

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 47

REPRESENTATIVES Ogg, Ford, Allen, Redfern, Britton, Perry, Sulzer

A B I L L

To amend sections 101.68, 126.11, 2937.221, 5503.31, 1
5503.32, 5728.01, 5735.05, 5735.23, and 5735.31 and 2
to enact sections 5538.01, 5538.02, 5538.03, 3
5538.04, 5538.05, 5538.06, 5538.07, 5538.08, 4
5538.09, 5538.10, 5538.11, 5538.12, 5538.13, 5
5538.14, 5538.15, 5538.16, 5538.17, 5538.19, 6
5538.20, 5538.21, 5538.22, 5538.23, 5538.24, 7
5538.25, 5538.26, 5538.27, 5538.28, and 5538.99 of 8
the Revised Code to create a North-South Turnpike 9
Authority with all authority necessary to construct 10
and operate a north-south turnpike system. 11
12

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

Section 1. That sections 101.68, 126.11, 2937.221, 5503.31, 13
5503.32, 5728.01, 5735.05, 5735.23, and 5735.31 be amended and 14
sections 5538.01, 5538.02, 5538.03, 5538.04, 5538.05, 5538.06, 15
5538.07, 5538.08, 5538.09, 5538.10, 5538.11, 5538.12, 5538.13, 16
5538.14, 5538.15, 5538.16, 5538.17, 5538.19, 5538.20, 5538.21, 17
5538.22, 5538.23, 5538.24, 5538.25, 5538.26, 5538.27, 5538.28, and 18
5538.99 of the Revised Code be enacted to read as follows: 19

Sec. 101.68. (A) Within thirty days of the convening of the 20

first regular session of the general assembly, each agency 21
required to submit reports or similar documents to the general 22
assembly pursuant to section 103.43, 3301.07, 5139.33, 5501.07, 23
5537.17, 5538.17, or 5593.21 of the Revised Code shall send 24
written notice to each member of the general assembly in order to 25
determine whether the member desires to personally receive the 26
reports or similar documents as they are made available by the 27
agency. If the member desires to personally receive the reports or 28
similar documents as they become available, the member shall send 29
a written request to the agency within thirty days of receiving 30
the notice. 31

(B) Whenever any statute or rule requires that a report, 32
recommendation, or other similar document be submitted to the 33
general assembly under a law not cited in division (A) of this 34
section, to the members of the general assembly, to one house of 35
the general assembly, or to the members of one house of the 36
general assembly, the requirement shall be fulfilled by the 37
submission of a copy of the report, recommendation, or document to 38
the director of the legislative service commission, the president 39
of the senate, the minority leader of the senate, the speaker of 40
the house of representatives, and the minority leader of the house 41
of representatives if both houses of the general assembly or their 42
members are specified, or to the director of the legislative 43
service commission, the president of the senate, and the minority 44
leader of the senate if only the senate or its members are 45
specified, or to the director of the legislative service 46
commission, the speaker of the house of representatives, and the 47
minority leader of the house of representatives if only the house 48
of representatives or its members are specified. This division 49
does not apply to items required to be distributed to members of 50
the general assembly pursuant to section 103.14, 149.04, 149.07, 51
or 149.17 of the Revised Code. 52

(C) Each month the legislative service commission shall 53
provide to each member of the senate and to each member of the 54
house of representatives a list of all reports, recommendations, 55
and documents submitted to the officers of the general assembly 56
under division (B) of this section. The list shall include a short 57
and accurate description of the content, length, and form of each 58
report, recommendation, or document submitted, as well as a 59
statement setting forth the number printed and the cost of 60
preparation. Each member may request from the legislative service 61
commission a copy of any report, recommendation, or document on 62
the list, and the legislative service commission shall comply with 63
any such request. 64

Sec. 126.11. (A)(1) The director of budget and management 65
~~shall~~, upon consultation with the treasurer of state, shall 66
coordinate and approve the scheduling of initial sales of publicly 67
offered securities of the state and of publicly offered 68
fractionalized interests in or securitized issues of public 69
obligations of the state. The director ~~shall~~ from time to time 70
shall develop and distribute to state issuers an approved sale 71
schedule for each of the obligations covered by this division. 72
This division applies only to those obligations on which the state 73
or a state agency is the direct obligor or obligor on any backup 74
security or related credit enhancement facility or source of money 75
subject to state appropriations that is intended for payment of 76
those obligations. 77

(2) The issuers of obligations pursuant to section 151.03, 78
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 79
shall submit to the director: 80

(a) For review and approval: the projected sale date, amount, 81
and type of obligations proposed to be sold; their purpose, 82
security, and source of payment; and the proposed structure and 83

maturity schedule; 84

(b) For review and comment: the authorizing order or 85
resolution; preliminary and final offering documents; method of 86
sale; preliminary and final pricing information; and any written 87
reports or recommendations of financial advisors or consultants 88
relating to those obligations; 89

(c) Promptly after each sale of those obligations: final 90
terms, including sale price, maturity schedule and yields, and 91
sources and uses; names of the original purchasers or 92
underwriters; a copy of the final offering document and of the 93
transcript of proceedings; and any other pertinent information 94
requested by the director. 95

(3) The issuer of obligations pursuant to section 151.06 or 96
151.08 or Chapter 154. or 3318. of the Revised Code shall submit 97
to the director: 98

(a) For review and mutual agreement: the projected sale date, 99
amount, and type of obligations proposed to be sold; their 100
purpose, security, and source of payment; and the proposed 101
structure and maturity schedule; 102

(b) For review and comment: the authorizing order or 103
resolution; preliminary and final offering documents; method of 104
sale; preliminary and final pricing information; and any written 105
reports or recommendations of financial advisors or consultants 106
relating to those obligations; 107

(c) Promptly after each sale of those obligations: final 108
terms, including sale price, maturity schedule and yields, and 109
sources and uses; names of the original purchasers or 110
underwriters; a copy of the final offering document and of the 111
transcript of proceedings; and any other pertinent information 112
requested by the director. 113

(4) The issuers of obligations pursuant to Chapter 166., 114

4981., 5540., or 6121., or section 5531.10, of the Revised Code
shall submit to the director:

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

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

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

(B) Issuers of obligations pursuant to Chapter 122., 166.,
175., 3345., 3347., 3366., 3377., 3706., 3737., 5537., 5538.,
6121., or 6123. of the Revised Code, and issuers of securities
issued pursuant to Chapter 165. of the Revised Code other than a
county or municipal corporation, shall submit to the director
copies of the preliminary and final offering documents upon their
availability if not previously submitted pursuant to division (A)
of this section.

(C) Not later than the first day of January of each year,
every state agency obligated to make payments on outstanding
public obligations with respect to which fractionalized interests
have been publicly issued, such as certificates of participation,
shall submit a report to the director of the amounts payable from

state appropriations under those public obligations during the 146
then current and next two fiscal years, identifying the 147
appropriation or intended appropriation from which payment is 148
expected to be made. 149

(D)(1) Information relating generally to the historic, 150
current, or future demographics or economy or financial condition 151
or funds or general operations of the state, and descriptions of 152
any state contractual obligations relating to public obligations, 153
to be contained in any offering document, continuing disclosure 154
document, or written presentation prepared, approved, or provided, 155
or committed to be provided, by an issuer in connection with the 156
original issuance and sale of, or rating, remarketing, or credit 157
enhancement facilities relating to, public obligations referred to 158
in division (A) of this section shall be approved as to format and 159
accuracy by the director before being presented, published, or 160
disseminated in preliminary, draft, or final form, or publicly 161
filed in paper, electronic, or other format. 162

(2) Except for information described in division (D)(1) of 163
this section that is to be contained in an offering document, 164
continuing disclosure document, or written presentation, division 165
(D)(1) of this section does not inhibit direct communication 166
between an issuer and a rating agency, remarketing agent, or 167
credit enhancement provider concerning an issuance of public 168
obligations referred to in division (A) of this section or matters 169
associated with that issuance. 170

(3) The materials approved and provided pursuant to division 171
(D) of this section are the information relating to the particular 172
subjects provided by the state or state agencies that are required 173
or contemplated by any applicable state or federal securities laws 174
and any commitments by the state or state agencies made under 175
those laws. Reliance for the purpose should not be placed on any 176
other information publicly provided, in any format including 177

electronic, by any state agency for other purposes, including
general information provided to the public or to portions of the
public. A statement to that effect shall be included in those
materials so approved or provided.

(E) Issuers of obligations referred to in division (A) of
this section may take steps, by formal agreement, covenants in the
proceedings, or otherwise, as may be necessary or appropriate to
comply or permit compliance with applicable lawful disclosure
requirements relating to those obligations, and ~~may~~, subject to
division (D) of this section, may provide, make available, or file
copies of any required disclosure materials as necessary or
appropriate. Any such formal agreement or covenant relating to
subjects referred to in division (D) of this section, and any
description of that agreement or covenant to be contained in any
offering document, shall be approved by the director before being
entered into or published or publicly disseminated in preliminary,
draft, or final form or publicly filed in paper, electronic, or
other format. The director shall be responsible for making all
filings in compliance with those requirements relating to direct
obligations of the state, including fractionalized interests in
those obligations.

(F) No state agency or official ~~shall~~, without the approval
of the director of budget and management, shall do either of the
following:

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

(2) Except as otherwise expressly authorized for the purpose
by law, agree or commit to provide, from money from any source to

be appropriated in the future by the general assembly, financial
assistance to or participation in the costs of capital facilities,
or the payment of debt charges, directly or by way of a credit
enhancement facility, a reserve, rental payments, or otherwise, on
obligations issued to pay costs of capital facilities.

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

Sec. 2937.221. (A) A person arrested without warrant for any
violation listed in division (B) of this section, and having a
current valid Ohio driver's or commercial driver's license, if the
person has been notified of the possible consequences of the
person's actions as required by division (C) of this section, may
post bond by depositing the license with the arresting officer if
the officer and person so choose, or with the local court having
jurisdiction if the court and person so choose. The license may be
used as bond only during the period for which it is valid.

