 45
meetings conducted by interactive electronic medium if 46
provisions are made for public attendance through the 47
interactive electronic meeting. 48

(B) Members of the council shall be appointed for a term 49
of three years, except that for the first appointment members of 50
the Ohio commission on aging who were serving on the commission 51
immediately prior to July 26, 1984, shall become members of the 52
council for the remainder of their unexpired terms. Thereafter, 53
appointment to the council shall be for a three-year term by the 54
governor. Each member shall hold office from the date of 55
appointment until the end of the term for which the member was 56
appointed. Any member appointed to fill a vacancy occurring 57
prior to the expiration of the term for which the member's 58
predecessor was appointed shall hold office for the remainder of 59
the term. No member shall continue in office subsequent to the 60
expiration date of the member's term unless reappointed under 61
the provisions of this section, and no member shall serve more 62
than three consecutive terms on the council. 63

(C) Membership of the council shall represent all areas of 64
Ohio and shall be as follows: 65

(1) A majority of members of the council shall have 66
attained the age of fifty and have a knowledge of and continuing 67
interest in the affairs and welfare of the older citizens of 68
Ohio. The fields of business, labor, health, law, and human 69
services shall be represented in the membership. 70

(2) No more than seven members shall be of the same 71
political party. 72

(D) Any member of the council may be removed from office 73
by the governor for neglect of duty, misconduct, or malfeasance 74
in office after being informed in writing of the charges and 75
afforded an opportunity for a hearing. Two consecutive unexcused 76
absences from regularly scheduled meetings constitute neglect of 77
duty. 78

(E) The director of aging may reimburse a member for 79
actual and necessary traveling and other expenses incurred in 80
the discharge of official duties. But reimbursement shall be 81
made in the manner and at rates that do not exceed those 82
prescribed by the director of budget and management for any 83
officer, member, or employee of, or consultant to, any state 84
agency. 85

(F) Council members are not limited as to the number of 86
terms they may serve. 87

(G) (1) The department of aging may award grants to or 88
enter into contracts with a member of the advisory council or an 89
entity that the member represents if any of the following apply: 90

(a) The department determines that the member or the 91
entity the member represents is capable of providing the goods 92
or services specified under the terms of the grant or contract. 93

(b) The member has not taken part in any discussion or 94
vote of the council related to whether the council should 95
recommend that the department of aging award the grant to or 96
enter into the contract with the member of the advisory council 97
or the entity that the member represents. 98

(2) A member of the advisory council is not in violation 99
of Chapter 102. or section 2921.42 of the Revised Code with 100
regard to receiving a grant or entering into a contract under 101
this section if the conditions of division (G) (1) (a) and (b) of 102
this section have been met. 103

Sec. 1509.031. (A) Notwithstanding any other provision of 104
law to the contrary and other than a statement of production, 105
the chief of the division of oil and gas resources management 106
may require the electronic submission of any application, 107

report, test result, fee, or document that is required to be 108
submitted under this chapter. The chief shall require the 109
submission of statements of production to be made electronically 110
regardless of well type and the number of wells owned. 111

(B) For good cause, a person may request to be excluded 112
from any requirement to make an electronic submission under 113
division (A) of this section other than the requirement to 114
submit a statement of production electronically. The chief shall 115
establish the procedure and form by which a person may request 116
such exclusion. 117

Sec. 1513.08. (A) After a coal mining and reclamation 118
permit application has been approved, the applicant shall file 119
with the chief of the division of mineral resources management, 120
on a form prescribed and furnished by the chief, the performance 121
security required under this section that shall be payable to 122
the state and conditioned on the faithful performance of all the 123
requirements of this chapter and rules adopted under it and the 124
terms and conditions of the permit. 125

(B) Using the information contained in the permit 126
application; the requirements contained in the approved permit 127
and reclamation plan; and, after considering the topography, 128
geology, hydrology, and revegetation potential of the area of 129
the approved permit, the probable difficulty of reclamation; the 130
chief shall determine the estimated cost of reclamation under 131
the initial term of the permit if the reclamation has to be 132
performed by the division of mineral resources management in the 133
event of forfeiture of the performance security by the 134
applicant. The chief shall send either written notice by 135
certified mail or electronic notice with acknowledgment of 136
receipt of the amount of the estimated cost of reclamation ~~by~~ 137

~~certified mail~~ to the applicant. The applicant shall send either 138
written notice or electronic notice with acknowledgment of 139
receipt to the chief indicating the method by which the 140
applicant will provide the performance security pursuant to 141
division (C) of this section. 142

(C) The applicant shall provide the performance security 143
in an amount using one of the following: 144

(1) If the applicant elects to provide performance 145
security without reliance on the reclamation forfeiture fund 146
created in section 1513.18 of the Revised Code, the amount of 147
the estimated cost of reclamation as determined by the chief 148
under division (B) of this section for the increments of land on 149
which the operator will conduct a coal mining and reclamation 150
operation under the initial term of the permit as indicated in 151
the application; 152

(2) If the applicant elects to provide performance 153
security together with reliance on the reclamation forfeiture 154
fund through payment of the additional tax on the severance of 155
coal that is levied under division (A) (8) of section 5749.02 of 156
the Revised Code, an amount of twenty-five hundred dollars per 157
acre of land on which the operator will conduct coal mining and 158
reclamation under the initial term of the permit as indicated in 159
the application. In order for an applicant to be eligible to 160
provide performance security in accordance with division (C) (2) 161
of this section, the applicant, an owner and controller of the 162
applicant, or an affiliate of the applicant shall have held a 163
permit issued under this chapter for any coal mining and 164
reclamation operation for a period of not less than five years. 165

If a permit is transferred, assigned, or sold, the 166
transferee is not eligible to provide performance security under 167

division (C) (2) of this section if the transferee has not held a 168
permit issued under this chapter for any coal mining and 169
reclamation operation for a period of not less than five years. 170
This restriction applies even if the status or name of the 171
permittee otherwise remains the same after the transfer, 172
assignment, or sale. 173

In the event of forfeiture of performance security that 174
was provided in accordance with division (C) (2) of this section, 175
the difference between the amount of that performance security 176
and the estimated cost of reclamation as determined by the chief 177
under division (B) of this section shall be obtained from money 178
in the reclamation forfeiture fund as needed to complete the 179
reclamation. 180

The performance security provided under division (C) of 181
this section for the entire area to be mined under one permit 182
issued under this chapter shall not be less than ten thousand 183
dollars. 184

The performance security shall cover areas of land 185
affected by mining within or immediately adjacent to the 186
permitted area, so long as the total number of acres does not 187
exceed the number of acres for which the performance security is 188
provided. However, the authority for the performance security to 189
cover areas of land immediately adjacent to the permitted area 190
does not authorize a permittee to mine areas outside an approved 191
permit area. As succeeding increments of coal mining and 192
reclamation operations are to be initiated and conducted within 193
the permit area, the permittee shall file with the chief 194
additional performance security to cover the increments in 195
accordance with this section. If a permittee intends to mine 196
areas outside the approved permit area, the permittee shall 197

provide additional performance security in accordance with this 198
section to cover the areas to be mined. 199

