

AN ACT

To amend sections 151.01, 163.10, 163.22, 4503.191, 4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 4561.05, 4561.06, 4561.13, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 5525.23, 5525.25, 5529.03, 5577.04, and 5735.051, to enact new section 4509.27 and sections 1531.35, 4501.35, 4501.39, 5503.12, 5526.01, 5526.02, 5526.03, 5526.04, 5526.05, 5526.06, 5526.07, and 5526.08, and to repeal sections 4509.27 and 5501.18 of the Revised Code to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2001, and ending June 30, 2003, and to provide authorization and conditions for the operation of those programs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 151.01, 163.10, 163.22, 4503.191, 4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 4561.05, 4561.06, 4561.13, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 5525.23, 5525.25, 5529.03, 5577.04, and 5735.051 be amended and new section 4509.27 and sections 1531.35, 4501.35, 4501.39, 5503.12, 5526.01, 5526.02, 5526.03, 5526.04, 5526.05, 5526.06, 5526.07, and 5526.08 of the Revised Code be enacted to read as follows:

Sec. 151.01. (A) As used in sections 151.01 to 151.08 of the Revised Code and in the applicable bond proceedings unless otherwise provided:

(1) "Bond proceedings" means the resolutions, orders, agreements, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations.

(2) "Bond service fund" means the respective bond service fund created

by section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code, and any accounts in that fund, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as and to the extent provided in the applicable bond proceedings.

(3) "Capital facilities" means capital facilities or projects as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code.

(4) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and of the financing of those costs. "Costs of capital facilities" includes, without limitation, and in addition to costs referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations from their date to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses.

(5) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code.

(6) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, debt service includes costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source

of payment of or limitation on, other debt service.

(7) "Issuing authority" means the Ohio public facilities commission created in section 151.02 of the Revised Code for obligations issued under section 151.03, 151.04, 151.05, or 151.07 of the Revised Code, or the treasurer of state, or the officer who by law performs the functions of that office, for obligations issued under section 151.06 or 151.08 of the Revised Code.

(8) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into special funds pursuant to the applicable bond proceedings, and amounts to be used to pay financing costs.

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued pursuant to sections 151.01 to 151.08 of the Revised Code.

(10) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. Principal amount does not include any premium paid to the state by the initial purchaser of the obligations.

(11) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the school building program assistance fund created by section 3318.25 of the Revised Code, the higher education improvement fund created by division (F) of section 154.21 of the Revised Code, the highway capital improvement bond fund created by section 5528.53 of the Revised Code, the state parks and natural resources fund created by section 1557.02 of the Revised Code, the coal research and development fund created by section 1555.15 of the Revised Code, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

(B) Subject to section 2l, 2m, 2n, or 15, and Section 17 of Article VIII, Ohio Constitution, the state, by the issuing authority, is authorized to issue and sell, as provided in sections 151.03 to 151.08 of the Revised Code, and in respective aggregate principal amounts as from time to time provided or authorized by the general assembly, general obligations of this state for the purpose of paying costs of capital facilities or projects identified by or pursuant to general assembly action.

(C) Each issue of obligations shall be authorized by resolution or order of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and state-assisted institutions of higher education as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of coal research and development as authorized by Section 15 of Article VIII, Ohio Constitution," or "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution."

(D) The issuing authority may appoint or provide for the appointment of paying agents, bond registrars, securities depositories, clearing corporations, and transfer agents, and may without need for any other approval retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out its functions under Chapter 151. of the Revised Code. When the issuing authority is the Ohio public facilities commission, the issuing authority also may without need for any other approval retain or contract for the services of attorneys and other professionals for that purpose. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

(E) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations including, but not limited to, provisions for:

(1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions, and at particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.08 of the Revised Code with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, commission, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the state has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement facility, the enforcement of those payments by mandamus, a suit in equity, an action at law, or any combination of those remedial actions;

(7) The rights and remedies of the holders or owners of obligations or of book-entry interests in them, and of third parties under any credit enhancement facility, and provisions for protecting and enforcing those rights and remedies, including limitations on rights of individual holders or owners;

(8) The replacement of mutilated, destroyed, lost, or stolen obligations;

(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;

(10) Amendment of the bond proceedings;

(11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing.

(F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings. Any obligations may be signed by the individual who on the date of execution is the authorized signer although on the date of these obligations that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.

(G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations.

(H) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above or below par, all as determined by and provided by the issuing authority in the bond proceedings.

(I) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating to obligations or that facility under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all applicable duties of the issuing authority and the state. Each duty of the issuing authority and that authority's officers, staff, and employees, and of each state entity or agency, or using district or using institution, and its officers, members, staff, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the entity or individual having authority to perform that duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The individuals who are from time to time the issuing authority, members or officers of the issuing authority, or those members' designees acting pursuant to section 154.02 of

the Revised Code, or the issuing authority's officers, staff, or employees, are not liable in their personal capacities on any obligations or otherwise under the bond proceedings.

(J)(1) Subject to section 2l, 2m, 2n, or 15, and Section 17, of Article VIII, Ohio Constitution and sections 151.01 to 151.08 of the Revised Code, the issuing authority may, in addition to the authority referred to in division (B) of this section, authorize and provide for the issuance of:

(a) Obligations in the form of bond anticipation notes, and may provide for the renewal of those notes from time to time by the issuance of new notes. The holders of notes or appertaining interest coupons have the right to have debt service on those notes paid solely from the moneys and special funds that are or may be pledged to that payment, including the proceeds of bonds or renewal notes or both, as the issuing authority provides in the bond proceedings authorizing the notes. Notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do all things necessary for the issuance of bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt service on the notes, and apply their proceeds to the extent necessary, to make full and timely payment of debt service on the notes as provided in the applicable bond proceedings. In the bond proceedings authorizing the issuance of bond anticipation notes the issuing authority shall set forth for the bonds anticipated an estimated schedule of annual principal payments the latest of which shall be no later than provided in division (C) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt service on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.

(b) Obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Refunding obligations may be issued in amounts sufficient to pay or to provide for repayment of the principal amount, including principal amounts maturing prior to the redemption of the remaining prior obligations, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the prior obligations, and related financing costs and any expenses incurred or to be incurred in connection with that issuance and refunding. Subject to the applicable bond proceedings, the portion of the proceeds of the sale of

refunding obligations issued under division (J)(1)(b) of this section to be applied to debt service on the prior obligations shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the issuing authority or by a corporate trustee. Obligations authorized under this division shall be considered to be issued for those purposes for which the prior obligations were issued.