When an arresting officer accepts the driver's or commercial
driver's license as bond, the officer shall note the date, time,
and place of the court appearance on "the violator's notice to
appear," and the notice shall serve as a valid Ohio driver's or

commercial driver's license until the date and time appearing 241
~~thereon on the notice~~. The arresting officer immediately shall 242
forward the license to the appropriate court. 243

When a local court accepts the license as bond or continues 244
the case to another date and time, it shall provide the person 245
with a card in a form approved by the registrar of motor vehicles 246
setting forth the license number, name, address, the date and time 247
of the court appearance, and a statement that the license is being 248
held as bond. The card shall serve as a valid license until the 249
date and time contained in the card. 250

The court may accept other bond at any time and return the 251
license to the person. The court shall return the license to the 252
person when judgment is satisfied, including, but not limited to, 253
compliance with any court orders, unless a suspension or 254
revocation is part of the penalty imposed. 255

Neither "the violator's notice to appear" nor a court-granted 256
card shall continue driving privileges beyond the expiration date 257
of the license. 258

If the person arrested fails to appear in court at the date 259
and time set by the court or fails to satisfy the judgment of the 260
court, including, but not limited to, compliance with all court 261
orders within the time allowed by the court, the court may declare 262
the forfeiture of the person's license. Thirty days after the 263
declaration of forfeiture, the court shall forward the person's 264
license to the registrar. The court also shall enter information 265
relative to the forfeiture on a form approved and furnished by the 266
registrar and send the form to the registrar, who shall suspend 267
the license and send written notification of the suspension to the 268
person at the person's last known address. No valid driver's or 269
commercial driver's license shall be granted to the person until 270
the court having jurisdiction orders that the forfeiture be 271
terminated. The court shall inform the registrar of the 272

termination of the forfeiture by entering information relative to 273
the termination on a form approved and furnished by the registrar 274
and sending the form to the registrar. The court also shall charge 275
and collect from the person a processing fee of fifteen dollars to 276
cover the costs of the bureau of motor vehicles in administering 277
this section. The clerk of the court shall transmit monthly all 278
such processing fees to the registrar for deposit into the state 279
bureau of motor vehicles fund created by section 4501.25 of the 280
Revised Code. 281

In addition, upon receipt from the court of the copy of the 282
declaration of forfeiture, neither the registrar nor any deputy 283
registrar shall accept any application for the registration or 284
transfer of registration of any motor vehicle owned by or leased 285
in the name of the person named in the declaration of forfeiture 286
until the court having jurisdiction over the offense that led to 287
the suspension issues an order terminating the forfeiture. 288
However, for a motor vehicle leased in the name of a person named 289
in a declaration of forfeiture, the registrar shall not implement 290
the preceding sentence until the registrar adopts procedures for 291
that implementation under section 4503.39 of the Revised Code. 292
Upon receipt by the registrar of such an order, the registrar also 293
shall take such measures as may be necessary to permit the person 294
to register a motor vehicle the person owns or leases or to 295
transfer the registration of such a vehicle if the person later 296
makes a proper application and otherwise is eligible to be issued 297
or to transfer a motor vehicle registration. 298

(B) Division (A) of this section applies to persons arrested 299
for violation of: 300

(1) Any of the provisions of Chapter 4511. or 4513. of the 301
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 302
4513.36 of the Revised Code; 303

(2) Any municipal ordinance substantially similar to a 304

section included in division (B)(1) of this section;

(3) Any bylaw, rule, or regulation of the Ohio turnpike commission or the north-south turnpike authority that is substantially similar to a section included in division (B)(1) of this section.

Division (A) of this section does not apply to those persons issued a citation for the commission of a minor misdemeanor under section 2935.26 of the Revised Code.

(C) No license shall be accepted as bond by an arresting officer or by a court under this section until the officer or court has notified the person that, if the person deposits the license with the officer or court and either does not appear on the date and at the time set by the officer or the court, if the court sets a time, or does not satisfy any judgment rendered, including, but not limited to, compliance with all court orders, the license will be suspended, and the person will not be eligible for reissuance of the license or issuance of a new license, or the issuance of a certificate of registration for a motor vehicle owned or leased by the person until the person appears and complies with any order issued by the court. The person also is subject to any criminal penalties that may apply to the person.

Sec. 5503.31. The state highway patrol shall have the same authority as is conferred upon it by section 5503.02 of the Revised Code with respect to the enforcement of state laws on other roads and highways and on other state properties, to enforce on all turnpike projects the laws of the state and the bylaws, rules, and regulations of the Ohio turnpike commission or the north-south turnpike authority, as applicable. The patrol, the superintendent of the patrol, and all state highway patrol troopers shall have the same authority to make arrests on all turnpike projects for violations of state laws and of bylaws,

rules, and regulations of the Ohio turnpike commission or the 336
north-south turnpike authority, as applicable, as is conferred 337
upon them by section 5503.02 of the Revised Code to make arrests 338
on, and in connection with offenses committed on, other roads and 339
highways and on other state properties. 340

Sec. 5503.32. The director of public safety ~~may~~ from time to 341
time may enter into contracts with the Ohio turnpike commission or 342
the north-south turnpike authority with respect to the policing of 343
turnpike projects by the state highway patrol. The contracts shall 344
provide for the reimbursement of the state by the commission or 345
authority, as applicable, for the costs incurred by the patrol in 346
policing turnpike projects, including, but not limited to, the 347
salaries of employees of the patrol assigned to the policing, the 348
current costs of funding retirement pensions for the employees of 349
the patrol and of providing workers' compensation for them, the 350
cost of training state highway patrol troopers and radio operators 351
assigned to turnpike projects, and the cost of equipment and 352
supplies used by the patrol in such policing, and of housing for 353
such troopers and radio operators, to the extent that the 354
equipment, supplies, and housing are not directly furnished by the 355
commission or authority, as applicable. Each contract may provide 356
for the ascertainment of such costs, and shall be of any duration, 357
not in excess of five years, and may contain any other terms, that 358
the director and the commission or authority may agree upon. The 359
patrol shall not be obligated to furnish policing services on any 360
turnpike project beyond the extent required by the contract. All 361
payments pursuant to any contract in reimbursement of the costs of 362
the policing shall be deposited in the state treasury to the 363
credit of the turnpike policing fund, which is hereby created. All 364
investment earnings of the fund shall be credited to the fund. 365

Sec. 5538.01. As used in this chapter: 366

(A) "Authority" means the north-south turnpike authority 367
created by section 5538.02 of the Revised Code or, if that 368
authority is abolished, the board, body, officer, or authority 369
succeeding to the principal functions of the north-south turnpike 370
authority or to which the powers given by this chapter to the 371
authority are given by law. 372

(B) "Project" or "turnpike project" means any express or 373
limited access highway, super highway, or motorway constructed, 374
operated, or improved, under the jurisdiction of the authority and 375
pursuant to this chapter, at a location or locations reviewed by 376
the north-south turnpike oversight committee and approved by the 377
governor, including all bridges, tunnels, overpasses, underpasses, 378
interchanges, entrance plazas, approaches, those portions of 379
connecting public roads that serve interchanges and are determined 380
by the authority and the director of transportation to be 381
necessary for the safe merging of traffic between the turnpike 382
project and those public roads, toll booths, service facilities, 383
and administration, storage, and other buildings, property, and 384
facilities that the authority considers necessary for the 385
operation or policing of the project, together with all property 386
and rights that may be acquired by the authority for the 387
construction, maintenance, or operation of the project, and 388
includes any sections or extensions of a turnpike project 389
designated by the authority as such for the particular purpose. 390
Each turnpike project shall be separately designated, by name or 391
number, and may be constructed, improved, or extended in such 392
sections as the authority from time to time may determine. 393
Construction includes the improvement and renovation of a 394
previously constructed project, including additional interchanges, 395
whether or not the project was constructed initially by the 396
authority. 397

(C) "Cost," as applied to the construction of a turnpike 398

project, includes the cost of construction, including bridges over
or under existing highways and railroads, acquisition of all
property acquired by the authority for the construction,
demolishing or removing any buildings or structures on land so
acquired, including the cost of acquiring any lands to which the
buildings or structures may be moved, site clearance, improvement,
and preparation, diverting public roads, interchanges with public
roads, access roads to private property, including the cost of
land or easements therefor, all machinery, furnishings, and
equipment, communications facilities, financing expenses, interest
prior to and during construction and for one year after completion
of construction, traffic estimates, indemnity and surety bonds and
premiums on insurance, title work and title commitments,
insurance, and guarantees, engineering, feasibility studies, and
legal expenses, plans, specifications, surveys, estimates of cost
and revenues, other expenses necessary or incident to determining
the feasibility or practicability of constructing or operating a
project, administrative expenses, and any other expense that may
be necessary or incident to the construction of the project, the
financing of the construction, and the placing of the project in
operation. Any obligation or expense incurred by the department of
transportation with the approval of the authority for surveys,
borings, preparation of plans and specifications, and other
engineering services in connection with the construction of a
project, or by the federal government with the approval of the
authority for any public road projects that must be reimbursed as
a condition to the exercise of any of the powers of the authority
under this chapter, shall be regarded as a part of the cost of the
project and shall be reimbursed to the state or the federal
government, as the case may be, from revenues, state taxes, or the
proceeds of bonds as authorized by this chapter.

(D) "Owner" includes all persons having any title to or

interest in any property authorized to be acquired by the
authority under this chapter.

(E) "Revenues" means all tolls, service revenues, investment
income on special funds, rentals, gifts, grants, and all other
moneys coming into the possession of or under the control of the
authority by virtue of this chapter, except the proceeds from the
sale of bonds. "Revenues" does not include state taxes.

(F) "Public roads" means all public highways, roads, and
streets in the state, whether maintained by a state agency or any
other governmental agency.

(G) "Public utility facilities" means tracks, pipes, mains,
conduits, cables, wires, towers, poles, and other equipment and
appliances of any public utility.

(H) "Financing expenses" means all costs and expenses
relating to the authorization, issuance, sale, delivery,
authentication, deposit, custody, clearing, registration,
transfer, exchange, fractionalization, replacement, payment, and
servicing of bonds, including, without limitation, costs and
expenses for or relating to publication and printing, postage,
delivery, preliminary and final official statements, offering
circulars, and informational statements, travel and
transportation, underwriters, placement agents, investment
bankers, paying agents, registrars, authenticating agents,
remarketing agents, custodians, clearing agencies or corporations,
securities depositories, financial advisory services,
certifications, audits, federal or state regulatory agencies,
accounting and computation services, legal services and obtaining
approving legal opinions and other legal opinions, credit ratings,
redemption premiums, and credit enhancement facilities.

(I) "Bond proceedings" means the resolutions, trust
agreements, certifications, notices, sale proceedings, leases,

lease-purchase agreements, assignments, credit enhancement
facility agreements, and other agreements, instruments, and
documents, as amended and supplemented, or any one or more or any
combination thereof, authorizing, or authorizing or providing for
the terms and conditions applicable to, or providing for the
security or sale or award or liquidity of, bonds, and includes the
provisions set forth or incorporated in those bonds and bond
proceedings.

(J) "Bond service charges" means principal, including any
mandatory sinking fund or mandatory redemption requirements for
the retirement of bonds, and interest and any redemption premium
payable on bonds, as those payments come due and are payable to
the bondholder or to a person making payment under a credit
enhancement facility of those bond service charges to a
bondholder.

(K) "Bond service fund" means the applicable fund created by
the bond proceedings for and pledged to the payment of bond
service charges on bonds provided for by those proceedings,
including all money and investments, and earnings from
investments, credited and to be credited to that fund as provided
in the bond proceedings.

(L) "Bonds" means bonds, notes, including notes anticipating
bonds or other notes, commercial paper, certificates of
participation, or other evidences of obligation, including any
interest coupons pertaining thereto, issued by the authority
pursuant to this chapter.

(M) "Net revenues" means revenues lawfully available to pay
both current operating expenses of the authority and bond service
charges in any fiscal year or other specified period, less current
operating expenses of the authority and any amount necessary to
maintain a working capital reserve for that period.

(N) "Pledged revenues" means net revenues, moneys and investments, and earnings on those investments, in the applicable bond service fund and any other special funds, and the proceeds of any bonds issued for the purpose of refunding prior bonds, all as lawfully available and by resolution of the authority committed for application as pledged revenues to the payment of bond service charges on particular issues of bonds.

(O) "Service facilities" means service stations, restaurants, and other facilities for food service, roadside parks and rest areas, parking, camping, tenting, rest, and sleeping facilities, hotels or motels, and all similar and other facilities providing services to the traveling public in connection with the use of a turnpike project and owned, leased, licensed, or operated by the authority.