If an applicant or permittee is not eligible to provide 200
performance security in accordance with division (C) (2) of this 201
section, the applicant or permittee shall provide performance 202
security in accordance with division (C) (1) of this section in 203
the full amount of the estimated cost of reclamation as 204
determined by the chief for a permitted coal preparation plant 205
or coal refuse disposal area that is not located within a 206
permitted area of a mine. If an applicant for a permit for a 207
coal preparation plant or coal refuse disposal area or a 208
permittee of a permitted coal preparation plant or coal refuse 209
disposal area that is not located within a permitted area of a 210
mine has held a permit issued under this chapter for any coal 211
mining and reclamation operation for a period of five years or 212
more, the applicant or permittee may provide performance 213
security for the coal preparation plant or coal refuse disposal 214
area either in accordance with division (C) (1) of this section 215
in the full amount of the estimated cost of reclamation as 216
determined by the chief or in accordance with division (C) (2) of 217
this section in an amount of twenty-five hundred dollars per 218
acre of land with reliance on the reclamation forfeiture fund. 219
If a permittee has previously provided performance security 220
under division (C) (1) of this section for a coal preparation 221
plant or coal refuse disposal area that is not located within a 222
permitted area of a mine and elects to provide performance 223
security in accordance with division (C) (2) of this section, the 224
permittee shall submit written notice to the chief indicating 225
that the permittee elects to provide performance security in 226
accordance with division (C) (2) of this section. Upon receipt of 227
such a written notice, the chief shall release to the permittee 228

the amount of the performance security previously provided under 229
division (C) (1) of this section that exceeds the amount of 230
performance security that is required to be provided under 231
division (C) (2) of this section. 232

(D) A permittee's liability under the performance security 233
shall be limited to the obligations established under the 234
permit, which include completion of the reclamation plan in 235
order to make the land capable of supporting the postmining land 236
use that was approved in the permit. The period of liability 237
under the performance security shall be for the duration of the 238
coal mining and reclamation operation and for a period 239
coincident with the operator's responsibility for revegetation 240
requirements under section 1513.16 of the Revised Code. 241

(E) The amount of the estimated cost of reclamation 242
determined under division (B) of this section and the amount of 243
a permittee's performance security provided in accordance with 244
division (C) (1) of this section shall be adjusted by the chief 245
as the land that is affected by mining increases or decreases or 246
if the cost of reclamation increases or decreases. If the 247
performance security was provided in accordance with division 248
(C) (2) of this section and the chief has issued a cessation 249
order under division (D) (2) of section 1513.02 of the Revised 250
Code for failure to abate a violation of the contemporaneous 251
reclamation requirement under division (A) (15) of section 252
1513.16 of the Revised Code, the chief may require the permittee 253
to increase the amount of performance security from twenty-five 254
hundred dollars per acre of land to five thousand dollars per 255
acre of land. 256

The chief shall notify the permittee, each surety, and any 257
person who has a property interest in the performance security 258

and who has requested to be notified of any proposed adjustment 259
to the performance security. The permittee may request an 260
informal conference with the chief concerning the proposed 261
adjustment, and the chief shall provide such an informal 262
conference. 263

If the chief increases the amount of performance security 264
under this division, the permittee shall provide additional 265
performance security in an amount determined by the chief. If 266
the chief decreases the amount of performance security under 267
this division, the chief shall determine the amount of the 268
reduction of the performance security and send either written 269
notice or electronic notice with acknowledgment of receipt of 270
the amount of reduction to the permittee. The permittee may 271
reduce the amount of the performance security in the amount 272
determined by the chief. 273

(F) A permittee may request a reduction in the amount of 274
the performance security by submitting to the chief 275
documentation proving that the amount of the performance 276
security provided by the permittee exceeds the estimated cost of 277
reclamation if the reclamation would have to be performed by the 278
division in the event of forfeiture of the performance security. 279
The chief shall examine the documentation and determine whether 280
the permittee's performance security exceeds the estimated cost 281
of reclamation. If the chief determines that the performance 282
security exceeds that estimated cost, the chief shall determine 283
the amount of the reduction of the performance security and send 284
either written notice or electronic notice with acknowledgment 285
of receipt of the amount to the permittee. The permittee may 286
reduce the amount of the performance security in the amount 287
determined by the chief. Adjustments in the amount of 288
performance security under this division shall not be considered 289

release of performance security and are not subject to section 290
1513.16 of the Revised Code. 291

(G) If the performance security is a bond, it shall be 292
executed by the operator and a corporate surety licensed to do 293
business in this state. If the performance security is a cash 294
deposit or negotiable certificates of deposit of a bank or 295
savings and loan association, the bank or savings and loan 296
association shall be licensed and operating in this state. The 297
cash deposit or market value of the securities shall be equal to 298
or greater than the amount of the performance security required 299
under this section. The chief shall review any documents 300
pertaining to the performance security and approve or disapprove 301
the documents. The chief shall notify the applicant of the 302
chief's determination. 303

(H) If the performance security is a bond, the chief may 304
accept the bond of the applicant itself without separate surety 305
when the applicant demonstrates to the satisfaction of the chief 306
the existence of a suitable agent to receive service of process 307
and a history of financial solvency and continuous operation 308
sufficient for authorization to self-insure or bond the amount. 309

(I) Performance security provided under this section may 310
be held in trust, provided that the state is the primary 311
beneficiary of the trust and the custodian of the performance 312
security held in trust is a bank, trust company, or other 313
financial institution that is licensed and operating in this 314
state. The chief shall review the trust document and approve or 315
disapprove the document. The chief shall notify the applicant of 316
the chief's determination. 317

(J) If a surety, bank, savings and loan association, trust 318
company, or other financial institution that holds the 319

performance security required under this section becomes 320
insolvent, the permittee shall notify the chief of the 321
insolvency, and the chief shall order the permittee to submit a 322
plan for replacement performance security within thirty days 323
after receipt of notice from the chief. If the permittee 324
provided performance security in accordance with division (C) (1) 325
of this section, the permittee shall provide the replacement 326
performance security within ninety days after receipt of notice 327
from the chief. If the permittee provided performance security 328
in accordance with division (C) (2) of this section, the 329
permittee shall provide the replacement performance security 330
within one year after receipt of notice from the chief, and, for 331
a period of one year after the permittee's receipt of notice 332
from the chief or until the permittee provides the replacement 333
performance security, whichever occurs first, money in the 334
reclamation forfeiture fund shall be the permittee's replacement 335
performance security in an amount not to exceed the estimated 336
cost of reclamation as determined by the chief. 337

(K) If a permittee provided performance security in 338
accordance with division (C) (1) of this section, the permittee's 339
responsibility for repairing material damage and replacement of 340
water supply resulting from subsidence shall be satisfied by 341
either of the following: 342

(1) The purchase prior to mining of a noncancelable 343
premium-prepaid liability insurance policy in lieu of the 344
permittee's performance security for subsidence damage. The 345
insurance policy shall contain terms and conditions that 346
specifically provide coverage for repairing material damage and 347
replacement of water supply resulting from subsidence. 348

(2) The provision of additional performance security in 349

the amount of the estimated cost to the division of mineral 350
resources management to repair material damage and replace water 351
supplies resulting from subsidence until the repair or 352
replacement is completed. However, if such repair or replacement 353
is completed, or compensation for structures that have been 354
damaged by subsidence is provided, by the permittee within 355
ninety days of the occurrence of the subsidence, additional 356
performance security is not required. In addition, the chief may 357
extend the ninety-day period for a period not to exceed one year 358
if the chief determines that the permittee has demonstrated in 359
writing that subsidence is not complete and that probable 360
subsidence-related damage likely will occur and, as a result, 361
the completion of repairs of subsidence-related material damage 362
to lands or protected structures or the replacement of water 363
supply within ninety days of the occurrence of the subsidence 364
would be unreasonable. 365

(L) If the performance security provided in accordance 366
with this section exceeds the estimated cost of reclamation, the 367
chief may authorize the amount of the performance security that 368
exceeds the estimated cost of reclamation together with any 369
interest or other earnings on the performance security to be 370
paid to the permittee. 371