(2) Except as otherwise provided in sections 151.01 to 151.08 of the Revised Code, bonds or notes authorized pursuant to division (J) of this section are subject to the provisions of those sections pertaining to obligations generally.

(3) The principal amount of refunding or renewal obligations issued pursuant to division (J) of this section shall be in addition to the amount authorized by the general assembly as referred to in division (B) of the following sections: section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code.

(K) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, the sinking fund, the administrator of workers' compensation subject to the approval of the workers' compensation board, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations.

(L)(1) Unless otherwise provided or provided for in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities.

(2) Payments received by the state under interest rate hedges entered into as credit enhancement facilities under this chapter shall be deposited to the credit of the bond service fund for the obligations to which those credit enhancement facilities relate.

(M) The full faith and credit, revenue, and taxing power of the state are

and shall be pledged to the timely payment of debt service on outstanding obligations as it comes due, all in accordance with Section 2l, 2m, 2n, or 15 of Article VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code. Moneys referred to in Section 5a of Article XII, Ohio Constitution, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.06 of the Revised Code. The state covenants, and that covenant shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be levied, collected and applied sufficient pledged excises, taxes, and revenues of the state so that the revenues shall be sufficient in amounts to pay debt service when due, to establish and maintain any reserves and other requirements, and to pay financing costs, including costs of or relating to credit enhancement facilities, all as provided for in the bond proceedings. Those excises, taxes, and revenues are and shall be deemed to be levied and collected, in addition to the purposes otherwise provided for by law, to provide for the payment of debt service and financing costs in accordance with sections 151.01 to 151.08 of the Revised Code and the bond proceedings.

(N) The general assembly may from time to time repeal or reduce any excise, tax, or other source of revenue pledged to the payment of the debt service pursuant to Section 2l, 2m, 2n, or 15 of Article VIII, Ohio Constitution, and sections 151.01 to 151.08 of the Revised Code, and may levy, collect and apply any new or increased excise, tax, or revenue to meet the pledge, to the payment of debt service on outstanding obligations, of the state's full faith and credit, revenue and taxing power, except fees, excises or taxes referred to in Section 5a of Article XII, Ohio Constitution, for other than obligations referred to in section ~~151.05~~ 151.06 of the Revised Code and except net state lottery proceeds for other than obligations referred to in section 151.03 of the Revised Code. Nothing in division (N) of this section authorizes any impairment of the obligation of this state to levy and collect sufficient excises, taxes, and revenues to pay debt service on obligations outstanding in accordance with their terms.

(O) Each bond service fund is a trust fund and is hereby pledged to the payment of debt service on the applicable obligations. Payment of that debt service shall be made or provided for by the issuing authority in accordance with the bond proceedings without necessity for any act of appropriation. The bond proceedings may provide for the establishment of separate accounts in the bond service fund and for the application of those accounts

only to debt service on specific obligations, and for other accounts in the bond service fund within the general purposes of that fund.

(P) Subject to the bond proceedings pertaining to any obligations then outstanding in accordance with their terms, the issuing authority may in the bond proceedings pledge all, or such portion as the issuing authority determines, of the moneys in the bond service fund to the payment of debt service on particular obligations, and for the establishment and maintenance of any reserves for payment of particular debt service.

(Q) The issuing authority shall by the fifteenth day of the July of each fiscal year, certify or cause to be certified to the office of budget and management the total amount of moneys required during the current fiscal year to meet in full all debt service on the respective obligations and any related financing costs payable from the applicable bond service fund and not from the proceeds of refunding or renewal obligations. The issuing authority shall make or cause to be made supplemental certifications to the office of budget and management for each debt service payment date and at such other times during each fiscal year as may be provided in the bond proceedings or requested by that office. Debt service, costs of credit enhancement facilities, and other financing costs shall be set forth separately in each certification. If and so long as the moneys to the credit of the bond service fund, together with any other moneys available for the purpose, are insufficient to meet in full all payments when due of the amount required as stated in the certificate or otherwise, the office of budget and management shall at the times as provided in the bond proceedings, and consistent with any particular provisions in sections 151.03 to 151.08 of the Revised Code, transfer a sufficient amount to the bond service fund from the revenues derived from excises, taxes, and other revenues, including net state lottery proceeds in the case of obligations referred to in section 151.03 of the Revised Code.

(R) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of special funds may be invested by or on behalf of the state only in one or more of the following:

(1) Notes, bond, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations;

(2) Obligations of this state or any political subdivision of this state;

(3) Certificates of deposit of any national bank located in this state and

any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;

(4) The treasurer of state's pooled investment program under section 135.45 of the Revised Code.

The income from investments referred to in division (R) of this section shall, unless otherwise provided in sections 151.01 to 151.08 of the Revised Code, be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

(S) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.

Sec. 163.10. The assessment of compensation may be made at a regular or special term of court. The jury shall be selected from the jurors drawn as prescribed in sections 2313.19 to 2313.26 of the Revised Code, and qualified as in civil actions. However, it shall be grounds for challenge for cause if a juror has served in two appropriation trials in the current term of court. ~~Depositions may be taken as in other civil cases, subject to the requirements of section 5501.21 of the Revised Code. Depositions of the officers, agents, or employees of the agency or owner shall be taken as on cross examination. No evidence may be adduced or elicited in depositions as to value or appraisals on cross examination, unless raised by direct examination.~~

Sec. 163.22. All proceedings brought under sections 163.01 to 163.22; ~~inclusive~~, of the Revised Code; shall be governed by the law applicable in civil actions ~~in the court of common pleas~~ and the Rules of Civil Procedure, including, but not limited to, the rules governing discovery, except as otherwise provided in ~~such~~ those sections. ~~Such~~ The proceedings shall be advanced as a matter of immediate public interest and concern and shall be heard by the court at the earliest practicable moment.

Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund may be used for boating, capital improvements, grant programs for boating and fishing access, maintenance, and development.

Sec. 4501.35. There is hereby created in the state treasury the film production reimbursement fund. The fund shall be used by the department of public safety for the purpose of depositing moneys received from other

agencies for services and supplies provided for the production of public service announcements, media materials, and training materials. Moneys in the fund shall be expended only for supplies and maintenance of equipment necessary to perform such services.

Sec. 4501.39. There is hereby created in the state treasury the leader in flight license plate fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who obtain "the leader in flight" license plates pursuant to section 4503.73 of the Revised Code.