(P) "Service revenues" means those revenues of the authority derived from its ownership, leasing, licensing, or operation of service facilities.

(Q) "Special funds" means the applicable bond service fund and any accounts and subaccounts in that fund, any other funds or accounts permitted by and established under, and identified as a "special fund" or "special account" in, the bond proceedings, including any special fund or account established for purposes of rebate or other requirements under federal income tax laws.

(R) "State agencies" means the state, officers of the state, and boards, departments, branches, divisions, or other units or agencies of the state.

(S) "State taxes" means receipts of the authority from the proceeds of state taxes or excises levied and collected, or appropriated by the general assembly to the authority for the purposes and functions of the authority. "State taxes" does not include tolls, or investment earnings on state taxes except on

those state taxes referred to in Section 5a of Article XII, Ohio
Constitution.

(T) "Tolls" means tolls, special fees or permit fees, or
other charges by the authority to the owners, lessors, lessees, or
operators of motor vehicles for the operation of or the right to
operate those vehicles on a turnpike project.

(U) "Credit enhancement facilities" means letters of credit,
lines of credit, standby, contingent, or firm securities purchase
agreements, insurance, or surety arrangements, guarantees, and
other arrangements that provide for direct or contingent payment
of bond service charges, for security or additional security in
the event of nonpayment or default in respect of bonds, or for
making payment of bond service charges and at the option and on
demand of bondholders or at the option of the authority or upon
certain conditions occurring under put or similar arrangements, or
for otherwise supporting the credit or liquidity of the bonds, and
includes credit, reimbursement, marketing, remarketing, indexing,
carrying, interest rate hedge as defined in section 133.01 of the
Revised Code, and subrogation agreements, and other agreements and
arrangements for payment and reimbursement of the person providing
the credit enhancement facility and the security for that payment
and reimbursement.

(V) "Person" has the same meaning as in section 1.59 of the
Revised Code and, unless the context otherwise provides, also
includes any governmental agency and any combination of those
persons.

(W) "Refund" means to fund and retire outstanding bonds,
including advance refunding with or without payment or redemption
prior to stated maturity.

(X) "Governmental agency" means any state agency, federal
agency, political subdivision, or other local, interstate, or

regional governmental agency and any combination of those
agencies.

(Y) "Property" has the same meaning as in section 1.59 of the
Revised Code and includes interests in property.

(Z) "Administrative agent," "agent," "commercial paper,"
"floating rate interest structure," "indexing agent," "interest
rate period," "put arrangement," and "remarketing agent" have the
same meanings as in section 9.98 of the Revised Code.

(AA) "Outstanding," as applied to bonds, means outstanding in
accordance with the terms of the bonds and the applicable bond
proceedings.

(BB) "North-south turnpike system" or "system" means all
existing and future turnpike projects constructed, operated, and
maintained under the jurisdiction of the authority.

Sec. 5538.02. (A) There is hereby created an authority to be
known as the "north-south turnpike authority." The authority is a
body both corporate and politic, constituting an instrumentality
of the state, and the exercise by it of the powers conferred by
this chapter in the construction, operation, and maintenance of
the north-south turnpike system are and shall be held to be
essential governmental functions of the state, but the authority
shall not be immune from liability by reason thereof. The
authority is subject to all provisions of law generally applicable
to state agencies that do not conflict with this chapter.

(B)(1) The authority shall consist of seven members as
follows:

(a) Four members appointed by the governor with the advice
and consent of the senate, no more than two of whom shall be
members of the same political party;

(b) The director of transportation, who shall be a member ex

officio without compensation;

(c) One member of the senate, appointed by the president of the senate, who shall represent either a district in which is located or through which passes a portion of a turnpike project that is part of the north-south turnpike system or a district located in the vicinity of a turnpike project that is part of the north-south turnpike system;

(d) One member of the house of representatives, appointed by the speaker of the house of representatives, who shall represent either a district in which is located or through which passes a portion of a turnpike project that is part of the north-south turnpike system or a district located in the vicinity of a turnpike project that is part of the north-south turnpike system.

(2) The members appointed by the governor shall be residents of the state, shall have been qualified electors in the state for a period of at least five years next preceding their appointment, and shall serve terms of eight years commencing on the first day of July and ending on the thirtieth day of June. The members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the senator or representative is appointed. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a member of the authority dies or resigns, or if a senator, a representative, or the director of transportation who is a member of the authority ceases to be a senator, a representative, or the director of transportation, the vacancy shall be filled in the same manner as provided in division (B)(1) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed, if appointed by the governor, shall hold office for the remainder of that term or, if appointed by the president of the

senate or the speaker of the house of representatives, shall hold
office for the remainder of the term or for a shorter period of
time as determined by the president or the speaker. Any member
appointed by the governor shall continue in office subsequent to
the expiration date of the member's term until the member's
successor takes office or until a period of sixty days has
elapsed, whichever occurs first. A member of the authority is
eligible for reappointment. Each member of the authority appointed
by the governor, before entering upon the member's duties, shall
take an oath as provided by Section 7 of Article XV, Ohio
Constitution. The governor, the president of the senate, and the
speaker of the house of representatives, at any time, may remove
their respective appointees to the authority for misfeasance,
nonfeasance, or malfeasance in office.

(3) A member of the authority who is appointed by the
president of the senate or the speaker of the house of
representatives shall not participate in any vote of the
authority. Serving as an appointed member of the authority under
divisions (B)(1)(c) or (d) or (2) of this section does not
constitute grounds for resignation from the senate or the house of
representatives under section 101.26 of the Revised Code.

(C) The voting members of the authority shall elect one of
the appointed voting members as chairperson and another as
vice-chairperson and shall appoint a secretary-treasurer who need
not be a member of the authority. Three of the voting members of
the authority constitute a quorum, and the affirmative vote of
three voting members is necessary for any action taken by the
authority. No vacancy in the membership of the authority impairs
the rights of a quorum to exercise all the rights and perform all
the duties of the authority.

(D) Each member of the authority appointed by the governor
shall give a surety bond to the authority in the penal sum of

twenty-five thousand dollars, and the secretary-treasurer shall
give a surety bond in the penal sum of at least fifty thousand
dollars. The authority may require any of its officers or
employees to file surety bonds including a blanket bond as
provided in section 3.06 of the Revised Code. Each surety bond
shall be in favor of the authority and shall be conditioned upon
the faithful performance of the duties of the office, executed by
a surety company authorized to transact business in this state,
approved by the governor, and filed in the office of the secretary
of state. The authority shall pay or reimburse the costs of the
surety bonds from revenues. Each member of the authority appointed
by the governor shall receive an annual salary of five thousand
dollars, payable in monthly installments. Each member shall be
reimbursed for the member's actual expenses necessarily incurred
in the performance of official duties as a member of the
authority. All costs and expenses incurred by the authority in
carrying out this chapter shall be payable solely from revenues
and state taxes, and the authority shall not incur any liability
or obligation beyond the extent to which revenues have been
provided for pursuant to this chapter.

Sec. 5538.03. In order to remove present and anticipated
handicaps and potential hazards on the congested highways in this
state, to facilitate vehicular traffic throughout the state, to
promote the agricultural, commercial, recreational, tourism, and
industrial development of the state, and to provide for the
general welfare by the construction, improvement, and maintenance
of modern express highways embodying safety devices, including,
without limitation, center divisions, ample shoulder widths,
longsight distances, multiple lanes in each direction, and grade
separations at intersections with other public roads and
railroads, the north-south turnpike authority, subject to section
5538.26 of the Revised Code, may construct, maintain, repair, and

operate a system of north-south turnpike projects at locations 681
that are approved by the governor, and in accordance with 682
alignment and design standards that are reviewed by the 683
north-south turnpike oversight committee and approved by the 684
director of transportation, and issue revenue bonds of this state, 685
payable solely from pledged revenues, to pay the cost of those 686
projects. The turnpikes and turnpike projects authorized by this 687
chapter are hereby or shall be made part of the north-south 688
turnpike system. 689

Sec. 5538.04. (A) The north-south turnpike authority may do 690
any of the following: 691

(1) Adopt bylaws for the regulation of its affairs and the 692
conduct of its business; 693

(2) Adopt an official seal. The seal shall not be the great 694
seal of the state and need not be in compliance with section 5.10 695
of the Revised Code. 696

(3) Maintain a principal office and suboffices at any places 697
within the state that it designates; 698

(4) Sue and be sued in its own name, plead and be impleaded, 699
provided that any actions against the authority shall be brought 700
in the court of common pleas of the county in which the principal 701
office of the authority is located, or in the court of common 702
pleas of the county in which the cause of action arose if that 703
county is located within this state, and all summonses, 704
exceptions, and notices of every kind shall be served on the 705
authority by leaving a copy of the summons, exception, or notice 706
at its principal office with the secretary-treasurer or executive 707
director of the authority; 708

(5) Construct, maintain, repair, police, and operate a 709
north-south turnpike system and establish rules for the use of any 710

<u>turnpike project;</u>	711
<u>(6) Issue revenue bonds of the state, payable solely from</u>	712
<u>pledged revenues, as provided in this chapter, for the purpose of</u>	713
<u>paying any part of the cost of constructing any one or more</u>	714
<u>turnpike projects;</u>	715
<u>(7) Fix, revise from time to time, and charge and collect</u>	716
<u>tolls;</u>	717
<u>(8) Acquire, hold, and dispose of property in the exercise of</u>	718
<u>its powers and the performance of its duties under this chapter;</u>	719
	720
<u>(9) Designate the locations and establish, limit, and control</u>	721
<u>the points of ingress to and egress from each turnpike project as</u>	722
<u>are necessary or desirable in the judgment of the authority and of</u>	723
<u>the director of transportation to ensure the proper operation and</u>	724
<u>maintenance of that project, and prohibit entrance to such a</u>	725
<u>project from any point not so designated;</u>	726
<u>(10) Make and enter into all contracts and agreements</u>	727
<u>necessary or incidental to the performance of its duties and the</u>	728
<u>execution of its powers under this chapter;</u>	729
<u>(11) Employ or retain or contract for the services of</u>	730
<u>consulting engineers, superintendents, managers, and any other</u>	731
<u>engineers, construction and accounting experts, financial</u>	732
<u>advisers, trustees, marketing, remarketing, and administrative</u>	733
<u>agents, attorneys, and other employees, independent contractors,</u>	734
<u>or agents that are necessary in its judgment and fix their</u>	735
<u>compensation, provided that all such expenses shall be payable</u>	736
<u>solely from the proceeds of bonds or from revenues of the</u>	737
<u>north-south turnpike system;</u>	738
<u>(12) Receive and accept from any federal agency, subject to</u>	739
<u>the approval of the governor, and from any other governmental</u>	740
<u>agency grants for or in aid of the construction, reconstruction,</u>	741

repair, renovation, maintenance, or operation of any turnpike project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(13) Provide coverage for its employees under Chapters 4123. and 4141. of the Revised Code.

(B) The authority may do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Sec. 5538.05. (A) The north-south turnpike authority may construct grade separations at intersections of any turnpike project with public roads and railroads, and change and adjust the lines and grades of those roads and railroads, and of public utility facilities, which change and adjustment of lines and grades of those roads shall be subject to the approval of the governmental agency having jurisdiction over the road, so as to accommodate them to the design of the grade separation. The cost of the grade separation and any damage incurred in changing and adjusting the lines and grades of roads, railroads, and public utility facilities shall be ascertained and paid by the authority as a part of the cost of the turnpike project or from revenues or state taxes.