(M) A permittee that held a valid coal mining and 372
reclamation permit immediately prior to April 6, 2007, shall 373
provide, not later than a date established by the chief, 374
performance security in accordance with division (C)(1) or (2) 375
of this section, rather than in accordance with the law as it 376
existed prior to that date, by filing it with the chief on a 377
form that the chief prescribes and furnishes. Accordingly, for 378
purposes of this section, "applicant" is deemed to include such 379
a permittee. 380

(N) As used in this section:	381
(1) "Affiliate of the applicant" means an entity that has a parent entity in common with the applicant.	382 383
(2) "Owner and controller of the applicant" means a person that has any relationship with the applicant that gives the person authority to determine directly or indirectly the manner in which the applicant conducts coal mining operations.	384 385 386 387
<u>Sec. 3745.019. (A) Notwithstanding any provision of the Revised Code or Administrative Code requiring the director of environmental protection to provide public notice by publication in one or more newspapers, including one or more newspapers of general circulation, the director may instead provide public notice by publication on the environmental protection agency's official web site.</u>	388 389 390 391 392 393 394
<u>(B) Notwithstanding any provision of the Revised Code or Administrative Code requiring the director of environmental protection to deliver a document or notice by certified mail, the director may instead deliver the document or notice by any method capable of documenting the intended recipient's receipt of the document or notice.</u>	395 396 397 398 399 400
Sec. 4303.24. All application <u>processing</u> fees shall be remitted to the division of liquor control when applications are filed. The pendency, priority, or validity of an application for a permit or duplicate permit received by the division shall not be affected because the division did not issue the permit applied for or the applicant failed to appeal to the liquor control commission.	401 402 403 404 405 406 407
The division, prior to the granting of a permit or duplicate permit applied for, shall notify, by certified mail,	408 409

the applicant or the applicant's authorized agent. The applicant 410
or the applicant's authorized agent, within thirty days after 411
the mailing of that notice, shall pay to the division the entire 412
amount of ~~the~~ any unpaid requisite permit fee required by 413
sections 4303.02 to 4303.231 or, in the case of a duplicate 414
permit, section 4303.30 of the Revised Code, if the permit or 415
duplicate permit is issued during the first six months of the 416
year the permit or duplicate permit covers, or one-half of the 417
amount of the requisite permit fee, if the permit or duplicate 418
permit is issued during the last six months of the year the 419
permit or duplicate permit covers. If the notice is returned 420
because of failure or refusal of delivery, the division shall 421
send another notice, by regular mail or by electronic means as 422
determined by the division to provide proper notice under the 423
laws of this state, to the applicant or the applicant's agent. 424
If the applicant fails to pay the applicable amount of that 425
requisite permit fee within ~~those~~ thirty days of the mailing of 426
the last notice, the division shall cancel the applicant's 427
application. 428

All other fees shall be paid at the time and in the manner 429
prescribed by the division. The liquor control commission may 430
adopt rules requiring reports or returns for the purpose of 431
determining the amounts of additional permit fees. 432

Sec. 4509.101. (A) (1) No person shall operate, or permit 433
the operation of, a motor vehicle in this state, unless proof of 434
financial responsibility is maintained continuously throughout 435
the registration period with respect to that vehicle, or, in the 436
case of a driver who is not the owner, with respect to that 437
driver's operation of that vehicle. 438

(2) Whoever violates division (A) (1) of this section shall 439

be subject to the following civil penalties: 440

(a) Subject to divisions (A)(2)(b) and (c) of this 441
section, a class (F) suspension of the person's driver's 442
license, commercial driver's license, temporary instruction 443
permit, probationary license, or nonresident operating privilege 444
for the period of time specified in division (B)(6) of section 445
4510.02 of the Revised Code and impoundment of the person's 446
license. The court may grant limited driving privileges to the 447
person, but only if the person presents proof of financial 448
responsibility and is enrolled in a reinstatement fee payment 449
plan pursuant to section 4510.10 of the Revised Code. 450

(b) If, within five years of the violation, the person's 451
operating privileges are again suspended and the person's 452
license again is impounded for a violation of division (A)(1) of 453
this section, a class C suspension of the person's driver's 454
license, commercial driver's license, temporary instruction 455
permit, probationary license, or nonresident operating privilege 456
for the period of time specified in division (B)(3) of section 457
4510.02 of the Revised Code. The court may grant limited driving 458
privileges to the person only if the person presents proof of 459
financial responsibility and has complied with division (A)(5) 460
of this section, and no court may grant limited driving 461
privileges for the first fifteen days of the suspension. 462

(c) If, within five years of the violation, the person's 463
operating privileges are suspended and the person's license is 464
impounded two or more times for a violation of division (A)(1) 465
of this section, a class B suspension of the person's driver's 466
license, commercial driver's license, temporary instruction 467
permit, probationary license, or nonresident operating privilege 468
for the period of time specified in division (B)(2) of section 469

4510.02 of the Revised Code. The court may grant limited driving 470
privileges to the person only if the person presents proof of 471
financial responsibility and has complied with division (A) (5) 472
of this section, except that no court may grant limited driving 473
privileges for the first thirty days of the suspension. 474

(d) In addition to the suspension of an owner's license 475
under division (A) (2) (a), (b), or (c) of this section, the 476
suspension of the rights of the owner to register the motor 477
vehicle and the impoundment of the owner's certificate of 478
registration and license plates until the owner complies with 479
division (A) (5) of this section. 480

The clerk of court shall waive the cost of filing a 481
petition for limited driving privileges if, pursuant to section 482
2323.311 of the Revised Code, the petitioner applies to be 483
qualified as an indigent litigant and the court approves the 484
application. 485

(3) A person to whom this state has issued a certificate 486
of registration for a motor vehicle or a license to operate a 487
motor vehicle or who is determined to have operated any motor 488
vehicle or permitted the operation in this state of a motor 489
vehicle owned by the person shall be required to verify the 490
existence of proof of financial responsibility covering the 491
operation of the motor vehicle or the person's operation of the 492
motor vehicle under either of the following circumstances: 493

(a) The person or a motor vehicle owned by the person is 494
involved in a traffic accident that requires the filing of an 495
accident report under section 4509.06 of the Revised Code. 496

(b) The person receives a traffic ticket indicating that 497
proof of the maintenance of financial responsibility was not 498

produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D) (2) of this section. 499
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(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following: 502
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(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar; 509
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(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order. 513
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(5) Except as provided in division (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for 517
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reinstatement of the operating privileges or registration	529
rights, complies with all of the following:	530
(a) Pays to the registrar or an eligible deputy registrar	531
a financial responsibility reinstatement fee of one hundred	532
dollars for the first violation of division (A) (1) of this	533
section, three hundred dollars for a second violation of that	534
division, and six hundred dollars for a third or subsequent	535
violation of that division;	536
(b) If the person has not voluntarily surrendered the	537
license, certificate, or license plates in compliance with the	538
order, pays to the registrar or an eligible deputy registrar a	539
financial responsibility nonvoluntary compliance fee in an	540
amount, not to exceed fifty dollars, determined by the	541
registrar;	542
(c) Files and continuously maintains proof of financial	543
responsibility under sections 4509.44 to 4509.65 of the Revised	544
Code;	545
(d) Pays a deputy registrar a service fee of ten dollars	546
to compensate the deputy registrar for services performed under	547
this section. The deputy registrar shall retain eight dollars of	548
the service fee and shall transmit the reinstatement fee, any	549
nonvoluntary compliance fee, and two dollars of the service fee	550
to the registrar in the manner the registrar shall determine.	551
(B) (1) Every party required to file an accident report	552
under section 4509.06 of the Revised Code also shall include	553
with the report a document described in division (G) (1) (a) of	554
this section or shall present proof of financial responsibility	555
through use of an electronic wireless communications device as	556
permitted by division (G) (1) (b) of this section.	557