The contributions deposited in the fund shall be paid to Wright B. Flyer, incorporated, which shall deposit the fees into its general account to be used for purposes of Wright B. Flyer, incorporated.

All investment earnings of the fund shall be retained by the fund.

Sec. 4503.191. (A) The identification license plate shall be issued for a multi-year period as determined by the director of public safety, and shall be accompanied by a validation sticker, to be attached to the license plate. The validation sticker shall indicate the expiration of the registration period to which the motor vehicle for which the license plate is issued is assigned, in accordance with rules adopted by the registrar of motor vehicles. During each succeeding year of the multi-year period following the issuance of the plate and validation sticker, upon the filing of an application for registration and the payment of the tax therefor, a validation sticker alone shall be issued. The validation stickers required under this section shall be of different colors or shades each year, the new colors or shades to be selected by the director.

(B) ~~Identification license plates, validation stickers, and county identification stickers shall be produced by Ohio penal industries. However, the registrar and~~ Validation stickers and county identification stickers shall be produced by Ohio penal industries ~~may enter into an agreement under which unless the bureau of motor vehicles at certain times may registrar adopts rules that permit the registrar or deputy registrars to print or otherwise produce certain types of validation and county identification stickers. The agreement shall specify those times and types of stickers~~ them in house.

Sec. 4503.73. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, motor home, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "the leader in flight" license plates. The application for "the leader in flight" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed

application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "the leader in flight" license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, "the leader in flight" license plates shall be inscribed with the words "the leader in flight" and illustrations of a space shuttle in a vertical position and the Wright "B" airplane. "The leader in flight" license plates shall bear county identification stickers that identify the county of registration by name or number.

(B) "The leader in flight" license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of "the leader in flight" license plates, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for "the leader in flight" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plate and validation sticker shall be issued upon payment of the fees and taxes referred to or established in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the leader in flight license plate fund created in section 4501.39 of the Revised Code.

The registrar shall deposit the additional fee of ten dollars specified in division (B) of this section that the applicant for registration voluntarily pays for the purpose of compensating the bureau for the additional services required in the issuing of the applicant's "the leader in flight" license plates in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

Sec. 4505.10. (A) In the event of the transfer of ownership of a motor vehicle by operation of law, as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, or execution sale, a motor vehicle is sold to satisfy storage or repair charges, or repossession is had upon default in performance of the terms of a security agreement as provided in Chapter

1309. of the Revised Code and the secured party has complied with the repossession requirements of section 1309.46 of the Revised Code and all of the requirements of section 1309.47 of the Revised Code, including the notice requirements, the clerk of the court of common pleas of the county in which the last certificate of title to the motor vehicle was issued, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or, when that is not possible, upon presentation of satisfactory proof to the clerk of ownership and rights of possession to the motor vehicle, and upon payment of the fee prescribed in section 4505.09 of the Revised Code and presentation of an application for certificate of title, may issue to the applicant a certificate of title to the motor vehicle. Only an affidavit by the person or agent of the person to whom possession of the motor vehicle has passed, setting forth the facts entitling the person to the possession and ownership, together with a copy of the journal entry, court order, or instrument upon which the claim of possession and ownership is founded, is satisfactory proof of ownership and right of possession. If the applicant cannot produce that proof of ownership, the applicant may apply directly to the registrar of motor vehicles and submit the evidence the applicant has, and the registrar, if the registrar finds the evidence sufficient, then may authorize the clerk to issue a certificate of title. If, from the records in the office of the clerk, there appears to be any lien on the motor vehicle, the certificate of title shall contain a statement of the lien unless the application is accompanied by proper evidence of its extinction.

(B) The clerk shall transfer a decedent's interest in one or two automobiles to the surviving spouse of the decedent, as provided in section 2106.18 of the Revised Code, upon receipt of the title or titles. An affidavit executed by the surviving spouse shall be submitted to the clerk with the title or titles. The affidavit shall give the date of death of the decedent, shall state that each automobile for which the decedent's interest is to be so transferred is not disposed of by testamentary disposition, and shall provide an approximate value for each automobile selected to be transferred by the surviving spouse. The affidavit shall also contain a description for each automobile for which the decedent's interest is to be so transferred. The transfer does not affect any liens upon any automobile for which the decedent's interest is so transferred.

(C) Upon the death of one of the persons who have established joint ownership with right of survivorship under section 2106.17 of the Revised Code in a motor vehicle, and upon presentation to the clerk of the title and the certificate of death of the decedent, the clerk shall transfer title to the motor vehicle to the survivor. The transfer does not affect any liens upon

any motor vehicle so transferred.

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless ~~he~~ the person is physically qualified to do so. Each person who drives or expects to drive a commercial motor vehicle in interstate or foreign commerce or is otherwise subject to 49 C.F.R. 391, et seq., as amended, shall certify to the registrar of motor vehicles at the time of application for a commercial driver's license that ~~he~~ the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391, et seq., as amended, also shall certify at the time of application that ~~he~~ the person is not subject to these standards.

(B) A person is qualified to drive a class B commercial motor vehicle with a school bus endorsement, if ~~he~~ the person has been certified as medically qualified in accordance with rules adopted by the department of education.

(C) ~~Any~~ (1) Except as provided in division (C)(2) of this section, any medical examination required by this section shall be performed only by a one of the following:

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

(b) A person licensed as a physician assistant under Chapter 4730. of the Revised Code who practices under the supervision and direction of a physician as required under that chapter and who is authorized by the supervising physician to perform such a medical examination;

(c) A person who is a certified nurse practitioner or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is practicing in accordance with a standard care arrangement pursuant to section 4723.431 of the Revised Code.

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

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

The registrar may either issue a special restricted license or may set

forth ~~such~~ the restrictions upon the usual license form.

The registrar, upon receiving satisfactory evidence of any violation of the restrictions of ~~such~~ the license, may suspend or revoke ~~the same~~ it.

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

Sec. 4509.27. There is hereby created in the state treasury the security deposit fund. All security deposits that the registrar of motor vehicles requires to be paid under section 4509.12 of the Revised Code and that the registrar receives shall be deposited into the fund. Moneys in the fund shall be applied only to the payment of a judgment for damages arising out of an accident as provided in section 4509.28 of the Revised Code and to the return of security deposits as provided in sections 4509.25 and 4509.29 of the Revised Code. All investment earnings on the cash balance in the fund shall be credited to the fund.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all ~~school buses both publicly and privately owned and operated in this state~~ vehicles used for pupil transportation.