(1) If the authority finds it necessary to change the location of any portion of any public road, railroad, or public utility facility, it shall cause the same to be reconstructed at the location the governmental agency having jurisdiction over the road, railroad, or public utility facility considers most favorable. The construction shall be of substantially the same type and in as good condition as the original road, railroad, or public utility facility. The cost of the reconstruction, relocation, or removal and any damage incurred in changing the

location shall be ascertained and paid by the authority as a part
of the cost of the turnpike project or from revenues or state
taxes.

(2) The authority may petition the board of county
commissioners of the county in which is situated any public road
or part of any public road affected by the location in the county
of any turnpike project, for the vacation or relocation of the
road or any part of the road, in the same manner and with the same
force and effect as is given to the director of transportation
pursuant to sections 5553.04 to 5553.11 of the Revised Code.

(B) The authority and its authorized agents and employees,
after proper notice, may enter upon any lands, waters, and
premises in the state for the purpose of making surveys,
soundings, drillings, and examinations that are necessary or
proper for the purposes of this chapter. The entry shall not be
deemed a trespass, and an entry for those purposes shall not be
deemed an entry under any appropriation proceedings that may then
be pending, provided that before entering upon the premises of any
railroad, the authority shall give notice to the superintendent of
the railroad involved at least five days in advance of entry, and
provided that the authority shall not make any survey, sounding,
drilling, and examination between the rails or so close to a
railroad track as would render the track unusable. The authority
shall make reimbursement for any actual damage resulting to lands,
waters, and premises upon which it enters and to private property
located in, on, along, over, or under those lands, waters, and
premises, as a result of such activities. The state, subject to
the approval of the governor, hereby consents to the use of all
lands it owns, including lands lying under water, that are
necessary or proper for the construction, maintenance, or
operation of any turnpike project, provided that adequate
consideration is provided for the use.

(C) The authority may make reasonable provisions or rules for the installation, construction, maintenance, repair, renewal, relocation, and removal of public utility facilities in, on, along, over, or under any turnpike project. Whenever the authority determines that it is necessary that any public utility facilities located in, on, along, over, or under any turnpike project should be relocated in or removed from the turnpike project, the public utility owning or operating the facilities shall relocate or remove them in accordance with the order of the authority. Except as otherwise provided in any license or other agreement with the authority, the cost and expenses of the relocation or removal, including the cost of installing the facilities in a new location, the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish the relocation or removal, shall be ascertained and paid by the authority as part of the cost of the turnpike project or from revenues of the north-south turnpike system. In case of any such relocation or removal of facilities, the public utility owning or operating them and its successors or assigns may maintain and operate the facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms, as it had the right to maintain and operate the facilities in their former location.

(D) The authority is subject to Chapters 1515., 6131., 6133., 6135., and 6137. of the Revised Code and shall pay any assessments levied under those chapters for an improvement or maintenance of an improvement on land under the control or ownership of the authority.

Sec. 5538.06. (A) The north-south turnpike authority may acquire by purchase, lease, lease-purchase, lease with option to purchase, appropriation, or otherwise and in any manner and for any consideration that it considers proper, any public or private

property necessary, convenient, or proper for the construction, 837
maintenance, or efficient operation of the north-south turnpike 838
system. The authority may pledge net revenues, to the extent 839
permitted by this chapter with respect to bonds, to secure 840
payments to be made by the authority under any lease, 841
lease-purchase agreement, or lease with option to purchase. Title 842
to personal property, and interests less than a fee in real 843
property, shall be held in the name of the authority. Title to 844
real property held in fee shall be held in the name of the state 845
for the use of the authority. In any proceedings for appropriation 846
under this section, the procedure to be followed shall be in 847
accordance with the procedure provided in sections 163.01 to 848
163.22 of the Revised Code, including division (B) of section 849
163.06 of the Revised Code notwithstanding the limitation in that 850
division of its applicability to roads open to the public without 851
charge. Except as otherwise agreed upon by the owner, full 852
compensation shall be paid for public property so taken. 853

(B) This section does not authorize the authority to take or 854
disturb property or facilities belonging to any public utility or 855
to a common carrier engaged in interstate commerce, which property 856
or facilities are required for the proper and convenient operation 857
of the public utility or common carrier, unless provision is made 858
for the restoration, relocation, replication, or duplication of 859
the property or facilities elsewhere at the sole cost to the 860
authority. 861

(C) Disposition of real property shall be by the authority in 862
the manner and for the consideration it determines if to a state 863
agency or other governmental agency, and otherwise in the manner 864
provided in section 5501.45 of the Revised Code for the 865
disposition of property by the director of transportation. 866
Disposition of personal property shall be in the manner and for 867
the consideration the authority determines. 868

(D) Any instrument by which real property is acquired 869
pursuant to this section shall identify the agency of the state 870
that has the use and benefit of the real property as specified in 871
section 5301.012 of the Revised Code. 872

Sec. 5538.07. (A) When the cost to the north-south turnpike 873
authority under any contract with a person other than a 874
governmental agency involves an expenditure of more than ten 875
thousand dollars, the authority shall make a written contract with 876
the lowest responsive and responsible bidder in accordance with 877
section 9.312 of the Revised Code after advertisement for not less 878
than two consecutive weeks in a newspaper of general circulation 879
in Franklin county, and in any other publications that the 880
authority determines, which notice shall state the general 881
character of the work and the general character of the materials 882
to be furnished, the place where plans and specifications for the 883
work may be examined, and the time and place of receiving bids. 884
The authority may reject any and all bids. The requirements of 885
this division do not apply to contracts for the acquisition of 886
real property or compensation for professional or other personal 887
services. 888

(B) Each bid for a contract for construction, demolition, 889
alteration, repair, improvement, renovation, or reconstruction 890
shall contain the full name of every person interested in it and 891
shall meet the requirements of section 153.54 of the Revised Code. 892

(C) Each bid for a contract, other than for a contract 893
referred to in division (B) of this section, shall contain the 894
full name of every person interested in it and shall be 895
accompanied by a sufficient bond or certified check on a solvent 896
bank that if the bid is accepted a contract will be entered into 897
and the performance of its proposal secured. 898

(D) A bond with good and sufficient surety, approved by the 899

authority, shall be required of every contractor awarded a
contract, other than a contract referred to in division (B) of
this section, in an amount equal to at least fifty per cent of the
contract price, conditioned upon the faithful performance of the
contract.

Sec. 5538.08. (A) The north-south turnpike authority may
provide by resolution for the issuance, at one time or from time
to time, of revenue bonds of the state for the purpose of paying
all or any part of the cost of any one or more turnpike projects.
The bond service charges shall be payable solely from pledged
revenues pledged for the payment of bond service charges pursuant
to the applicable bond proceedings. The bonds of each issue shall
be dated, shall bear interest at a rate or rates or at variable
rates, and shall mature or be payable at the time or times, with a
final maturity not to exceed forty years from their date or dates,
as determined by the authority in the bond proceedings. The
authority shall determine the form of the bonds, including any
interest coupons to be attached to the bonds, and shall fix the
denomination or denominations of the bonds and the place or places
of payment of bond service charges.

(B) The bonds shall be signed by the chairperson or
vice-chairperson of the authority or by the facsimile signature of
that officer. The official seal of the authority or a facsimile of
the official seal shall be affixed to the bonds or printed on the
bonds and attested by the secretary-treasurer of the authority,
which may be by facsimile signature. Any coupons attached to the
bonds shall bear the facsimile signature of the chairperson or
vice-chairperson of the authority. If any officer whose signature,
or a facsimile of whose signature, appears on any bonds or coupons
ceases to be an officer before delivery of bonds, the signature or
facsimile of that officer nevertheless shall be valid and
sufficient for all purposes as if the officer had remained in

office until the delivery of the bonds.

932

(C) Subject to the bond proceedings and provisions for
registration, the bonds shall have all the qualities and incidents
of negotiable instruments under Title XIII of the Revised Code.
The bonds may be issued in any form or forms that the authority
determines, including, without limitation, coupon, book entry, and
fully registered form. Provision may be made for the registration
of any coupon bonds as to principal alone and also as to both
principal and interest and for the exchange of bonds between
forms. The authority may sell such bonds by competitive bid on the
best bid after advertisement or request for bids or by private
sale in the manner, and for the price, it determines to be for the
best interest of the state. The determination of the authority as
to the manner of sale, by competitive bid or by private sale,
shall be approved by the controlling board.

933

934

935

936

937

938

939

940

941

942

943

944

945

946

(D) The proceeds of the bonds of each issue shall be used
solely for the payment of the costs of the turnpike project or
projects for which the bonds were issued and shall be disbursed in
the manner and under the restrictions that the authority provides
in the bond proceedings.

947

948

949

950

951

(E) Prior to the preparation of definitive bonds, the
authority, under like restrictions, may issue interim receipts or
temporary bonds or bond anticipation notes, with or without
coupons, exchangeable for definitive bonds when the definitive
bonds have been executed and are available for delivery. The
authority may provide for the replacement of any mutilated,
stolen, destroyed, or lost bonds. The authority may issue bonds
under this chapter without obtaining the consent of any state
agency and without any other proceedings or the happening of any
other conditions or things than those proceedings, conditions, or
things that are specifically required by this chapter or those
proceedings.

952

953

954

955

956

957

958

959

960

961

962

963

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 964
bonds. 965

(G) The bond proceedings shall provide, subject to the 966
provisions of any other applicable bond proceedings, for the 967
pledge to the payment of bond service charges and of any costs of 968
or relating to credit enhancement facilities of all, or any part 969
that the authority may determine, of the pledged revenues and the 970
applicable special fund or funds, which pledges may be made to 971
secure the bonds on a parity with bonds theretofore or thereafter 972
issued if and to the extent provided in the bond proceedings. 973
Every pledge, and every covenant and agreement with respect 974
thereto, made in the bond proceedings may be extended in the bond 975
proceedings to the benefit of the owners and holders of bonds and 976
to any trustee and any person providing a credit enhancement 977
facility for those bonds, for the further security for the payment 978
of the bond service charges and credit enhancement facility costs. 979

(H) The bond proceedings may contain additional provisions as 980
to all of the following: 981

(1) The redemption of bonds prior to maturity at the option 982
of the authority or of the bondholders or upon the occurrence of 983
certain stated conditions, and at such price or prices and under 984
such terms and conditions as are provided in the bond proceedings; 985

(2) Other terms of the bonds; 986

(3) Limitations on the issuance of additional bonds; 987

(4) The terms of any trust agreement securing the bonds or 988
under which the same may be issued; 989

(5) Any or every provision of the bond proceedings being 990
binding upon the authority and state agencies, or other person as 991
from time to time may have the authority under law to take such 992
actions as may be necessary to perform all or any part of the duty 993
required by such provision; 994