If the registrar determines, within forty-five days after 558
the report is filed, that an operator or owner has violated 559
division (A) (1) of this section, the registrar shall do all of 560
the following: 561

(a) Order the impoundment, with respect to the motor 562
vehicle involved, required under division (A) (2) (d) of this 563
section, of the certificate of registration and license plates 564
of any owner who has violated division (A) (1) of this section; 565

(b) Order the suspension required under division (A) (2) 566
(a), (b), or (c) of this section of the license of any operator 567
or owner who has violated division (A) (1) of this section; 568

(c) Record the name and address of the person whose 569
certificate of registration and license plates have been 570
impounded or are under an order of impoundment, or whose license 571
has been suspended or is under an order of suspension; the 572
serial number of the person's license; the serial numbers of the 573
person's certificate of registration and license plates; and the 574
person's social security account number, if assigned, or, where 575
the motor vehicle is used for hire or principally in connection 576
with any established business, the person's federal taxpayer 577
identification number. The information shall be recorded in such 578
a manner that it becomes a part of the person's permanent 579
record, and assists the registrar in monitoring compliance with 580
the orders of suspension or impoundment. 581

(d) Send written notification to every person to whom the 582
order pertains, at the person's last known address as shown on 583
the records of the bureau. The person, within ten days after the 584
date of the mailing of the notification, shall surrender to the 585
registrar, in a manner set forth in division (A) (4) of this 586
section, any certificate of registration and registration plates 587

under an order of impoundment, or any license under an order of suspension. 588
589

(2) The registrar shall issue any order under division (B) 590
(1) of this section without a hearing. Any person adversely 591
affected by the order, within ten days after the issuance of the 592
order, may request an administrative hearing before the 593
registrar, who shall provide the person with an opportunity for 594
a hearing in accordance with this paragraph. A request for a 595
hearing does not operate as a suspension of the order. The scope 596
of the hearing shall be limited to whether the person in fact 597
demonstrated to the registrar proof of financial responsibility 598
in accordance with this section. The registrar shall determine 599
the date, time, and place of any hearing, provided that the 600
hearing shall be held, and an order issued or findings made, 601
within thirty days after the registrar receives a request for a 602
hearing. If requested by the person in writing, the registrar 603
may designate as the place of hearing the county seat of the 604
county in which the person resides or a place within fifty miles 605
of the person's residence. The person shall pay the cost of the 606
hearing before the registrar, if the registrar's order of 607
suspension or impoundment is upheld. 608

(C) Any order of suspension or impoundment issued under 609
this section or division (B) of section 4509.37 of the Revised 610
Code may be terminated at any time if the registrar determines 611
upon a showing of proof of financial responsibility that the 612
operator or owner of the motor vehicle was in compliance with 613
division (A) (1) of this section at the time of the traffic 614
offense, motor vehicle inspection, or accident that resulted in 615
the order against the person. A determination may be made 616
without a hearing. This division does not apply unless the 617
person shows good cause for the person's failure to present 618

satisfactory proof of financial responsibility to the registrar 619
prior to the issuance of the order. 620

(D) (1) (a) For the purpose of enforcing this section, every 621
peace officer is deemed an agent of the registrar. 622

(b) Any peace officer who, in the performance of the peace 623
officer's duties as authorized by law, becomes aware of a person 624
whose license is under an order of suspension, or whose 625
certificate of registration and license plates are under an 626
order of impoundment, pursuant to this section, may confiscate 627
the license, certificate of registration, and license plates, 628
and return them to the registrar. 629

(2) A peace officer shall request the owner or operator of 630
a motor vehicle to produce proof of financial responsibility in 631
a manner described in division (G) of this section at the time 632
the peace officer acts to enforce the traffic laws of this state 633
and during motor vehicle inspections conducted pursuant to 634
section 4513.02 of the Revised Code. 635

(3) A peace officer shall indicate on every traffic ticket 636
whether the person receiving the traffic ticket produced proof 637
of the maintenance of financial responsibility in response to 638
the officer's request under division (D) (2) of this section. The 639
peace officer shall inform every person who receives a traffic 640
ticket and who has failed to produce proof of the maintenance of 641
financial responsibility that the person must submit proof to 642
the traffic violations bureau with any payment of a fine and 643
costs for the ticketed violation or, if the person is to appear 644
in court for the violation, the person must submit proof to the 645
court. 646

(4) (a) If a person who has failed to produce proof of the 647

maintenance of financial responsibility appears in court for a 648
ticketed violation, the court may permit the defendant to 649
present evidence of proof of financial responsibility to the 650
court at such time and in such manner as the court determines to 651
be necessary or appropriate. In a manner prescribed by the 652
registrar, the clerk of courts shall provide the registrar with 653
the identity of any person who fails to submit proof of the 654
maintenance of financial responsibility pursuant to division (D) 655
(3) of this section. 656

(b) If a person who has failed to produce proof of the 657
maintenance of financial responsibility also fails to submit 658
that proof to the traffic violations bureau with payment of a 659
fine and costs for the ticketed violation, the traffic 660
violations bureau, in a manner prescribed by the registrar, 661
shall notify the registrar of the identity of that person. 662

(5) (a) Upon receiving notice from a clerk of courts or 663
traffic violations bureau pursuant to division (D) (4) of this 664
section, the registrar shall order the suspension of the license 665
of the person required under division (A) (2) (a), (b), or (c) of 666
this section and the impoundment of the person's certificate of 667
registration and license plates required under division (A) (2) 668
(d) of this section, effective thirty days after the date of the 669
mailing of notification. The registrar also shall notify the 670
person that the person must present the registrar with proof of 671
financial responsibility in accordance with this section, 672
surrender to the registrar the person's certificate of 673
registration, license plates, and license, or submit a statement 674
subject to section 2921.13 of the Revised Code that the person 675
did not operate or permit the operation of the motor vehicle at 676
the time of the offense. Notification shall be in writing and 677
shall be sent to the person at the person's last known address 678

as shown on the records of the bureau of motor vehicles. The 679
person, within fifteen days after the date of the mailing of 680
notification, shall present proof of financial responsibility, 681
surrender the certificate of registration, license plates, and 682
license to the registrar in a manner set forth in division (A) 683
(4) of this section, or submit the statement required under this 684
section together with other information the person considers 685
appropriate. 686

If the registrar does not receive proof or the person does 687
not surrender the certificate of registration, license plates, 688
and license, in accordance with this division, the registrar 689
shall permit the order for the suspension of the license of the 690
person and the impoundment of the person's certificate of 691
registration and license plates to take effect. 692

(b) In the case of a person who presents, within the 693
fifteen-day period, proof of financial responsibility, the 694
registrar shall terminate the order of suspension and the 695
impoundment of the registration and license plates required 696
under division (A) (2) (d) of this section and shall send written 697
notification to the person, at the person's last known address 698
as shown on the records of the bureau. 699

(c) Any person adversely affected by the order of the 700
registrar under division (D) (5) (a) or (b) of this section, 701
within ten days after the issuance of the order, may request an 702
administrative hearing before the registrar, who shall provide 703
the person with an opportunity for a hearing in accordance with 704
this paragraph. A request for a hearing does not operate as a 705
suspension of the order. The scope of the hearing shall be 706
limited to whether, at the time of the hearing, the person 707
presents proof of financial responsibility covering the vehicle 708

and whether the person is eligible for an exemption in 709
accordance with this section or any rule adopted under it. The 710
registrar shall determine the date, time, and place of any 711
hearing; ~~provided, that the hearing shall be held, and an order~~ 712
~~issued or findings made, within thirty days after the registrar~~ 713
~~receives a request for a hearing. The hearing may be held~~ 714
remotely. If requested by the person in writing, the registrar 715
may designate as the place of hearing the county seat of the 716
county in which the person resides or a place within fifty miles 717
of the person's residence. Such person shall pay the cost of the 718
hearing before the registrar, if the registrar's order of 719
suspension or impoundment under division (D) (5) (a) or (b) of 720
this section is upheld. 721