(C) No person shall operate a ~~school bus~~ vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a ~~school bus~~ vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to the moral character of the applicant; the

condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

Sec. 4513.34. (A) The director of transportation with respect to all highways ~~which that~~ are a part of the state highway system and local authorities with respect to highways under their jurisdiction ~~may~~, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting ~~such the~~ permit. ~~Notwithstanding~~

For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good cause has been shown that issuance of a permit is justified, shall consider the effect the travel of the vehicle or combination of vehicles will have on the economic development in the area in which the designated highway or portion of highway is located.

(B) Notwithstanding sections 715.22 and 723.01 of the Revised Code, the holder of a special permit issued by the director under this section may move the vehicle or combination of vehicles described in ~~such the~~ special permit on any highway ~~which that~~ is a part of the state highway system; when the movement is partly within and partly without the corporate limits of a municipal corporation. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway that is a part of the state highway system. ~~No~~ The director shall not require the holder of a permit issued by a local authority ~~shall be required by the director~~ to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the local authority. Permits may be issued for any period of time; not to exceed one year, as the director in ~~his~~ the director's discretion or a local authority in its

discretion ~~deems~~ determines advisable, or for the duration of any public construction project.

(C) The application for a permit shall be in ~~such~~ the form as that the director or local authority prescribes. The director or local authority may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the director or local authority for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section.

For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load.

(D) The director or local authority may issue or withhold a permit. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle; and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

Sec. 4561.05. The department of transportation shall administer ~~and enforce sections 4561.01 to 4561.151~~ Chapter 4561. of the Revised Code. The department may adopt and promulgate such rules ~~and regulations~~ as it ~~deems~~ determines necessary to carry out ~~such sections~~ this chapter. ~~All rules and regulations adopted by the Ohio aviation board as of September 17, 1957, shall be valid rules and regulations of the department of transportation~~

~~until such time as said rules and regulations may be rescinded or revoked.~~

The department may issue and amend orders, and make, promulgate, and amend, reasonable general and special rules, ~~regulations~~, and procedure, and establish minimum standards.

The department may establish safety ~~regulations~~ rules governing air navigation hazards, and the location, size, use, and equipment of airports and landing areas, and ~~regulations~~ rules governing air marking, the use of signs or lights designed to be visible from the air, and other air navigation facilities.

All rules, ~~regulations~~, and amendments thereto, prescribed by the department, shall conform to and coincide with, so far as possible, the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49 U.S.C. 401, ~~and acts amendatory thereto as amended~~, passed by the congress of the United States, and the air commerce regulations issued pursuant thereto.

All acts of the department authorized under this section shall be carried on in conformity with ~~sections 119.01 to 119.13~~ Chapter 119, of the Revised Code.

Sec. 4561.06. The department of transportation shall encourage the development of aviation and the promotion of aviation education within this state as, in its judgment, may best serve the public interest.

The department may furnish engineering or other technical counsel and services, with or without charge therefor, to any appropriate agency of any county or municipal corporation of the state desiring such counsel or services in connection with any question or problem concerning the need for, or the location, construction, maintenance, or operation of airports, landing fields, or other air navigation facilities in the county or municipal corporation.

The department shall be the official representative of this state in all civil actions, matters, or proceedings pertaining to aviation in which this state is a party or has an interest. ~~It may participate as party plaintiff or defendant; or it may act as an intervener, on behalf of the state, in any such action, matter, or proceeding having to do with any claimed encroachment by the United States or any foreign state upon this state's rights pertaining to aviation, if the public interest requires such intervention.~~

The department may investigate, and may cooperate with any other appropriate governmental agency in the investigation of, any accident occurring in this state in connection with aviation. It may issue an order to preserve, protect, or prevent the removal of any aircraft or air navigation facility involved in an accident being so investigated until the investigation is completed, ~~and the~~ The chief executive officer or any ~~police or peace law~~

enforcement officer of this state or any political subdivision in which an accident occurred shall assist the department in enforcing such an order when called upon ~~by the department~~ to do so.

The department, in connection with any investigation it is authorized to conduct, or in connection with any matter it is required to consider and determine, may conduct hearings thereon. All such hearings shall be open to the public. The administrator of the office of aviation or those employees of that office or its agents who are designated to conduct such hearings may administer oaths and affirmations and issue subpoenas for and compel the attendance and testimony of witnesses and the production of papers, books, and documents at the hearings. In case of failure to comply with such a subpoena or refusal to testify, the administrator or the employees of the office of aviation or its agents who are designated to conduct the hearings may invoke the aid of the court of common pleas of the county in which the hearing is being conducted, and the court may order the witness to comply with the requirements of the subpoena or to give testimony concerning the matter in question. Failure to obey any order of the court may be punished as a contempt of the court.

Reports of any investigations or hearings, or parts thereof, conducted by the department shall not be admitted in evidence or used for any purpose in any action or proceeding arising out of any matter referred to in the investigation, hearings, or report thereof, except in actions or proceedings instituted by the state or by the department on behalf of the state, nor shall any member of the department or any of its employees be required to testify to any facts ascertained in, or information obtained by reason of, the member's or employee's official capacity, or to testify as an expert witness in any action or proceeding involving or pertaining to aviation to which the state is not a party. Subject to this section, the department may make available to appropriate agencies of government any information and material developed in the course of its investigations and hearings.

The department shall report to the appropriate agency of the United States all cases that come to its attention of persons navigating aircraft without a valid aviator's certificate, or in which an aircraft is navigated without a valid air-worthiness certificate in probable violation of the laws of the United States requiring such certificates, and it also shall report to the proper governmental agency any probable infringement or violation of laws, rules, and regulations pertaining to aviation that come to its attention.

The department may prepare, adopt, and subsequently revise a plan showing the locations and types of airports, landing fields, and other air navigation facilities within this state; it also may prepare another plan of a

system of airways within this state, the establishment, maintenance, and use of which will, in its judgment, serve the development of transportation by aircraft within this state in the best interests of the public. It may publish plans and pertinent information as the public interest requires.

The department periodically may prepare, publish, and distribute such maps, charts, or other information as the public interest requires, showing the location of and containing a description of all airports, landing fields, and other air navigation facilities then in operation in this state, together with information concerning the manner in which, and the terms upon which, those facilities may be used, and showing all airways then in use, or recommended for use, within this state, together with information concerning the manner in which the facilities should be used.