<u>(6) Any provision that may be made in a trust agreement;</u>	995
<u>(7) Any other or additional agreements with the holders of</u>	996
<u>the bonds, or the trustee for the holder of the bonds, relating to</u>	997
<u>the bonds or the security for the bonds, including agreements for</u>	998
<u>credit enhancement facilities.</u>	999
<u>(I) Any holder of bonds or a trustee under the bond</u>	1000
<u>proceedings, except to the extent that the holder's or trustee's</u>	1001
<u>rights are restricted by the bond proceedings, may by any suitable</u>	1002
<u>form of legal proceedings protect and enforce any rights under the</u>	1003
<u>laws of this state or granted by the bond proceedings. Those</u>	1004
<u>rights include the right to compel the performance of all duties</u>	1005
<u>of the authority and state agencies required by this chapter or</u>	1006
<u>the bond proceedings; to enjoin unlawful activities; and in the</u>	1007
<u>event of default with respect to the payment of any bond service</u>	1008
<u>charges on any bonds or in the performance of any covenant or</u>	1009
<u>agreement on the part of the authority contained in the bond</u>	1010
<u>proceedings, to apply to a court having jurisdiction of the cause</u>	1011
<u>to appoint a receiver to receive and administer the revenues and</u>	1012
<u>the pledged revenues that are pledged to the payment of the bond</u>	1013
<u>service charges on such bonds or that are the subject of the</u>	1014
<u>covenant or agreement, with full power to pay, and to provide for</u>	1015
<u>payment of, bond service charges on such bonds, and with such</u>	1016
<u>powers, subject to the direction of the court, as are accorded</u>	1017
<u>receivers in general equity cases, excluding any power to pledge</u>	1018
<u>additional revenues or receipts or other income, funds, or moneys</u>	1019
<u>of the authority or state agencies to the payment of such bond</u>	1020
<u>service charges and excluding the power to take possession of,</u>	1021
<u>mortgage, or cause the sale or otherwise dispose of any turnpike</u>	1022
<u>project or other property of the authority.</u>	1023
<u>(J) Each duty of the authority and the authority's officers</u>	1024
<u>and employees, undertaken pursuant to the bond proceedings, is</u>	1025
<u>hereby established as a duty of the authority, and of each</u>	1026

officer, member, or employee of the authority having authority to 1027
perform the duty, specifically enjoined by law resulting from an 1028
office, trust, or station within the meaning of section 2731.01 of 1029
the Revised Code. 1030

(K) The authority's officers or employees are not liable in 1031
their personal capacities on any bonds issued by the authority or 1032
any agreements of or with the authority relating to those bonds. 1033

(L) The bonds are lawful investments for banks, savings and 1034
loan associations, credit union share guaranty corporations, trust 1035
companies, trustees, fiduciaries, insurance companies, including 1036
domestic for life and domestic not for life, trustees or other 1037
officers having charge of sinking and bond retirement or other 1038
funds of the state or its political subdivisions and taxing 1039
districts, the commissioners of the sinking fund of the state, the 1040
administrator of workers' compensation, the state teachers 1041
retirement system, the public employees retirement system, the 1042
school employees retirement system, and the Ohio police and fire 1043
pension fund, notwithstanding any other provisions of the Revised 1044
Code or rules adopted pursuant thereto by any state agency with 1045
respect to investments by them, and also are acceptable as 1046
security for the repayment of the deposit of public money. 1047

(M) Provision may be made in the applicable bond proceedings 1048
for the establishment of separate accounts in the bond service 1049
fund and for the application of the separate accounts only to the 1050
specified bond service charges pertinent to the separate accounts 1051
and bond service fund, and for other accounts therein within the 1052
general purposes of such fund. 1053

(N) The authority may pledge all or that portion as it 1054
determines of the pledged revenues to the payment of bond service 1055
charges and for the establishment and maintenance of any reserves 1056
and special funds, as provided in the bond proceedings, and may 1057
make other provisions therein with respect to pledged revenues, 1058

revenues, and net revenues as authorized by this chapter, which 1059
provisions are controlling notwithstanding any other provisions of 1060
law pertaining thereto. 1061

Sec. 5538.09. The north-south turnpike authority may provide 1062
by resolution for the issuance of revenue bonds of the state, 1063
payable solely from pledged revenues, for the purpose of refunding 1064
any bonds then outstanding, including the payment of related 1065
financing expenses and, if considered advisable by the authority, 1066
for the additional purpose of paying costs of improvements, 1067
extensions, renovations, or enlargements of any turnpike project. 1068
The issuance of refunding bonds, the maturities and other details 1069
of the refunding bonds, the rights of the holders of the refunding 1070
bonds, and the rights, duties, and obligations of the authority in 1071
respect to the refunding bonds shall be governed by the provisions 1072
of this chapter insofar as they are applicable and by the 1073
applicable bond proceedings. 1074

Sec. 5538.10. This chapter provides an additional and 1075
alternative method for doing the things and taking the actions 1076
authorized by this chapter. This chapter shall be regarded as 1077
supplemental and additional to powers conferred by other laws and 1078
shall not be regarded as in derogation of any powers existing on 1079
or after the effective date of this section. The issuance of bonds 1080
under this chapter need not comply with any other law applicable 1081
to the issuance of bonds. 1082

Sec. 5538.11. (A) The bonds do not constitute a debt, or a 1083
pledge of the faith and credit, of the state or of any political 1084
subdivision of the state. Bond service charges on outstanding 1085
bonds are payable solely from the pledged revenues pledged for 1086
their payment as authorized by this chapter and as provided in the 1087
bond proceedings. All turnpike revenue bonds shall contain on 1088

their face a statement to that effect.

1089

(B) All expenses incurred in carrying out this chapter shall
be payable solely from revenues provided under this chapter and
from state taxes. This chapter does not authorize the north-south
turnpike authority to incur indebtedness or liability on behalf of
or payable by the state or any political subdivision of the state.

1090

1091

1092

1093

1094

Sec. 5538.12. (A) In the discretion of the north-south
turnpike authority, any bonds may be secured by a trust agreement
between the authority and a corporate trustee, which may be any
trust company or bank having the powers of a trust company within
or without the state, but authorized to exercise trust powers
within this state.

1095

1096

1097

1098

1099

1100

(B) Any trust agreement may pledge or assign the revenues to
be received, but shall not convey or mortgage any turnpike
project, any part of a turnpike project, or any part of the
north-south turnpike system. Any trust agreement or other bond
proceedings may contain provisions for protecting and enforcing
the rights and remedies of the bondholders that are reasonable and
proper and not in violation of law, including covenants setting
forth the duties of the authority in relation to the acquisition
of property, and the construction, maintenance, repair, operation,
and insurance of the turnpike project or projects in connection
with which the bonds are authorized, the rates of toll to be
charged, and the custody, safeguarding, and application of all
money, and provisions for the employment or retention of the
services of consulting engineers in connection with the
construction, maintenance, or operation of the turnpike project or
projects. Any bank or trust company incorporated under the laws of
this state that may act as depository of the proceeds of bonds or
of revenues may furnish any indemnifying bonds or may pledge any
securities that are required by the authority. Any such trust

1101

1102

1103

1104

1105

1106

1107

1108

1109

1110

1111

1112

1113

1114

1115

1116

1117

1118

1119

agreement may set forth the rights and remedies of the bondholders
and of the trustee, may restrict the individual right of action by
bondholders as is customary in revenue bond trust agreements of
public bodies, and may contain other provisions that the authority
considers reasonable and proper for the security of the
bondholders. All expenses incurred in entering into or carrying
out the provisions of such a trust agreement may be treated as a
part of the cost or of the cost of the operation of the turnpike
project or projects.

1120
1121
1122
1123
1124
1125
1126
1127
1128

Sec. 5538.13. (A) Subject to section 5538.26 of the Revised
Code, the north-south turnpike authority may fix, revise, charge,
and collect tolls for each turnpike project and may contract in
the manner provided by this section with any person desiring the
use of any part of a turnpike project, including the right-of-way
adjoining the paved portion, for placing on that part of the
project telephone, electric light, or power lines, service
facilities, or for any other purpose, and may fix the terms,
conditions, rents, and rates of charge for that use, provided that
no toll, charge, or rental may be made by the authority for
placing in, on, along, over, or under the turnpike project,
equipment or public utility facilities that are necessary to serve
service facilities or to interconnect any public utility
facilities.

1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142

(B) Contracts for the operation of service facilities shall
be made in writing. Except for contracts with state agencies or
other governmental agencies, all contracts for the operation of
service facilities shall be made with the bidder whose bid is
determined by the authority to be the best bid received, after
advertisement for two consecutive weeks in a newspaper of general
circulation in Franklin county, and in other publications that the
authority determines. The notice shall state the general character
of the service facilities operation proposed, the place where

1143
1144
1145
1146
1147
1148
1149
1150
1151

plans and specifications may be examined, and the time and place
of receiving bids. Bids shall contain the full name of each person
interested in them and shall be in the form that the authority
requires. The authority may reject any and all bids. All contracts
for service facilities shall be preserved in the principal office
of the authority.

(C) The authority shall fix and adjust tolls so as to provide
funds at least sufficient with other revenues of the north-south
turnpike system, if any, to pay both of the following:

(1) The cost of maintaining, improving, repairing,
constructing, and operating the north-south turnpike system and
its different parts and sections and to create and maintain any
reserves for those purposes;

(2) Any unpaid bond service charges on outstanding bonds
payable from pledged revenues as the bond service charges become
due and payable and to create and maintain any reserves for that
purpose.

(D) Tolls are not subject to supervision, approval, or
regulation by any state agency other than the turnpike authority.

(E) Revenues derived from each turnpike project in connection
with which any bonds are outstanding shall be applied first to pay
the costs of maintenance, improvement, repair, and operation and
to provide any reserves for those costs that are provided for in
the bond proceedings authorizing the issuance of those outstanding
bonds, and otherwise as provided by the authority. The balance of
the pledged revenues shall be set aside at the regular intervals
that are provided in the bond proceedings in a bond service fund,
which is hereby pledged to and charged with the payment of the
bond service charges on any such outstanding bonds as provided in
the applicable bond proceedings. The pledge is valid and binding
from the time the pledge is made; the revenues and the pledged

revenues thereafter received by the authority immediately shall be
subject to the lien of the pledge without any physical delivery
thereof or further act, and the lien of the pledge is valid and
binding as against all parties having claims of any kind in tort,
contract, or otherwise against the authority, whether or not those
parties have notice thereof. The bond proceedings by which a
pledge is created need not be filed or recorded except in the
records of the authority. The use and disposition of moneys to the
credit of a bond service fund shall be subject to the applicable
bond proceedings. Except as is otherwise provided in the bond
proceedings, a bond service fund shall be a fund for all such
bonds, without distinction or priority of one over another.

1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195

Sec. 5538.14. All money that the north-south turnpike
authority receives under this chapter, whether as proceeds from
the sale of bonds or as revenues, is to be held and applied solely
as provided in this chapter and in any applicable bond
proceedings. The money shall be kept in depositories selected by
the authority in the manner provided in sections 135.01 to 135.21
of the Revised Code, insofar as those sections are applicable, and
the deposits shall be secured as provided in sections 135.01 to
135.21 of the Revised Code. The bond proceedings shall provide
that any officer to whom, or any bank or trust company to which,
revenues or pledged revenues are paid shall act as trustee of such
money and hold and apply it for the purposes thereof, subject to
applicable provisions of this chapter and the bond proceedings.