(6) A peace officer may charge an owner or operator of a 722
motor vehicle with a violation of section 4510.16 of the Revised 723
Code when the owner or operator fails to show proof of the 724
maintenance of financial responsibility pursuant to a peace 725
officer's request under division (D) (2) of this section, if a 726
check of the owner or operator's driving record indicates that 727
the owner or operator, at the time of the operation of the motor 728
vehicle, is required to file and maintain proof of financial 729
responsibility under section 4509.45 of the Revised Code for a 730
previous violation of this chapter. 731

(7) Any forms used by law enforcement agencies in 732
administering this section shall be prescribed, supplied, and 733
paid for by the registrar. 734

(8) No peace officer, law enforcement agency employing a 735
peace officer, or political subdivision or governmental agency 736
that employs a peace officer shall be liable in a civil action 737
for damages or loss to persons arising out of the performance of 738

any duty required or authorized by this section. 739

(9) As used in this section, "peace officer" has the 740
meaning set forth in section 2935.01 of the Revised Code. 741

(E) All fees, except court costs, fees paid to a deputy 742
registrar, and those portions of the financial responsibility 743
reinstatement fees as otherwise specified in this division, 744
collected under this section shall be paid into the state 745
treasury to the credit of the public safety - highway purposes 746
fund established in section 4501.06 of the Revised Code and used 747
to cover costs incurred by the bureau in the administration of 748
this section and sections 4503.20, 4507.212, and 4509.81 of the 749
Revised Code, and by any law enforcement agency employing any 750
peace officer who returns any license, certificate of 751
registration, and license plates to the registrar pursuant to 752
division (C) of this section. 753

Of each financial responsibility reinstatement fee the 754
registrar collects pursuant to division (A) (5) (a) of this 755
section or receives from a deputy registrar under division (A) 756
(5) (d) of this section, the registrar shall deposit twenty-five 757
dollars of each one-hundred-dollar reinstatement fee, fifty 758
dollars of each three-hundred-dollar reinstatement fee, and one 759
hundred dollars of each six-hundred-dollar reinstatement fee 760
into the state treasury to the credit of the indigent defense 761
support fund created by section 120.08 of the Revised Code. 762

(F) Chapter 119. of the Revised Code applies to this 763
section only to the extent that any provision in that chapter is 764
not clearly inconsistent with this section. 765

(G) (1) (a) The registrar, court, traffic violations bureau, 766
or peace officer may require proof of financial responsibility 767

to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

- (i) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;
- (ii) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;
- (iii) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;
- (iv) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;
- (v) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;
- (vi) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(b) A person also may present proof of financial responsibility under this section to the traffic violations bureau, court, registrar, or peace officer through use of an electronic wireless communications device as specified under section 4509.103 of the Revised Code.

(2) If a person fails to demonstrate proof of financial

responsibility in a manner described in division (G)(1) of this 796
section, the person may demonstrate proof of financial 797
responsibility under this section by any other method that the 798
court or the bureau, by reason of circumstances in a particular 799
case, may consider appropriate. 800

(3) A motor carrier certificated by the interstate 801
commerce commission or by the public utilities commission may 802
demonstrate proof of financial responsibility by providing a 803
statement designating the motor carrier's operating authority 804
and averring that the insurance coverage required by the 805
certificating authority is in full force and effect. 806

(4) (a) A finding by the registrar or court that a person 807
is covered by proof of financial responsibility in the form of 808
an insurance policy or surety bond is not binding upon the named 809
insurer or surety or any of its officers, employees, agents, or 810
representatives and has no legal effect except for the purpose 811
of administering this section. 812

(b) The preparation and delivery of a financial 813
responsibility identification card or any other document 814
authorized to be used as proof of financial responsibility and 815
the generation and delivery of proof of financial responsibility 816
to an electronic wireless communications device that is 817
displayed on the device as text or images does not do any of the 818
following: 819

(i) Create any liability or estoppel against an insurer or 820
surety, or any of its officers, employees, agents, or 821
representatives; 822

(ii) Constitute an admission of the existence of, or of 823
any liability or coverage under, any policy or bond; 824

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

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

(H) In order for any document or display of text or images on an electronic wireless communications device described in division (G) (1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include 855
a licensed motor vehicle leasing dealer as defined in section 856
4517.01 of the Revised Code, but does include a motor vehicle 857
renting dealer as defined in section 4549.65 of the Revised 858
Code. Nothing in this section or in section 4509.51 of the 859
Revised Code shall be construed to prohibit a motor vehicle 860
renting dealer from entering into a contractual agreement with a 861
person whereby the person renting the motor vehicle agrees to be 862
solely responsible for maintaining proof of financial 863
responsibility, in accordance with this section, with respect to 864
the operation, maintenance, or use of the motor vehicle during 865
the period of the motor vehicle's rental. 866

(J) The purpose of this section is to require the 867
maintenance of proof of financial responsibility with respect to 868
the operation of motor vehicles on the highways of this state, 869
so as to minimize those situations in which persons are not 870
compensated for injuries and damages sustained in motor vehicle 871
accidents. The general assembly finds that this section contains 872
reasonable civil penalties and procedures for achieving this 873
purpose. 874

(K) Nothing in this section shall be construed to be 875
subject to section 4509.78 of the Revised Code. 876

(L) (1) The registrar may terminate any suspension imposed 877
under this section and not require the owner to comply with 878
divisions (A) (5) (a), (b), and (c) of this section if the 879
registrar with or without a hearing determines that the owner of 880
the vehicle has established by clear and convincing evidence 881
that all of the following apply: 882

(a) The owner customarily maintains proof of financial 883
responsibility. 884

(b) Proof of financial responsibility was not in effect	885
for the vehicle on the date in question for one of the following	886
reasons:	887
(i) The vehicle was inoperable.	888
(ii) The vehicle is operated only seasonally, and the date	889
in question was outside the season of operation.	890
(iii) A person other than the vehicle owner or driver was	891
at fault for the lapse of proof of financial responsibility	892
through no fault of the owner or driver.	893
(iv) The lapse of proof of financial responsibility was	894
caused by excusable neglect under circumstances that are not	895
likely to recur and do not suggest a purpose to evade the	896
requirements of this chapter.	897
(2) The registrar may grant an owner or driver relief for	898
a reason specified in division (L) (1) (b) (iii) or (iv) of this	899
section only if the owner or driver has not previously been	900
granted relief under division (L) (1) (b) (iii) or (iv) of this	901
section.	902
(M) The registrar shall adopt rules in accordance with	903
Chapter 119. of the Revised Code that are necessary to	904
administer and enforce this section. The rules shall include	905
procedures for the surrender of license plates upon failure to	906
maintain proof of financial responsibility and provisions	907
relating to reinstatement of registration rights, acceptable	908
forms of proof of financial responsibility, the use of an	909
electronic wireless communications device to present proof of	910
financial responsibility, and verification of the existence of	911
financial responsibility during the period of registration.	912
(N) (1) When a person utilizes an electronic wireless	913

communications device to present proof of financial 914
responsibility, only the evidence of financial responsibility 915
displayed on the device shall be viewed by the registrar, peace 916
officer, employee or official of the traffic violations bureau, 917
or the court. No other content of the device shall be viewed for 918
purposes of obtaining proof of financial responsibility. 919