Sec. 4561.13. Every state, county, and municipal law enforcement officer charged with the enforcement of state or municipal laws ~~shall aid the department of transportation in the enforcement of~~ may investigate aircraft accidents and enforce sections ~~4561.01 to 4561.151~~ 4561.14, 4561.15, and 4561.24 of the Revised Code.

The state highway patrol may use any of its personnel and equipment ~~to enforce section 4561.15 of the Revised Code and~~ to investigate all aircraft accidents within this state.

Sec. 5501.17. The director of transportation may employ such assistants as are necessary to prepare plans and surveys. Compensation paid for the preparation of plans, surveys, and specifications shall be regarded as a part of the cost and expense of the improvement for which they were made and shall be paid from funds set aside for ~~such~~ the improvement.

The director may appoint additional clerks and stenographers, and such other engineers, inspectors, technicians, and other employees as are necessary to carry out Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code. All such technicians employed under the authority of this section shall be eligible to receive pay during periods of on the job training or while attending special training schools conducted by the department of transportation. Such employees and appointees, in addition to their salaries, shall receive their actual necessary traveling expenses when on official business.

~~The director may employ consulting engineers and may enter into contracts for consulting engineering services with any qualified person, firm, partnership, corporation, or association. If the total contract price for a construction project is twenty million dollars or more, based upon preliminary estimates of the department, the director may present the~~

~~preliminary estimates regarding the construction project to the controlling board for the purpose of requesting authority to enter into contracts for consulting engineering services for that particular project without the consent of the controlling board. The controlling board, in its discretion, may approve, conditionally approve, or disapprove such a request. In the awarding of such contracts, compliance with section 5525.01 of the Revised Code is not required. The director shall cause to be kept itemized records of the amounts of money spent under each contract. At least once a year, the director or his designee shall appear before the controlling board and present those records for its review.~~

~~The use of consulting engineers shall be restricted to:~~

~~(A) Locating, surveying, and the preparation of detailed plans and estimates of individual construction projects on primary routes, the cost of which exceeds one million dollars based upon preliminary estimates by the department;~~

~~(B) Preliminary engineering investigation and report with respect to location, grade, and estimated cost of limited access highways, freeways, or bridges;~~

~~(C) Laying out, inspecting, and generally supervising the construction of construction projects;~~

~~(D) The surveying and designing and the preparation of detailed plans and specifications, and to the laying out, inspecting, and generally supervising the construction for the replacement of narrow, weak, and inadequate bridges on the state highway system;~~

~~(E) The preparation of all or any part of comprehensive transportation and land use studies and major thoroughfare reports for urban areas and surrounding areas affected by such urban areas;~~

~~(F) The surveying and designing and the preparation of detailed plans and specifications, and to the laying out, inspecting, and generally supervising the construction on the state highway system of highway lighting and traffic control projects.~~

~~Compensation paid for the services covered in divisions (A), (B), (C), (D), and (F) of this section shall be regarded as a part of the cost and expense of the improvements for which they were rendered and shall be paid from funds set aside for those improvements. Compensation for the services set forth in division (E) of this section shall be paid from any funds available to the department.~~

The director may contract with regional, county, or municipal planning commissions or county engineers having adequate staffs, and with planning agencies of adjacent states, for the preparation of comprehensive

transportation and land use studies and major thoroughfare reports, or parts thereof, and pay the commissions, county engineers, or planning agencies of adjacent states for such work from funds available to the department.

Sec. 5501.31. The director of transportation shall have general supervision of all roads comprising the state highway system. The director may alter, widen, straighten, realign, relocate, establish, construct, reconstruct, improve, maintain, repair, and preserve any road or highway on the state highway system, and, in connection therewith, relocate, alter, widen, deepen, clean out, or straighten the channel of any watercourse as the director considers necessary, and purchase or appropriate property for the disposal of surplus materials or borrow pits, and, where an established road has been relocated, establish, construct, and maintain such connecting roads between the old and new location as will provide reasonable access thereto.

The director may purchase or appropriate property necessary for the location or construction of any culvert, bridge, or viaduct, or the approaches thereto, including any property needed to extend, widen, or alter any feeder or outlet road, street, or way adjacent to or under the bridge or viaduct when the extension, widening, or alteration of the feeder road, street, or way is necessary for the full utilization of the bridge or viaduct, or for any other highway improvement. The director ~~also~~ may purchase or appropriate, for such length of time as is necessary and desirable, any additional property required for the construction and maintenance of slopes, detour roads, sewers, roadside parks, rest areas, recreational park areas, park and ride facilities, and park and carpool or vanpool facilities, scenic view areas, drainage systems, or land to replace wetlands, incident to any highway improvement, that the director is or may be authorized to locate or construct. Title Also incident to any authorized highway improvement, the director may purchase property from a willing seller as required for the construction and maintenance of bikeways and bicycle paths or to replace, preserve, or conserve any environmental resource if the replacement, preservation, or conservation is required by state or federal law.

Title to property purchased or appropriated by the director shall be taken in the name of the state either in fee simple or in any lesser estate or interest that the director considers necessary or proper, in accordance with forms to be prescribed by the attorney general. The deed shall contain a description of the property and be recorded in the county where the property is situated and, when recorded, shall be kept on file in the department of transportation. The property may be described by metes and bounds or by the department of transportation parcel number as shown on a right of way plan recorded in the county where the property is located.

Provided that when property, other than property used by a railroad for operating purposes, is acquired in connection with improvements involving projects affecting railroads wherein the department is obligated to acquire property under grade separation statutes, or on other improvements wherein the department is obligated to acquire lands under agreements with railroads, or with a public utility, political subdivision, public corporation, or private corporation owning transportation facilities for the readjustment, relocation, or improvement of their facilities, a fee simple title or an easement may be acquired by purchase or appropriation in the name of the railroad, public utility, political subdivision, public corporation, or private corporation in the discretion of the director. When the title to lands, which are required to adjust, relocate, or improve such facilities pursuant to agreements with the director, is taken in the name of the state, then, in the discretion of the director, the title to such lands may be conveyed to the railroad, public utility, political subdivision, or public corporation for which they were acquired. The conveyance shall be prepared by the attorney general and executed by the governor and bear the great seal of the state of Ohio.

The director, in the maintenance or repair of state highways, is not limited to the use of the materials with which the highways, including the bridges and culverts thereon, were originally constructed, but may use any material that is proper or suitable. The director may aid any board of county commissioners in establishing, creating, and repairing suitable systems of drainage for all highways within the jurisdiction or control of the board and advise with it as to the establishment, construction, improvement, maintenance, and repair of the highways.

Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code do not prohibit the federal government, or any individual or corporation, from contributing a portion of the cost of the establishment, construction, reconstruction, relocating, widening, resurfacing, maintenance, and repair of the highways.

Except in the case of maintaining, repairing, erecting traffic signs on, or pavement marking of state highways within villages, which is mandatory as required by section 5521.01 of the Revised Code, and except as provided in section 5501.49 of the Revised Code, no duty of constructing, reconstructing, widening, resurfacing, maintaining, or repairing state highways within municipal corporations, or the bridges and culverts thereon, shall attach to or rest upon the director, but the director may construct, reconstruct, widen, resurface, maintain, and repair the same with or without

the cooperation of any municipal corporation, or with or without the cooperation of boards of county commissioners upon each municipal corporation consenting thereto.

Sec. 5502.12. The accident reports submitted pursuant to section 5502.11 of the Revised Code shall be for the use of the director of public safety for purposes of statistical, safety, and other studies. ~~The director of public safety~~ law enforcement agency that submitted a report shall search and furnish a copy of such report and associated documents to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee ~~of three that shall not exceed four~~ dollars. With respect to accidents investigated by the state highway patrol, the director of public safety shall furnish to such person all related reports and statements upon the payment of a nonrefundable fee of four dollars. The cost of photographs shall be in addition to the nonrefundable four-dollar fee.

Such state highway patrol reports, statements, and photographs, in the discretion of the director of public safety, may be withheld until all criminal prosecution has been concluded; the director of public safety may require proof, satisfactory to the director, of the right of any applicant to be furnished such documents.

Sec. 5503.12. (A) The superintendent of the state highway patrol, with the approval of the director of public safety, may authorize the registrar of motor vehicles and designated deputy registrars to collect inspection and testing fees on behalf of the state highway patrol. The superintendent and the registrar jointly shall determine and designate the deputy registrars who shall collect inspection and testing fees under this section.

(B)(1) In addition to collecting the inspection and testing fees, the registrar and each designated deputy registrar may collect and retain a service fee in the amount specified in division (D) of section 4503.10 of the Revised Code for each inspection and testing fee collected on behalf of the state highway patrol.

(2) Each designated deputy registrar, upon receipt of any inspection and testing fee, shall transmit the fees to the registrar in the manner prescribed by the registrar.

(3) The registrar shall deposit the inspection and testing fees collected by and transmitted to the registrar to the credit of the fund specified by law.

(C) The superintendent, with the approval of the director, shall establish appropriate procedures to be used by the registrar and designated deputy registrars for determining proof of payment of inspection and testing fees.

(D) As used in this section, "inspection and testing fees" includes the

following:

(1) Fees for vehicle inspections conducted under sections 4505.11, 4505.111, 4513.52, 4513.53, 4519.56, 4519.61, and 4766.07 of the Revised Code;

(2) Fees for testing of commercial driver's license applicants under section 4506.09 of the Revised Code;

(3) Except as may otherwise be specifically provided by law, any statutory fees for similar vehicle inspections or driver testing conducted by the state highway patrol that the superintendent may specify for collection under this section.

Sec. 5516.10. (A) No person shall do either of the following without first obtaining a permit and permit plates from the director of transportation:

(1) Erect, use, maintain, operate, construct, or cause or permit to be erected, used, maintained, operated, or constructed, any advertising device located in either of the following:

(a) Commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal corporation as such boundaries existed on September 21, 1959; ~~or~~

(b) ~~Located in zoned~~ Zoned or unzoned industrial or commercial areas adjacent to highways on the primary system; ~~or~~.

(2) Maintain any nonconforming advertising device.

(B) Applications for such a permit shall be made on forms prescribed by the director, and a separate application ~~must~~ shall be submitted for each sign face. The director shall adopt rules setting forth the requirements for completion of the application process and the issuance of permits consistent with ~~the provisions of~~ this section.

(1) As part of the application process, the director may require an acknowledgment to be signed by the owner or person in lawful possession or control of the proposed location of the advertising device. Such acknowledgment may include, but shall not be limited to, a statement that the applicant has the right to occupy the land at the subject location, that if at any time removal is required, the owner or person in lawful possession or control of the location may be jointly liable, and that the applicant may only occupy the land for a specified time period. If legal use of the location is terminated at any time during the permit period, the permit is subject to cancellation pursuant to section 5516.12 of the Revised Code.

(2) As part of the application process, the director may require an applicant or the applicant's authorized representative to certify in a notarized signed statement that the applicant has not knowingly provided materially false, misleading, or inaccurate information.

(3) Each application shall be accompanied by the appropriate application fee as set forth in the fee schedule established by the director. Such fee schedule shall be based on the reasonable cost of administering and processing such permits. Application fees shall be nonrefundable.

(4) Applications for permits ~~will~~ shall be disapproved and permits ~~will~~ shall not be issued under any of the following conditions:

(a) The proposed location for an advertising device is not visible from the main traveled portion of the highway due to existing landscaping on the right-of-way of any highway;

(b) The advertising device can be erected or maintained only from the right-of-way of an interstate or primary highway system;

(c) The proposed location for the advertising device is on land that is used principally as a residence;

(d) The advertising device is erected or maintained on trees, or painted or drawn upon rocks or other natural features;

(e) The advertising device would be a traffic hazard or a danger to the safety of the traveling public;

(f) The advertising device would prevent the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

(g) The advertising device is illuminated so as to interfere with the effectiveness of an official sign, signal, or other traffic control device;

(h) The advertising device attempts, or appears to attempt, to direct the movement of traffic, or interferes with, imitates, or resembles an official sign, signal, or other traffic control device.

(C) The issuance of a permit under this section shall not be construed to invalidate municipal ordinances requiring a permit or license or providing for an inspection fee for advertising devices, or regulating such advertising devices. The cost of the application fee for such permits or licenses issued, or the cost of initial inspection fees charged under municipal ordinances shall be credited against and shall reduce the cost of the permit issued by the director under this section. If a permit is issued by a zoning authority pursuant to its ordinances, rules, or regulations controlling outdoor advertising devices, a copy thereof shall be furnished to the director with any application for a new permit required by this section or within thirty days of its issuance by a zoning authority.