1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208

Sec. 5538.15. Any holder of bonds issued and outstanding
under this chapter, or any of the coupons appertaining to those
bonds, and the trustee under any trust agreement, except to the
extent the rights given by this chapter may be restricted or
modified by the bond proceedings, by suit, action, mandamus, or

1209
1210
1211
1212
1213

other proceedings, may protect and enforce any rights under the 1214
laws of the state or granted under this chapter or the bond 1215
proceedings, and may enforce and compel the performance of all 1216
duties required by this chapter or the bond proceedings, to be 1217
performed by the north-south turnpike authority or any officer of 1218
the authority, including the fixing, charging, collecting, and 1219
application of tolls. 1220

Sec. 5538.16. (A) The north-south turnpike authority may 1221
adopt any bylaws and rules that it considers advisable for the 1222
control and regulation of traffic on any turnpike project under 1223
its jurisdiction, for the protection and preservation of property 1224
under its jurisdiction and control, and for the maintenance and 1225
preservation of good order within the property under its control. 1226
The rules of the authority with respect to the speed, axle loads, 1227
vehicle loads, and vehicle dimensions of vehicles on turnpike 1228
projects shall apply notwithstanding sections 4511.21 to 4511.24 1229
and 4513.34 and Chapter 5577. of the Revised Code. The bylaws and 1230
rules shall be published in a newspaper of general circulation in 1231
Franklin county, and in any other manner that the authority 1232
prescribes. 1233

(B) The rules shall provide that public police officers shall 1234
be afforded ready access, while in the performance of their 1235
official duty, to all property under the jurisdiction of the 1236
authority and without the payment of tolls. 1237

(C) No person shall violate any bylaws or rules of the 1238
authority adopted under this section. All fines collected for the 1239
violation of applicable laws of the state and the bylaws and rules 1240
of the authority or moneys arising from bonds forfeited for such a 1241
violation shall be disposed of in accordance with section 5503.04 1242
of the Revised Code. 1243

Sec. 5538.17. (A) The north-south turnpike authority shall 1244
maintain and keep the north-south turnpike system in good 1245
condition and repair each turnpike project open to traffic. The 1246
north-south turnpike system shall be policed and operated by a 1247
force of police, toll collectors, and other employees and agents 1248
that the authority employs or for which it contracts. 1249

(B) All public or private property damaged or destroyed in 1250
carrying out the powers granted by this chapter shall be restored 1251
or repaired and placed in its original condition, as nearly as 1252
practicable, or adequate compensation or consideration made 1253
therefor out of money provided under this chapter. 1254

(C) All governmental agencies may lease, lend, grant, or 1255
convey to the authority at its request, upon terms that the proper 1256
authorities of the governmental agencies consider reasonable and 1257
fair and without the necessity for an advertisement, order of 1258
court, or other action or formality other than the regular and 1259
formal action of the authorities concerned, any property that is 1260
necessary or convenient to the effectuation of the purposes of the 1261
authority, including public roads and other property already 1262
devoted to public use. 1263

(D) A professional engineer employed or retained by the 1264
authority shall inspect at least once each year each bridge 1265
constituting part of a turnpike project. 1266

(E) On or before the first day of April in each year, the 1267
authority shall make an annual report of its activities for the 1268
preceding calendar year to the governor and the general assembly. 1269
Each annual report shall set forth a complete operating and 1270
financial statement covering the authority's operations during the 1271
year. The authority shall cause an audit of its books and accounts 1272
to be made at least once each year by certified public 1273
accountants, and the cost of the audit may be treated as a part of 1274

the cost of operations of the authority. The auditor of state, at
least once a year and without previous notice to the authority,
shall audit the accounts and transactions of the authority.

(F) The authority shall submit a copy of its annual audit by
the auditor of state and its proposed annual budget for each
calendar or fiscal year to the governor, the presiding officers of
each house of the general assembly, the director of budget and
management, and the legislative service commission no later than
the first day of that calendar or fiscal year.

Sec. 5538.19. The north-south turnpike authority shall expend
the moneys that the authority considers necessary for studies of
any turnpike project, whether proposed, under construction, or in
operation, and may employ consulting engineers, traffic engineers,
and any other individuals or firms that the authority considers
necessary to properly implement the studies. The cost of the
studies may be paid from revenues, eligible state and federal
grants, state taxes available to the authority and permitted by
law to be spent for those purposes, or the proceeds of bonds.

Sec. 5538.20. The authority's exercise of the powers granted
by this chapter is in all respects for the benefit of the people
of the state, for the increase of their commerce and prosperity,
and for the improvement of their health and living conditions.
Because the construction, operation, and maintenance of the
north-south turnpike system by the north-south turnpike authority
constitutes the performance of essential governmental functions,
the authority, except as provided in division (D) of section
5538.05 of the Revised Code, is not required to pay any state or
local taxes or assessments upon any turnpike project, upon
revenues or any property acquired or used by the authority under
this chapter, or upon the income from the bonds. The bonds issued

under this chapter, their transfer, and the income from the bonds, 1306
including any profit made on the sale of the bonds, at all times 1307
shall be free from taxation within the state. 1308

Sec. 5538.21. (A) When bond service charges on all 1309
outstanding bonds issued in connection with any turnpike project 1310
have been paid or provision for that payment has been made, as 1311
provided in the applicable bond proceedings, or in the case of a 1312
turnpike project in connection with which no bonds have been 1313
issued, the project shall continue to be or be operated, and 1314
improved and maintained, by the north-south turnpike authority as 1315
a part of the north-south turnpike system and as a toll road, and 1316
all revenues received by the authority relating to that project 1317
shall be applied as provided in division (B) of this section. 1318

(B) Subject to the bond proceedings for bonds relating to any 1319
turnpike project, tolls relating to a turnpike project as referred 1320
to in division (A) of this section shall be so fixed and adjusted 1321
that the aggregate of revenues relating to that project and 1322
available for the purpose are in amounts to provide money 1323
sufficient, and those revenues shall be used, to pay the costs 1324
described in division (C)(1) of section 5538.13 of the Revised 1325
Code. 1326

Sec. 5538.22. The north-south turnpike authority shall 1327
journalize all of its final actions, and the journal shall be open 1328
to the inspection of the public at all reasonable times. 1329

Sec. 5538.23. This chapter, being necessary for the welfare 1330
of the state and its inhabitants, shall be liberally construed to 1331
effect the purposes of this chapter. 1332

Sec. 5538.24. (A) There is hereby created a north-south 1333

turnpike oversight committee consisting of six members as follows:

1334

(1) Three members of the senate, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the committee dealing primarily with highway matters, one of whom shall be the senate member of the north-south turnpike authority appointed under section 5538.02 of the Revised Code, and one of whom shall be appointed by the minority leader of the senate. The remaining member, if any, shall be appointed by the president of the senate.

1335

1336

1337

1338

1339

1340

1341

1342

(2) Three members of the house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the house of representatives committee dealing primarily with highway matters, one of whom shall be the house of representatives member of the north-south turnpike authority appointed under section 5538.02 of the Revised Code, and one of whom shall be appointed by the minority leader of the house of representatives. The remaining member, if any, shall be appointed by the speaker of the house of representatives.

1343

1344

1345

1346

1347

1348

1349

1350

1351

The chairperson of the house of representatives committee shall serve as the chairperson of the turnpike oversight committee for the first year of its existence. Thereafter, the chairpersonship annually shall alternate between, first, the chairperson of the senate committee and then the chairperson of the house of representatives committee.

1352

1353

1354

1355

1356

1357

(B) Each member of the north-south turnpike oversight committee shall serve a term of the remainder of the general assembly during which the member is appointed or is serving as chairperson of the specified senate or house committee. If a committee member dies or resigns, if a member ceases to be a senator or representative, or if the chairperson of the senate committee dealing primarily with highway matters or the

1358

1359

1360

1361

1362

1363

1364

chairperson of the house of representatives committee dealing
primarily with highway matters ceases to hold that position, the
vacancy shall be filled through an appointment by the president of
the senate or the speaker of the house of representatives or
minority leader of the senate or house of representatives, as
applicable. Any member appointed to fill a vacancy occurring prior
to the end of the term for which the member's predecessor was
appointed shall hold office for the remainder of the term or for a
shorter period of time as determined by the president or the
speaker. A member of the committee is eligible for reappointment.

(C) The north-south turnpike oversight committee shall meet
at the call of its chairperson, or upon the written request to the
chairperson of not fewer than three members of the committee. At
each meeting, the north-south turnpike authority shall make a
report to the committee on authority matters, including, but not
limited to, financial and budgetary matters and proposed and
on-going construction, maintenance, repair, and operational
projects of the authority.

(D) The members of the north-south turnpike oversight
committee shall serve without compensation, but the authority
shall reimburse the members for their actual and necessary
expenses incurred in the discharge of their official duties as
committee members.

Sec. 5538.25. (A) Notwithstanding any provision of law to the
contrary, the north-south turnpike authority shall make no
expenditure to engage the services of any person to influence
either of the following:

(1) Administrative actions or decisions of the governor, the
director of any department listed in section 121.02 of the Revised
Code, any member of the staff of any public officer or employee
listed in this section, the president of the United States, or any

federal officer or employee;

1396

(2) Legislation pending in this state or any other state, a
subdivision of this state or any other state, or the federal
government, including the executive approval or veto of that
pending legislation.

1397

1398

1399

1400

(B) This section does not prohibit the authority from
designating officers or members of the authority, or full-time,
permanent employees of the authority, to act as administrative or
legislative agents for the authority.

1401

1402

1403

1404

Sec. 5538.26. (A) No change by the north-south turnpike
authority in the toll rate structure that is applicable to
vehicles operating on a turnpike project shall become effective
unless the authority complies with the notice and hearing
requirements prescribed in division (B) of this section. The
authority shall not take any action that expands, has the effect
of expanding, or will to any degree at any time in the future have
the effect of expanding the sphere of responsibility of the
authority beyond the north-south turnpike system as it exists at
that time, unless the authority complies with the notice and
hearing requirements prescribed in division (B) of this section.

1405

1406

1407

1408

1409

1410

1411

1412

1413

1414

1415

(B) Not less than ninety days prior to the date on which the
authority will vote to change any part of the toll rate structure
that is applicable to vehicles operating on a turnpike project,
and not less than ninety days prior to the date on which the
authority will vote to take an action that expands, has the effect
of expanding, or will to any degree at any time in the future have
the effect of expanding the sphere of responsibility of the
authority beyond the north-south turnpike system as it exists at
that time, the authority shall commence holding public hearings on
the proposed change in the toll rate structure or the proposed
action. If the authority is proposing a change in the toll rate

1416

1417

1418

1419

1420

1421

1422

1423

1424

1425

1426

structure that is applicable to vehicles operating on a toll
project, it shall hold not less than three public meetings in
three geographically diverse locations in this state that are in
the immediate vicinity of the affected toll project. If the
authority is proposing to take an action that expands, has the
effect of expanding, or will to any degree at any time in the
future have the effect of expanding the sphere of responsibility
of the authority beyond the north-south turnpike system as it
exists at that time, it shall hold not less than three public
meetings in three locations in the immediate vicinity where the
expanded responsibilities will arise.

The authority shall hold the third or, if it holds more than
three hearings, the last hearing of any set of hearings required
to be held under this section not less than thirty days prior to
the date on which it will vote to change part of the toll rate
structure that is applicable to vehicles operating on a turnpike
project or to take an action that expands, has the effect of
expanding, or will to any degree at any time in the future have
the effect of expanding the sphere of responsibility of the
authority beyond the north-south turnpike system as it exists at
that time.