(2) When a person provides an electronic wireless 920
communications device to the registrar, a peace officer, an 921
employee or official of a traffic violations bureau, or the 922
court, the person assumes the risk of any resulting damage to 923
the device unless the registrar, peace officer, employee, or 924
official, or court personnel purposely, knowingly, or recklessly 925
commits an action that results in damage to the device. 926

Sec. 4510.03. (A) Every county court judge, mayor of a 927
mayor's court, and clerk of a court of record shall keep a full 928
record of every case in which a person is charged with any 929
violation of any provision of sections 4511.01 to 4511.771 or 930
4513.01 to 4513.36 of the Revised Code or of any other law or 931
ordinance regulating the operation of vehicles, streetcars, and 932
trackless trolleys on highways or streets. 933

(B) If a person is convicted of or forfeits bail in 934
relation to a violation of any section listed in division (A) of 935
this section or a violation of any other law or ordinance 936
regulating the operation of vehicles, streetcars, and trackless 937
trolleys on highways or streets, the county court judge, mayor 938
of a mayor's court, or clerk, within seven days after the 939
conviction or bail forfeiture, shall prepare and immediately 940
forward to the bureau of motor vehicles, in a secure electronic 941
format, an abstract, certified by the preparer to be true and 942
correct, of the court record covering the case in which the 943

person was convicted or forfeited bail. Every court of record 944
also shall forward to the bureau of motor vehicles, in a secure 945
electronic format, an abstract of the court record as described 946
in division (C) of this section upon the conviction of any 947
person of aggravated vehicular homicide or vehicular homicide or 948
of a felony in the commission of which a vehicle was used. 949

(C) Each abstract required by this section shall be made 950
upon a form approved and furnished by the bureau and shall 951
include the name and address of the person charged, the number 952
of the person's driver's or commercial driver's license, 953
probationary driver's license, or temporary instruction permit, 954
the registration number of the vehicle involved, the nature of 955
the offense, the date of the offense, the date of hearing, the 956
plea, the judgment, or whether bail was forfeited, and the 957
amount of the fine or forfeiture. 958

Sec. 5165.86. The department of medicaid, the department 959
of health, and any contracting agency shall deliver a written 960
notice, statement, or order to a nursing facility under sections 961
5165.60 to 5165.66 and 5165.69 to 5165.89 of the Revised Code by 962
certified mail ~~or~~, hand delivery, or other means reasonably 963
calculated to provide prompt actual notice. If the notice, 964
statement, or order is mailed, it shall be addressed to the 965
administrator of the facility as indicated in the department's 966
or agency's records. If it is hand delivered, it shall be 967
delivered to a person at the facility who would appear to the 968
average prudent person to have authority to accept it. 969

Delivery of written notice by a nursing facility to the 970
department of health, the department of medicaid, or a 971
contracting agency under sections 5165.60 to 5165.89 of the 972
Revised Code shall be by certified mail ~~or~~, hand delivery, or 973

other means reasonably calculated to provide prompt actual 974
notice to the appropriate department or the agency. 975

Sec. 5168.08. (A) Before or during each program year, the 976
department of medicaid shall ~~mail-issue~~ to each hospital ~~by-~~ 977
~~certified mail, return receipt requested,~~ the preliminary 978
determination of the amount that the hospital is assessed under 979
section 5168.06 of the Revised Code during the program year. The 980
preliminary determination of a hospital's assessment shall be 981
calculated for a cost-reporting period that is specified in 982
rules adopted under section 5168.02 of the Revised Code. 983

The department shall consult with hospitals each year when 984
determining the date on which it will ~~mail-issue~~ the preliminary 985
determinations in order to minimize hospitals' cash flow 986
difficulties. 987

If no hospital submits a request for reconsideration under 988
division (B) of this section, the preliminary determination 989
constitutes the final reconciliation of each hospital's 990
assessment under section 5168.06 of the Revised Code. The final 991
reconciliation is subject to adjustments under division (D) of 992
this section. 993

(B) Not later than fourteen days after the preliminary 994
determinations are ~~mailed~~issued, any hospital may submit to the 995
department a written request to reconsider the preliminary 996
determinations. The request shall be accompanied by written 997
materials setting forth the basis for the reconsideration. If 998
one or more hospitals submit a request, the department shall 999
hold a public hearing not later than thirty days after the 1000
preliminary determinations are ~~mailed~~issued to reconsider the 1001
preliminary determinations. The department shall ~~mail-issue~~ to 1002
each hospital a written notice of the date, time, and place of 1003

the hearing at least ten days prior to the hearing. On the basis 1004
of the evidence submitted to the department or presented at the 1005
public hearing, the department shall reconsider and may adjust 1006
the preliminary determinations. The result of the 1007
reconsideration is the final reconciliation of the hospital's 1008
assessment under section 5168.06 of the Revised Code. The final 1009
reconciliation is subject to adjustments under division (D) of 1010
this section. 1011

(C) The department shall ~~mail-issue~~ issue to each hospital a 1012
written notice of its assessment for the program year under the 1013
final reconciliation. A hospital may appeal the final 1014
reconciliation of its assessment to the court of common pleas of 1015
Franklin county. While a judicial appeal is pending, the 1016
hospital shall pay, in accordance with the schedules required by 1017
division (B) of section 5168.06 of the Revised Code, any amount 1018
of its assessment that is not in dispute into the hospital care 1019
assurance program fund created in section 5168.11 of the Revised 1020
Code. 1021

(D) In the course of any program year, the department may 1022
adjust the assessment rate or rates established in rules 1023
pursuant to section 5168.06 of the Revised Code or adjust the 1024
amounts of intergovernmental transfers required under section 1025
5168.07 of the Revised Code and, as a result of the adjustment, 1026
adjust each hospital's assessment and intergovernmental 1027
transfer, to reflect refinements made by the United States 1028
centers for medicare and medicaid services during that program 1029
year to the limits it prescribed under the "Social Security 1030
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 1031
assessment rate or rates must comply with division (A) of 1032
section 5168.06 of the Revised Code. An adjusted 1033
intergovernmental transfer must comply with division (A) of 1034

section 5168.07 of the Revised Code. The department shall notify 1035
hospitals of adjustments made under this division and adjust for 1036
the remainder of the program year the installments paid by 1037
hospitals under sections 5168.06 and 5168.07 of the Revised Code 1038
in accordance with rules adopted under section 5168.02 of the 1039
Revised Code. 1040

Sec. 5168.22. (A) Before or during each assessment program 1041
year, the department of medicaid shall ~~mail-issue~~ to each 1042
hospital ~~by certified mail, return receipt requested,~~ the 1043
preliminary determination of the amount that the hospital is 1044
assessed under section 5168.21 of the Revised Code for the 1045
assessment program year. Except as provided in division (B) of 1046
this section, the preliminary determination becomes the final 1047
determination for the assessment program year fifteen days after 1048
the preliminary determination is ~~mailed-issued~~ to the hospital. 1049

(B) A hospital may request that the department reconsider 1050
the preliminary determination ~~mailed-issued~~ to the hospital 1051
under division (A) of this section by submitting to the 1052
department a written request for a reconsideration not later 1053
than fourteen days after the hospital's preliminary 1054
determination is ~~mailed-issued~~ to the hospital. The request must 1055
be accompanied by written materials setting forth the basis for 1056
the reconsideration. On receipt of the timely request, the 1057
department shall reconsider the preliminary determination and 1058
may adjust the preliminary determination on the basis of the 1059
written materials accompanying the request. The result of the 1060
reconsideration is the final determination of the hospital's 1061
assessment under section 5168.21 of the Revised Code for the 1062
assessment program year. 1063