(D) Where an application is submitted for the erection, use, maintenance, operation, or construction of an advertising device, the director may conditionally approve such application as to location only, and final approval ~~will~~ shall remain pending until the advertising device is

erected, used, maintained, or constructed, or becomes operational. Upon notification by the permit applicant that the erection, use, maintenance, construction, or operation of the advertising device is completed, the director shall verify that the advertising device complies with the terms and conditions of the conditional permit. Upon verification of compliance with the terms and conditions of the conditional permit, the director may approve and issue a permit and permit plates, which shall be securely and permanently attached in the corner of the face of the advertising device nearest to the highway in such a manner as to be visible from the main traveled way of the interstate or primary highway system. Replacement plates may be issued upon request and upon the payment of a replacement fee to be determined by the director.

(E) All permits issued pursuant to this section shall be in effect for a period of ~~one year~~ two years. Permits may be renewed upon application made on forms designated by the director and upon the payment of a nonrefundable renewal fee in an amount to be determined by the director based on the reasonable cost of administering and processing such renewal permits. Any permits that are not renewed, and any permit plates issued in connection with such permits, shall be returned to the director for cancellation by the expiration date. The director may adopt rules for the reinstatement of permits canceled as a result of nonpayment of renewal fees, and shall develop a fee schedule for late renewals.

(F) Where the director conditionally approves the issuance of a permit as to location only and the permit applicant fails to exercise the privilege of constructing, erecting, using, operating, or maintaining an advertising device within the period for which the permit was issued, such permit shall not be renewed unless a renewal fee is paid to extend the privilege for one additional permit period. No conditional permit shall be renewed and no extensions shall be granted after the second renewal period.

(G) Permits for advertising devices erected and maintained with a valid permit issued before July 1, 1997, may be renewed unless the director finds that the permit application contains materially false, misleading, or inaccurate information or the sign has been erected or maintained contrary to ~~the provisions of~~ this chapter or the rules adopted thereunder, and in such event the director may take appropriate action pursuant to section 5516.12 of the Revised Code. An applicant who has a conditional permit issued by the director before ~~the effective date of this amendment~~ June 30, 1997, and who has not yet exercised the privilege of constructing, using, operating, erecting, or maintaining an advertising device at the proposed location as of that ~~effective~~ date, shall have until December 31, 1997, to comply with the

terms and conditions of the conditional permit or such permit shall be canceled. However, the applicant may request that the conditional permit be renewed by submitting a renewal application and paying a nonrefundable renewal fee to extend the privilege for one additional permit period.

(H) Permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and the payment of a transfer fee in an amount to be determined by the director for each permit to be transferred. The new permit holder is subject to all the terms and conditions of the prior permit holder and shall be subject to ~~all provisions of~~ this chapter and the rules adopted thereunder.

Sec. 5517.011. (A)(1) Notwithstanding section 5517.01 of the Revised Code, the director of transportation may establish a pilot program to expedite the sale and construction of no more than six special projects by combining the design and construction elements of a highway or bridge project into a single contract. Except in regard to those requirements relating to providing plans, the director shall award contracts under this section in accordance with section 5525.01 of the Revised Code.

(2) On or before December 31, ~~2000~~ 2002, the director shall prepare and submit to the general assembly a report evaluating the experience of the department of transportation with each project under this division and contract under division (B) of this section, including whether the department realized any cost or time savings. Regarding those projects and contracts, the report shall include a discussion of the number and cost of change orders, the quality of work performed, the number of bids received, the impact on minority and female contract participation, and other issues the director considers appropriate. The director also may make recommendations regarding the continuation of the program, including the need for any changes.

(3) After completion of the sixth project, no projects shall be commenced under this division unless the general assembly either approves additional projects to further study the effectiveness of the procedures or makes the program permanent.

(B) In addition to the six projects under division (A) of this section, during the period beginning July 1, 1999, and ending June 30, 2001, and also during the period beginning July 1, 2001, and ending June 30, 2003, the director may expand the pilot program to more contracts combining the design and construction elements of highway or bridge projects. ~~The~~ For each biennium, the total dollar value of contracts made under this division shall not exceed two hundred fifty million dollars. The director may seek either bids or technical proposals for contracts under this division.

(1) When the director determines to award a single contract for a design-build project under this division through the receipt of bids, except for those requirements relating to providing plans, the director shall award contracts in accordance with Chapter 5525. of the Revised Code. When the director determines to award a single contract for a design-build project under this division through the receipt of technical proposals, the director shall advertise and select the design-build team using a value-based selection process combining technical qualifications and competitive bidding elements.

(2) If the director elects to utilize the competitive bid option for design-build projects, the director shall prepare and distribute a scope of work document upon which the bidders shall base their bids.

(3)(a) If the director elects to utilize a value-based selection process for design-build projects through the receipt of technical proposals, the director shall restrict usage of this method ~~annually~~ to no more than ~~sixty~~ eighty-five million dollars and no more than ~~three~~ two projects, whose per-project estimate must exceed ~~ten~~ twenty million dollars. The director shall prepare conceptual documents for review by interested parties, accept letters of interest, and select the three most qualified design-build teams to submit a technical proposal.

The criteria for selecting the three finalists shall include the qualifications and experience of the design-build team, including the proposed personnel to be utilized, ~~equipment usage~~, and general proposed project approach. The schedule of activities and financial resources of the design-build team also shall be factors in the selection process. In addition, the director shall take into consideration the design-build team's affirmative action policies and record with regard to employees and subcontracts.

(b) After the director selects the three finalists, the finalists shall prepare both a technical proposal and a price proposal. The technical proposal shall state the finalist's qualifications and experience, including prior performance by the design-build team on similar projects, the identity of the members of each team, and a detailed project approach and schedule, ~~including. The technical proposal also may include~~ innovative design and construction techniques, aesthetics, environmental protection, a maintenance of traffic plan, and the type and duration of warranty coverage. The finalists shall submit the price proposal separately as requested by the director.

The director first shall review the submitted technical proposals and ascribe a numerical score to each proposal. The technical numerical scores shall be equated to a percentage adjustment to be applied to the finalists' price proposals, using a predetermined schedule of adjustment made known

to the finalists at the time of advertising. In no case shall the technical proposal rating exceed twenty-five per cent of the value-based technical and price selection criteria. The director shall reserve the right to consider a technical proposal as being nonresponsive, thereby eliminating that finalist from further consideration.

Upon completion of the rating of technical proposals, the director shall apply to the price proposals the percentage adjustments predetermined from the numerical scores assigned to the technical proposals. Unless all proposals are rejected, the director shall select the finalist with the lowest adjusted price. The adjusted price shall be used for selection only. The contract shall be based on the price proposal as submitted.