The authority shall inform the public of all the meetings
required to be held under this section by causing a notice to be
published in a newspaper of general circulation in the county in
which each meeting is to be held, not less than once per week for
two weeks prior to the date of the meeting.

(C) If the authority does not comply with the notice and
hearing requirements contained in division (B) of this section and
is proposing a change in the toll rate structure that is
applicable to vehicles operating on a turnpike project, the
proposed change in the toll rate structure shall not take effect,
any attempt by the authority to implement the change in the toll

rate structure is void, and, if necessary, the attorney general
shall file an action in the court of common pleas of the county in
which the principal office of the authority is located to enjoin
the authority from implementing the change. The authority shall
not implement the proposed change until it complies with division
(B) of this section.

If the authority does not comply with the notice and hearing
requirements contained in division (B) of this section and is
proposing to take an action that expands, has the effect of
expanding, or will to any degree at any time in the future have
the effect of expanding the sphere of responsibility of the
authority beyond the north-south turnpike system as it exists at
that time, the authority shall not take the proposed action, and,
if necessary, the attorney general shall file an action in the
court of common pleas of the county in which the principal office
of the authority is located to enjoin the authority from taking
the proposed action. The authority shall not take the proposed
action until it complies with the notice and hearing requirements
prescribed in division (B) of this section.

Sec. 5538.27. The north-south turnpike authority, the
director of transportation or the director's designee, and another
person designated by the governor shall establish a procedure for
a political subdivision or other government agency or agencies to
submit a written application to the authority, requesting the
authority to construct and operate a project within the boundaries
of the subdivision, agency, or agencies making the request. The
procedure shall include a requirement that the authority send a
written reply to the subdivision, agency, or agencies, explaining
the disposition of the request. The procedure established pursuant
to this section shall not become effective unless it is approved
by the authority and by the director or the director's designee
and the designee of the governor and shall require submission of

the proposed project to the north-south turnpike oversight 1491
committee if the project must be approved by the governor. 1492
1493

Sec. 5538.28. (A) The north-south turnpike authority shall 1494
not expend any toll revenues that are generated by one turnpike 1495
project to fund in any manner or to any degree the construction, 1496
operation, maintenance, or repair of another turnpike project the 1497
location of which must be reviewed by the north-south turnpike 1498
oversight authority and approved by the governor. 1499

In paying the cost of a turnpike project, the authority may 1500
issue bonds and bond anticipation notes as permitted by this 1501
chapter and may accept money from any source to pay the cost of 1502
any portion of the project, including, but not limited to, the 1503
federal government, any department or agency of this state, and 1504
any political subdivision or other governmental agency. Each 1505
turnpike project shall be constructed, operated, maintained, and 1506
repaired entirely with funds generated by that project or 1507
otherwise specifically acquired for that project from sources 1508
permitted by this chapter. 1509

(B) The authority shall not expend any toll revenues 1510
generated by one turnpike project to pay any amount of the 1511
principal amount of, or interest due on, any bonds or bond 1512
anticipation notes issued by the authority to pay any portion of 1513
the cost of another turnpike project the location of which must be 1514
reviewed by the turnpike oversight committee and approved by the 1515
governor, or the cost of the operation, repair, improvement, 1516
maintenance, or reconstruction of any turnpike project other than 1517
the project that generated those toll revenues. 1518

Sec. 5538.99. Whoever violates division (C) of section 1519
5538.16 of the Revised Code is guilty of a minor misdemeanor on a 1520

first offense and of a misdemeanor of the fourth degree on each 1521
subsequent offense. 1522

Sec. 5728.01. As used in sections 5728.02 to 5728.14 of the 1523
Revised Code: 1524

(A) "Motor vehicle" means everything on wheels that is 1525
self-propelled, other than by muscular power or power collected 1526
from electric trolley wires and other than vehicles or machinery 1527
not designed for or employed in general highway transportation, 1528
used to transport or propel property over a public highway. 1529

(B) "Commercial car" means any motor vehicle used for 1530
transporting property, wholly on its own structure on a public 1531
highway. 1532

(C) "Commercial tractor" means any motor vehicle designed and 1533
used to propel or draw a trailer or semi-trailer or both on a 1534
public highway without having any provision for carrying loads 1535
independently of such trailer or semi-trailer. 1536

(D) "Trailer" means everything on wheels that is not 1537
self-propelled, except vehicles or machinery not designed for or 1538
employed in general highway transportation, used for carrying 1539
property wholly on its own structure and for being drawn by a 1540
motor vehicle on a public highway, including any such vehicle when 1541
formed by or operated as a combination of a semi-trailer and a 1542
vehicle of the dolly type such as that commonly known as a trailer 1543
dolly. "Trailer" does not include manufactured homes as defined in 1544
division (C)(4) of section 3781.06 of the Revised Code or mobile 1545
homes as defined in division (O) of section 4501.01 of the Revised 1546
Code. 1547

(E) "Semi-trailer" means everything on wheels that is not 1548
self-propelled, except vehicles or machinery not designed for or 1549
employed in general highway transportation, designed and used for 1550

carrying property on a public highway when being propelled or
drawn by a commercial tractor when part of its own weight or the
weight of its load, or both, ~~rest~~ rests upon and is carried by a
commercial tractor.

(F) "Commercial tandem" means any commercial car and trailer
or any commercial tractor, semi-trailer, and trailer when fastened
together and used as one unit.

(G) "Commercial tractor combination" means any commercial
tractor and semi-trailer when fastened together and used as one
unit.

(H) "Axle" means two or more load carrying wheels mounted in
a single transverse vertical plane.

(I) "Public highway" means any highway, road, or street
dedicated to public use except a highway under the control and
jurisdiction of the Ohio turnpike commission created by ~~the~~
~~provisions of~~ section 5537.02 of the Revised Code and except a
highway under the control and jurisdiction of the north-south
turnpike authority created by section 5538.02 of the Revised Code.

Sec. 5735.05. (A) To provide revenue for maintaining the
state highway system; to widen existing surfaces on such highways;
to resurface such highways; to pay that portion of the
construction cost of a highway project ~~which~~ that a county,
township, or municipal corporation normally would be required to
pay, but ~~which~~ that 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; to
enable the counties of the state properly to plan, maintain, and
repair their roads and to pay principal, interest, and charges on
bonds and other obligations issued pursuant to Chapter 133. of the
Revised Code for highway improvements; to enable the municipal
corporations to plan, construct, reconstruct, repave, widen,

maintain, repair, clear, and clean public highways, roads, and 1582
streets, and to pay the principal, interest, and charges on bonds 1583
and other obligations issued pursuant to Chapter 133. of the 1584
Revised Code for highway improvements; to enable the Ohio turnpike 1585
commission and the north-south turnpike authority to construct, 1586
reconstruct, maintain, and repair turnpike projects; to maintain 1587
and repair bridges and viaducts; to purchase, erect, and maintain 1588
street and traffic signs and markers; to purchase, erect, and 1589
maintain traffic lights and signals; to pay the costs apportioned 1590
to the public under sections 4907.47 and 4907.471 of the Revised 1591
Code and to supplement revenue already available for such 1592
purposes; to pay the costs incurred by the public utilities 1593
commission in administering sections 4907.47 to 4907.476 of the 1594
Revised Code; to distribute equitably among those persons using 1595
the privilege of driving motor vehicles upon such highways and 1596
streets the cost of maintaining and repairing them; to pay the 1597
interest, principal, and charges on highway capital improvements 1598
bonds and other obligations issued pursuant to Section 2m of 1599
Article VIII, Ohio Constitution, and section 151.06 of the Revised 1600
Code; to pay the interest, principal, and charges on highway 1601
obligations issued pursuant to Section 2i of Article VIII, Ohio 1602
Constitution, and sections 5528.30 and 5528.31 of the Revised 1603
Code; and to provide revenue for the purposes of sections 1547.71 1604
to 1547.78 of the Revised Code, a motor fuel excise tax is hereby 1605
imposed on all motor fuel dealers upon receipt of motor fuel 1606
within this state at the rate of two cents plus the cents per 1607
gallon rate on each gallon so received, to be computed in the 1608
manner set forth in section 5735.06 of the Revised Code~~+~~ provided 1609
that no tax is hereby imposed upon the following transactions: 1610

(1) The sale of dyed diesel fuel by a licensed motor fuel 1611
dealer from a location other than a retail service station~~+~~ 1612
provided that the licensed motor fuel dealer places on the face of 1613
the delivery document or invoice, or both if both are used, a 1614

conspicuous notice stating that the fuel is dyed and is not for 1615
taxable use, and that taxable use of that fuel is subject to a 1616
penalty. The tax commissioner, by rule, may provide that any 1617
notice conforming to rules or regulations issued by the United 1618
States department of the treasury or the Internal Revenue Service 1619
is sufficient notice for the purposes of division (A)(1) of this 1620
section. 1621

(2) The sale of K-1 kerosene to a retail service station, 1622
except when placed directly in the fuel supply tank of a motor 1623
vehicle. Such sale shall be rebuttably presumed to not be 1624
distributed or sold for use or used to generate power for the 1625
operation of motor vehicles upon the public highways or upon the 1626
waters within the boundaries of this state. 1627

(3) The sale of motor fuel by a licensed motor fuel dealer to 1628
another licensed motor fuel dealer; 1629

(4) The exportation of motor fuel by a licensed motor fuel 1630
dealer from this state to any other state or foreign country; 1631

(5) The sale of motor fuel to the United States government or 1632
any of its agencies, except such tax as is permitted by it, where 1633
such sale is evidenced by an exemption certificate, in form 1634
approved by the tax commissioner, executed by the United States 1635
government or an agency thereof certifying that the motor fuel 1636
therein identified has been purchased for the exclusive use of the 1637
United States government or its agency; 1638

(6) The sale of motor fuel ~~which~~ that is in the process of 1639
transportation in foreign or interstate commerce, except in so far 1640
as it may be taxable under the Constitution and statutes of the 1641
United States, and except as may be agreed upon in writing by the 1642
dealer and the commissioner; 1643

(7) The sale of motor fuel when sold exclusively for use in 1644
the operation of aircraft, where such sale is evidenced by an 1645

exemption certificate prescribed by the commissioner and executed 1646
by the purchaser certifying that the motor fuel purchased has been 1647
purchased for exclusive use in the operation of aircraft; 1648

(8) The sale for exportation of motor fuel by a licensed 1649
motor fuel dealer to a licensed exporter type A; 1650

(9) The sale for exportation of motor fuel by a licensed 1651
motor fuel dealer to a licensed exporter type B, provided that the 1652
destination state motor fuel tax has been paid or will be accrued 1653
and paid by the licensed motor fuel dealer-; 1654

(10) The sale to a consumer of diesel fuel, by a motor fuel 1655
dealer for delivery from a bulk lot vehicle, for consumption in 1656
operating a vessel when the use of such fuel in a vessel would 1657
otherwise qualify for a refund under section 5735.14 of the 1658
Revised Code. 1659

Division (A)(1) of this section does not apply to the sale or 1660
distribution of dyed diesel fuel used to operate a motor vehicle 1661
on the public highways or upon water within the boundaries of this 1662
state by persons permitted under regulations of the United States 1663
department of the treasury or of the Internal Revenue Service to 1664
so use dyed diesel fuel. 1665

(B) The two cent motor fuel tax levied by this section is 1666
also for the purpose of paying the expenses of administering and 1667
enforcing the state law relating to the registration and operation 1668
of motor vehicles. 1669