(C) The department shall ~~mail-issue~~ to each hospital a 1064

written notice of the final determination of its assessment for 1065
the assessment program year. A hospital may appeal the final 1066
determination to the court of common pleas of Franklin county. 1067
While a judicial appeal is pending, the hospital shall pay, in 1068
accordance with section 5168.23 of the Revised Code, any amount 1069
of its assessment that is not in dispute. 1070

Sec. 5168.23. Each hospital shall pay the amount it is 1071
assessed under section 5168.21 of the Revised Code in accordance 1072
with a payment schedule the department of medicaid shall 1073
establish for each assessment program year. The department shall 1074
consult with the Ohio hospital association before establishing 1075
the payment schedule for any assessment program year. The 1076
department shall include the payment schedule in each 1077
preliminary determination notice the department ~~mails~~issues to 1078
hospitals under division (A) of section 5168.22 of the Revised 1079
Code. 1080

Sec. 5525.01. Before entering into a contract, the 1081
director of transportation ~~shall~~may advertise for bids for two 1082
consecutive weeks in one newspaper of general circulation 1083
published in the county in which the improvement or part thereof 1084
is located, but if there is no such newspaper then in one 1085
newspaper having general circulation in an adjacent county. In 1086
the alternative, the director may advertise for bids as provided 1087
in section 7.16 of the Revised Code. The director ~~may~~shall 1088
advertise for bids in such other publications as the director 1089
considers advisable. Such notices shall state that plans and 1090
specifications for the improvement are on file in the office of 1091
the director and the district deputy director of the district in 1092
which the improvement or part thereof is located and the time 1093
within which bids therefor will be received. 1094

Each bidder shall be required to file with the bidder's 1095
bid a bid guaranty in the form of a certified check, a cashier's 1096
check, or an electronic funds transfer to the treasurer of state 1097
that is evidenced by a receipt or by a certification to the 1098
director of transportation in a form prescribed by the director 1099
that an electronic funds transfer has been made to the treasurer 1100
of state, for an amount equal to five per cent of the bidder's 1101
bid, but in no event more than fifty thousand dollars, or a bid 1102
bond for ten per cent of the bidder's bid, payable to the 1103
director, which check, transferred sum, or bond shall be 1104
forthwith returned to the bidder in case the contract is awarded 1105
to another bidder, or, in case of a successful bidder, when the 1106
bidder has entered into a contract and furnished the bonds 1107
required by section 5525.16 of the Revised Code. In the event 1108
the contract is awarded to a bidder, and the bidder fails or 1109
refuses to furnish the bonds as required by section 5525.16 of 1110
the Revised Code, the check, transferred sum, or bid bond filed 1111
with the bidder's bid shall be forfeited as liquidated damages. 1112
No bidder shall be required either to file a signed contract 1113
with the bidder's bid, to enter into a contract, or to furnish 1114
the contract performance bond and the payment bond required by 1115
that section until the bids have been opened and the bidder has 1116
been notified by the director that the bidder is awarded the 1117
contract. 1118

The director shall permit a bidder to withdraw the 1119
bidder's bid from consideration, without forfeiture of the 1120
check, transferred sum, or bid bond filed with the bid, 1121
providing a written request together with a sworn statement of 1122
the grounds for such withdrawal is delivered within forty-eight 1123
hours after the time established for the receipt of bids, and if 1124
the price bid was substantially lower than the other bids, 1125

providing the bid was submitted in good faith, and the reason 1126
for the price bid being substantially lower was a clerical 1127
mistake evident on the face of the bid, as opposed to a judgment 1128
mistake, and was actually due to an unintentional and 1129
substantial arithmetic error or an unintentional omission of a 1130
substantial quantity of work, labor, or material made directly 1131
in the compilation of the bid. In the event the director decides 1132
the conditions for withdrawal have not been met, the director 1133
may award the contract to such bidder. If such bidder does not 1134
then enter into a contract and furnish the contract bond as 1135
required by law, the director may declare forfeited the check, 1136
transferred sum, or bid bond as liquidated damages and award the 1137
contract to the next higher bidder or reject the remaining bids 1138
and readvertise the project for bids. Such bidder, within thirty 1139
days, may appeal the decision of the director to the court of 1140
common pleas of Franklin county and the court may affirm or 1141
reverse the decision of the director and may order the director 1142
to refund the amount of the forfeiture. At the hearing before 1143
the common pleas court evidence may be introduced for and 1144
against the decision of the director. The decision of the common 1145
pleas court may be appealed as in other cases. 1146

There is hereby created the ODOT letting fund, which shall 1147
be in the custody of the treasurer of state but shall not be 1148
part of the state treasury. All certified checks and cashiers' 1149
checks received with bidders' bids, and all sums transferred to 1150
the treasurer of state by electronic funds transfer in 1151
connection with bidders' bids, under this section shall be 1152
credited to the fund. All such bid guaranties shall be held in 1153
the fund until a determination is made as to the final 1154
disposition of the money. If the department determines that any 1155
such bid guaranty is no longer required to be held, the amount 1156

of the bid guaranty shall be returned to the appropriate bidder. 1157
If the department determines that a bid guaranty under this 1158
section shall be forfeited, the amount of the bid guaranty shall 1159
be transferred or, in the case of money paid on a forfeited 1160
bond, deposited into the state treasury, to the credit of the 1161
highway operating fund. Any investment earnings of the ODOT 1162
letting fund shall be distributed as the treasurer of state 1163
considers appropriate. 1164

The director shall require all bidders to furnish the 1165
director, upon such forms as the director may prescribe, 1166
detailed information with respect to all pending work of the 1167
bidder, whether with the department of transportation or 1168
otherwise, together with such other information as the director 1169
considers necessary. 1170

In the event a bidder fails to submit anything required to 1171
be submitted with the bid and then fails or refuses to so submit 1172
such at the request of the director, the failure or refusal 1173
constitutes grounds for the director, in the director's 1174
discretion, to declare as forfeited the bid guaranty submitted 1175
with the bid. 1176

The director may reject any or all bids. Except in regard 1177
to contracts for environmental remediation and specialty work 1178
for which there are no classes of work set out in the rules 1179
adopted by the director, if the director awards the contract, 1180
the director shall award it to the lowest competent and 1181
responsible bidder as defined by rules adopted by the director 1182
under section 5525.05 of the Revised Code, who is qualified to 1183
bid under sections 5525.02 to 5525.09 of the Revised Code. In 1184
regard to contracts for environmental remediation and specialty 1185
work for which there are no classes of work set out in the rules 1186

adopted by the director, the director shall competitively bid 1187
the projects in accordance with this chapter and shall award the 1188
contracts to the lowest and best bidder. 1189

The award for all projects competitively let by the 1190
director under this section shall be made within ten days after 1191
the date on which the bids are opened, and the successful bidder 1192
shall enter into a contract and furnish a contract performance 1193
bond and a payment bond, as provided for in section 5525.16 of 1194
the Revised Code, within ten days after the bidder is notified 1195
that the bidder has been awarded the contract. 1196

The director may insert in any contract awarded under this 1197
chapter a clause providing for value engineering change 1198
proposals, under which a contractor who has been awarded a 1199
contract may propose a change in the plans and specifications of 1200
the project that saves the department time or money on the 1201
project without impairing any of the essential functions and 1202
characteristics of the project such as service life, 1203
reliability, economy of operation, ease of maintenance, safety, 1204
and necessary standardized features. If the director adopts the 1205
value engineering proposal, the savings from the proposal shall 1206
be divided between the department and the contractor according 1207
to guidelines established by the director, provided that the 1208
contractor shall receive at least fifty per cent of the savings 1209
from the proposal. The adoption of a value engineering proposal 1210
does not invalidate the award of the contract or require the 1211
director to rebid the project. 1212

Sec. 5703.37. (A) (1) Except as provided in division (B) of 1213
this section, whenever service of a notice or order is required 1214
in the manner provided in this section, a copy of the notice or 1215
order shall be served upon the person affected thereby either by 1216

personal service, by certified mail, or by a delivery service 1217
authorized under section 5703.056 of the Revised Code that 1218
notifies the tax commissioner of the date of delivery. 1219

(2) In lieu of serving a copy of a notice or order through 1220
one of the means provided in division (A)(1) of this section, 1221
the commissioner may serve a notice or order upon the person 1222
affected thereby through alternative means as provided in this 1223
section, including, but not limited to, delivery by secure 1224
electronic mail as provided in division (F) of this section. 1225
Delivery by such means satisfies the requirements for delivery 1226
under this section. 1227

(B)(1)(a) If certified mail is returned because of an 1228
undeliverable address, the commissioner shall first utilize 1229
reasonable means to ascertain a new last known address, 1230
including the use of a change of address service offered by the 1231
United States postal service or an authorized delivery service 1232
under section 5703.056 of the Revised Code. If, after using 1233
reasonable means, the commissioner is unable to ascertain a new 1234
last known address, the assessment is final for purposes of 1235
section 131.02 of the Revised Code sixty days after the notice 1236
or order sent by certified mail is first returned to the 1237
commissioner, and the commissioner shall certify the notice or 1238
order, if applicable, to the attorney general for collection 1239
under section 131.02 of the Revised Code. 1240

(b) Notwithstanding certification to the attorney general 1241
under division (B)(1)(a) of this section, once the commissioner 1242
or attorney general, or the designee of either, makes an initial 1243
contact with the person to whom the notice or order is directed, 1244
the person may protest an assessment by filing a petition for 1245
reassessment within sixty days after the initial contact. The 1246

certification of an assessment under division (B) (1) (a) of this 1247
section is prima-facie evidence that delivery is complete and 1248
that the notice or order is served. 1249

(2) If mailing of a notice or order by certified mail is 1250
returned for some cause other than an undeliverable address or 1251
if a person does not access an electronic notice or order within 1252
the time provided in division (F) of this section, the 1253
commissioner shall resend the notice or order by ordinary mail. 1254
The notice or order shall show the date the commissioner sends 1255
the notice or order and include the following statement: 1256

"This notice or order is deemed to be served on the 1257
addressee under applicable law ten days from the date this 1258
notice or order was mailed by the commissioner as shown on the 1259
notice or order, and all periods within which an appeal may be 1260
filed apply from and after that date." 1261

Unless the mailing is returned because of an undeliverable 1262
address, the mailing of that information is prima-facie evidence 1263
that delivery of the notice or order was completed ten days 1264
after the commissioner sent the notice or order by ordinary mail 1265
and that the notice or order was served. 1266

If the ordinary mail is subsequently returned because of 1267
an undeliverable address, the commissioner shall proceed under 1268
division (B) (1) (a) of this section. A person may challenge the 1269
presumption of delivery and service under this division in 1270
accordance with division (C) of this section. 1271

(C) (1) A person disputing the presumption of delivery and 1272
service under division (B) of this section bears the burden of 1273
proving by a preponderance of the evidence that the address to 1274
which the notice or order was sent was not an address with which 1275

the person was associated at the time the commissioner 1276
originally mailed the notice or order by certified mail. For the 1277
purposes of this section, a person is associated with an address 1278
at the time the commissioner originally mailed the notice or 1279
order if, at that time, the person was residing, receiving legal 1280
documents, or conducting business at the address; or if, before 1281
that time, the person had conducted business at the address and, 1282
when the notice or order was mailed, the person's agent or the 1283
person's affiliate was conducting business at the address. For 1284
the purposes of this section, a person's affiliate is any other 1285
person that, at the time the notice or order was mailed, owned 1286
or controlled at least twenty per cent, as determined by voting 1287
rights, of the addressee's business. 1288

(2) If the person elects to protest an assessment 1289
certified to the attorney general for collection, the person 1290
must do so within sixty days after the attorney general's 1291
initial contact with the person. The attorney general may enter 1292
into a compromise with the person under sections 131.02 and 1293
5703.06 of the Revised Code if the person does not file a 1294
petition for reassessment with the commissioner. 1295

(D) Nothing in this section prohibits the commissioner or 1296
the commissioner's designee from delivering a notice or order by 1297
personal service. 1298

(E) Collection actions taken pursuant to section 131.02 of 1299
the Revised Code upon any assessment being challenged under 1300
division (B)(1)(b) of this section shall be stayed upon the 1301
pendency of an appeal under this section. If a petition for 1302
reassessment is filed pursuant to this section on a claim that 1303
has been certified to the attorney general for collection, the 1304
claim shall be uncertified. 1305

(F) (1) The commissioner may serve a notice or order upon 1306
the person affected by the notice or order or that person's 1307
authorized representative through secure electronic means ~~only~~ 1308
~~with the person's consent~~ associated with the person's or 1309
representative's last known address. The commissioner must 1310
inform the recipient, electronically or by mail, that a notice 1311
or order is available for electronic review and provide 1312
instructions to access and print the notice or order. The types 1313
of electronic notification the commissioner may use include 1314
electronic mail, text message, or any other form of electronic 1315
communication. The recipient's electronic access of the notice 1316
or order satisfies the requirements for delivery under this 1317
section. If the recipient fails to access the notice or order 1318
electronically within ten business days, then the commissioner 1319
shall inform the recipient a second time, electronically or by 1320
mail, that a notice or order is available for electronic review 1321
and provide instructions to access and print the notice or 1322
order. If the recipient fails to access the notice or order 1323
electronically within ten business days of the second 1324
notification, the notice or order shall be served upon the 1325
person through the means provided in division (B) (2) of this 1326
section. 1327

(2) The tax commissioner shall establish a system to issue 1328
notification of assessments to taxpayers through secure 1329
electronic means. 1330

(G) As used in this section: 1331

(1) "Last known address" means the address the department 1332
has at the time the document is originally sent by certified 1333
mail, or any address the department can ascertain using 1334
reasonable means such as the use of a change of address service 1335

offered by the United States postal service or an authorized 1336
delivery service under section 5703.056 of the Revised Code. For 1337
documents sent by secure electronic means, "last known address" 1338
means an electronic mode of communication that is identified on 1339
a form prescribed by the commissioner for such purpose or that 1340
is associated with the person or the authorized representative 1341
of the person on the Ohio business gateway, as defined in 1342
section 718.01 of the Revised Code, as of the date the 1343
notification was sent. 1344

(2) "Undeliverable address" means an address to which the 1345
United States postal service or an authorized delivery service 1346
under section 5703.056 of the Revised Code is not able to 1347
deliver a notice or order, except when the reason for 1348
nondelivery is because the addressee fails to acknowledge or 1349
accept the notice or order. 1350

Section 2. That existing sections 127.15, 173.03, 1513.08, 1351
4303.24, 4509.101, 4510.03, 5165.86, 5168.08, 5168.22, 5168.23, 1352
5525.01, and 5703.37 of the Revised Code are hereby repealed. 1353

Section 3. Section 4509.101 of the Revised Code is 1354
presented in this act as a composite of the section as amended 1355
by both H.B. 62 and H.B. 158 of the 133rd General Assembly. The 1356
General Assembly, applying the principle stated in division (B) 1357
of section 1.52 of the Revised Code that amendments are to be 1358
harmonized if reasonably capable of simultaneous operation, 1359
finds that the composite is the resulting version of the section 1360
in effect prior to the effective date of the section as 1361
presented in this act. 1362