After the tax provided for by this section on the receipt of 1670
any motor fuel has been paid by the motor fuel dealer, the motor 1671
fuel ~~may~~ thereafter may be used, sold, or resold by any person 1672
having lawful title to it, without incurring liability for such 1673
tax. 1674

If a licensed motor fuel dealer sells motor fuel received by 1675
the licensed motor fuel dealer to another licensed motor fuel 1676

dealer, the seller may deduct on the report required by section 1677
5735.06 of the Revised Code the number of gallons so sold for the 1678
month within which the motor fuel was sold or delivered. In this 1679
event the number of gallons is deemed to have been received by the 1680
purchaser, who shall report and pay the tax imposed thereon. 1681

Sec. 5735.23. (A) Out of receipts from the tax levied by 1682
section 5735.05 of the Revised Code, the treasurer of state shall 1683
place to the credit of the tax refund fund established by section 1684
5703.052 of the Revised Code amounts equal to the refunds 1685
certified by the tax commissioner pursuant to sections 5735.13, 1686
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 1687
treasurer of state ~~shall~~ then shall transfer the amount required 1688
by section 5735.051 of the Revised Code to the waterways safety 1689
fund and the amount required by section 4907.472 of the Revised 1690
Code to the grade crossing protection fund. 1691

(B) Except as provided in division (D) of this section, each 1692
month the balance of the receipts from the tax levied by section 1693
5735.05 of the Revised Code shall be credited, after receipt by 1694
the treasurer of state of certification from the commissioners of 1695
the sinking fund, as required by section 5528.35 of the Revised 1696
Code, that there are sufficient moneys to the credit of the 1697
highway obligations bond retirement fund to meet in full all 1698
payments of interest, principal, and charges for the retirement of 1699
highway obligations issued pursuant to Section 2i of Article VIII, 1700
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 1701
Code due and payable during the current calendar year, as follows: 1702

(1) To the state and local government highway distribution 1703
fund, which is hereby created in the state treasury, an amount 1704
that is the same percentage of the balance to be credited as that 1705
portion of the tax per gallon determined under division (B)(2)(a) 1706
of section 5735.06 of the Revised Code is of the total tax per 1707

gallon determined under divisions (B)(2)(a) and (b) of that 1708
section-; 1709

(2) After ~~making~~ the distribution to the state and local 1710
government highway distribution fund, the remainder ~~shall be~~ 1711
~~credited~~ as follows: 1712

(a) Thirty per cent to the gasoline excise tax fund for 1713
distribution pursuant to division (A)(1) of section 5735.27 of the 1714
Revised Code; 1715

(b) Twenty-five per cent to the gasoline excise tax fund for 1716
distribution pursuant to division (A)(3) of section 5735.27 of the 1717
Revised Code; 1718

(c) Except as provided in division (D) of this section, 1719
forty-five per cent to the highway operating fund for distribution 1720
pursuant to division (B)(1) of section 5735.27 of the Revised 1721
Code. 1722

(C) From the balance in the state and local government 1723
highway distribution fund on the last day of each month there 1724
shall be paid the following amounts: 1725

(1) To the local transportation improvement program fund 1726
created by section 164.14 of the Revised Code, an amount equal to 1727
a fraction of the balance in the state and local government 1728
highway distribution fund, the numerator of which fraction is one 1729
and the denominator of which fraction is that portion of the tax 1730
per gallon determined under division (B)(2)(a) of section 5735.06 1731
of the Revised Code; 1732

(2) An amount equal to five cents multiplied by the number of 1733
gallons of motor fuel sold at stations operated by the Ohio 1734
turnpike commission, such gallonage to be certified by the 1735
commission to the treasurer of state not later than the last day 1736
of the month following. The funds paid to the commission pursuant 1737
to this section shall be expended for the construction, 1738

reconstruction, maintenance, and repair of Ohio turnpike projects, 1739
except that the funds may not be expended for the construction of 1740
new interchanges. The funds also may be expended for the 1741
construction, reconstruction, maintenance, and repair of those 1742
portions of connecting public roads that serve existing 1743
interchanges and are determined by the commission and the director 1744
of transportation to be necessary for the safe merging of traffic 1745
between the Ohio turnpike and those public roads. 1746

(3) An amount equal to five cents multiplied by the number of 1747
gallons of motor fuel sold at stations operated by the north-south 1748
turnpike authority, such gallonage to be certified by the 1749
authority to the treasurer of state not later than the last day of 1750
the month following. The authority shall expend the funds paid to 1751
it pursuant to this section for the construction, reconstruction, 1752
maintenance, and repair of north-south turnpike projects, except 1753
that the authority may not expend the funds for the construction 1754
of new interchanges. The authority also may expend the funds for 1755
the construction, reconstruction, maintenance, and repair of those 1756
portions of connecting public roads that serve existing 1757
interchanges and are determined by the authority and the director 1758
to be necessary for the safe merging of traffic between the 1759
north-south turnpike and those public roads. 1760

The remainder of the balance shall be distributed as follows 1761
on the fifteenth day of the following month: 1762

(a) Ten and seven-tenths per cent shall be paid to municipal 1763
corporations for distribution pursuant to division (A)(1) of 1764
section 5735.27 of the Revised Code and may be used for any 1765
purpose for which payments received under that division may be 1766
used. 1767

(b) Five per cent shall be paid to townships for distribution 1768
pursuant to division (A)(5) of section 5735.27 of the Revised Code 1769
and may be used for any purpose for which payments received under 1770

that division may be used. 1771

(c) Nine and three-tenths per cent shall be paid to counties 1772
for distribution pursuant to division (A)(3) of section 5735.27 of 1773
the Revised Code and may be used for any purpose for which 1774
payments received under that division may be used. 1775

(d) Except as provided in division (D) of this section, the 1776
balance shall be transferred to the highway operating fund and 1777
used for the purposes set forth in division (B)(1) of section 1778
5735.27 of the Revised Code. 1779

(D) Beginning on the first day of September each fiscal year, 1780
any amounts required to be credited or transferred to the highway 1781
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 1782
section shall be credited or transferred to the highway capital 1783
improvement bond service fund created in section 151.06 of the 1784
Revised Code, until such time as the office of budget and 1785
management receives certification from the ~~Treasurer~~ treasurer of 1786
~~State~~ state or the ~~Treasurer~~ treasurer of ~~State's~~ state's designee 1787
that sufficient money has been credited or transferred to the bond 1788
service fund to meet in full all payments of debt service and 1789
financing costs due during the fiscal year from that fund. 1790

Sec. 5735.31. (A) To provide revenue for maintaining the 1791
state highway system, to widen existing surfaces on such highways, 1792
to resurface such highways, to enable the counties of the state 1793
properly to plan for, maintain, and repair their roads, and to 1794
enable the municipal corporations to plan, construct, reconstruct, 1795
repave, widen, maintain, repair, clear, and clean public highways, 1796
roads, and streets; to pay that portion of the construction cost 1797
of a highway project ~~which~~ that a county, township, or municipal 1798
corporation normally would be required to pay, but ~~which~~ that the 1799
director of transportation, pursuant to division (B) of section 1800
5531.08 of the Revised Code, determines instead will be paid from 1801

moneys in the highway operating fund; to maintain and repair 1802
bridges and viaducts; to purchase, erect, and maintain street and 1803
traffic signs and markers; to purchase, erect, and maintain 1804
traffic lights and signals; to pay the costs apportioned to the 1805
public under section 4907.47 of the Revised Code; and to 1806
supplement revenue already available for such purposes, to 1807
distribute equitably among those persons using the privilege of 1808
driving motor vehicles upon such highways and streets the cost of 1809
maintaining and repairing the same, and to pay the interest, 1810
principal, and charges on bonds and other obligations issued 1811
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1812
sections 5528.30 and 5528.31 of the Revised Code, an excise tax is 1813
hereby imposed on every person liable for the tax imposed by 1814
section 5728.06 of the Revised Code upon the use of motor fuel in 1815
operating any motor vehicle upon the public highways of this 1816
state, in the amount of the Ohio motor fuel tax imposed by this 1817
chapter, plus, in accordance with section 5728.05 of the Revised 1818
Code, an additional tax of three cents per gallon, as determined 1819
by the gallons consumed by such motor vehicle while operated on 1820
the public highways of this state. Payment of the motor fuel tax 1821
shall be made by the purchase of motor fuel within ~~Ohio~~ this state 1822
of such gallons as is equivalent to the gallons consumed while 1823
operating such motor vehicle on the public highways of this state, 1824
or by direct remittance to the treasurer of state with the highway 1825
use tax return filed pursuant to section 5728.08 of the Revised 1826
Code. The tax imposed by this section is subject to the exemptions 1827
set forth in Chapter 5728. of the Revised Code, except that the 1828
tax established by this section shall apply to gallons consumed on 1829
any highway under the control and jurisdiction of the Ohio 1830
turnpike commission or the north-south turnpike authority, and 1831
shall be reported, paid, collected, distributed, administered, 1832
enforced, and refunded, and the failure properly and correctly to 1833

report and pay the tax shall be penalized, in the same manner as 1834
is provided in Chapter 5728. of the Revised Code. 1835

Any person subject to tax under this section who purchases 1836
motor fuel in this state for use in another state in excess of the 1837
amount consumed while operating such motor vehicle on the public 1838
highways of this state shall be allowed a credit against the tax 1839
levied by section 5728.06 of the Revised Code or refund equal to 1840
the motor fuel tax paid to this state on such excess. No such 1841
credit or refund shall be allowed for taxes paid to any state that 1842
imposes a tax on motor fuel purchased or obtained in this state 1843
and used on the highways of such other state, and ~~which~~ that does 1844
not allow a similar credit or refund for the tax paid to this 1845
state on motor fuel purchased or acquired in the other state and 1846
used on the public highways of this state. 1847

The tax commissioner is authorized to determine whether such 1848
credits or refunds are available and to prescribe such rules as 1849
are required for the purpose of administering this section, except 1850
that the commissioner shall not require any person subject to the 1851
tax to purchase or affix decals to motor vehicles, other than as 1852
required by Chapter 5728. of the Revised Code or by a reciprocal 1853
fuel use tax agreement that the state has entered into under 1854
section 5735.311 of the Revised Code. 1855

(B) Within sixty days after the last day of each month, the 1856
commissioner shall determine the amount of motor fuel tax allowed 1857
as a credit against the tax levied by section 5728.06 of the 1858
Revised Code. The commissioner shall certify the amount to the 1859
director of budget and management and the treasurer of state, who 1860
shall credit the amount in accordance with section 5728.08 of the 1861
Revised Code from current revenue arising from the tax levied by 1862
section 5735.05 of the Revised Code. 1863

Section 2. That existing sections 101.68, 126.11, 2937.221, 1864

5503.31, 5503.32, 5728.01, 5735.05, 5735.23, and 5735.31 of the 1865
Revised Code are hereby repealed. 1866

Section 3. Sections 5735.05 and 5735.23 of the Revised Code 1867
are presented in this act as composites of the sections as amended 1868
by both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General 1869
Assembly. This is in recognition of the principle stated in 1870
division (B) of section 1.52 of the Revised Code that such 1871
amendments are to be harmonized where not substantively 1872
irreconcilable and constitutes a legislative finding that such is 1873
the resulting version in effect prior to the effective date of 1874
this act. 1875