The department shall compensate each responsive finalist not selected in an amount generally equal to one-fourth of one per cent of the unadjusted price proposal amount submitted by the selected finalist or by an amount the director establishes at the time of advertising. The proposals of the two unsuccessful finalists shall become the property of the director unless an unsuccessful finalist elects to waive the compensation. The director shall return the proposal of any unsuccessful finalist who waives the compensation.

Sec. 5525.23. (A) The director of transportation may include in any construction contract a provision authorizing ~~arbitration of a binding dispute resolution method for~~ any controversy subsequently arising out of the contract. ~~The provision shall provide that if binding dispute resolution method may proceed only upon agreement of all parties in a to the controversy arising out of a construction contract agree to proceed to arbitration, the director shall determine the method and form of arbitration. Notwithstanding sections 2711.11 and 2711.13 of the Revised Code, the decision of an arbitrator under this section is not subject to a motion to modify or correct an award. If all parties do not agree to proceed to binding dispute resolution, a party having a claim against the department of transportation shall exhaust its administrative remedies specified in the construction contract prior to filing any action against the department in the court of claims. No~~

~~No~~ appeal from the ~~decision determination of an arbitrator a technical expert~~ lies to any court, except that the court of common pleas of Franklin county may ~~make issue~~ an order vacating ~~the award such a determination~~ upon the application of any party to the ~~arbitration binding dispute resolution~~ if ~~division (A), (B), or (C) of section 2711.10 of the Revised Code any of the following applies:~~

(1) The determination was procured by corruption, fraud, or undue

means.

(2) There was evident partiality or corruption on the part of the technical expert.

(3) The technical expert was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced.

(B) The director, not later than the first day of February of every year, shall provide the governor, the attorney general, the president of the senate, and the speaker of the house of representatives with a written list detailing the claims resolved in the manner provided by division (A) of this section during the preceding calendar year.

(C) As used in this section, "binding dispute resolution" means a binding determination after review by a technical expert of all relevant items, which may include documents, and by interviewing appropriate personnel and visiting the project site involved in the controversy. "Binding dispute resolution" does not involve representation by legal counsel or advocacy by any person on behalf of any party to the controversy.

~~Sec. 5525.25. (A) In making contracts, the director of transportation shall comply with the following requirements for~~ For each fiscal year:

~~(1) At least, not more than~~ one-fifth of the department of transportation's capital construction projects shall be bid requiring a warranty as specified in the bidding documents and in division (B) of this section.

~~(2) At least one-tenth of the department's capital construction program shall be bid requiring a pavement warranty as specified in the bidding documents and in division (B) of this section.~~

(B) A warranty period under this section shall be:

(1) Not ~~less~~ more than seven years, for pavement in the case of new construction;

(2) Not ~~less~~ more than five years, in the case of pavement resurfacing and rehabilitation;

(3) Not ~~less~~ more than two years, in the case of pavement preventative maintenance, bridge painting, pavement markings, raised pavement markers, guardrail, and other project items as determined by the director.

~~(C)~~ This section does not apply to contracts the director makes on behalf of a political subdivision.

Sec. 5526.01. As used in this chapter:

(A) "Firm" means any person or limited liability company that is legally engaged in rendering professional services.

(B) "Federal Water Pollution Control Act" has the same meaning as in

section 6111.01 of the Revised Code.

(C) "Professional services" means any of the following:

(1) The practice of engineering as defined in section 4733.01 of the Revised Code;

(2) The practice of surveying as defined in section 4733.01 of the Revised Code;

(3) The practice of landscape architecture as defined in section 4703.30 of the Revised Code;

(4) The evaluation of environmental impacts performed in accordance with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water Pollution Control Act, or any other applicable law or regulation;

(5) Right-of-way acquisition services such as right-of-way project management, title searches, property valuations, appraisals, appraisal reviews, negotiations, relocation services, appropriation activities, real estate closings, and property management activities that are performed for the purpose of properly acquiring private and public property rights in conjunction with public highway projects and that conform to Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to 5501:2-5-06 of the Ohio Administrative Code; the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the "Surface Transportation and Uniform Relocation Assistance Act of 1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions of Titles 23 and 49 of the Code of Federal Regulations; and any applicable policies and procedures established by the department of transportation;

(6) Services related to the department's administration of construction contract claims, including, but not limited to, the analysis of claims, assistance in negotiations, and assistance during litigation;

(7) Architectural services related to bridges;

(8) Any other professional service that is determined by the director of transportation or any other designated officials of the department to be necessary for the provision of transportation services.

"Professional services" does not mean the practice of architecture as regulated under Chapter 4703. of the Revised Code, except landscape architecture and architectural services related to bridges as provided in divisions (C)(3) and (7) of this section.

(D) "Qualifications" means all of the following:

(1) The competence of a firm to perform required professional services as indicated by the technical training, education, and experience of the firm's

personnel, in particular the technical training, education, and experience of the firm's personnel assigned to perform professional services for the department;

(2) The ability of a firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional services competently and expeditiously;

(3) The past performance of a firm as indicated by evaluations of previous clients of the firm with respect to such factors as control of costs, quality of work, and meeting of deadlines;

(4) Any other relevant factors as determined by the director.

Sec. 5526.02. Notwithstanding Chapter 125, and sections 153.65 to 153.71 of the Revised Code, the director of transportation may employ or enter into contracts with any qualified firm for professional services in accordance with this chapter.

Sec. 5526.03. The director of transportation shall issue public notice of the intent of the department of transportation to enter into a contract for professional services. The director shall advertise the public notice via the internet or by other means to ensure that qualified firms are notified and given the opportunity to be considered for the award of the contract. The director may include more than one contract in a single public notice. The director may limit the number of contracts to which a firm may respond for the purpose of ensuring quality in the performance of those contracts.

A public notice issued under this section shall be issued in a uniform and consistent manner, shall be issued sufficiently in advance of the time that responses must be received, and shall do both of the following:

(A) Include a general description of the project, a statement of the specific professional services required, and a description of the qualifications required for the project;

(B) Describe the procedures by which firms may submit statements of qualifications in order to be considered for a contract.

Sec. 5526.04. The director of transportation may institute prequalification requirements for firms seeking to provide professional services and may require that each prequalified firm maintain a current statement of qualifications with the department of transportation. The prequalification requirements shall be based on the factors set forth in division (D) of section 5526.01 of the Revised Code.

Sec. 5526.05. (A) For every professional service contract for which the department of transportation provides public notice under section 5526.03 of the Revised Code, the director of transportation shall evaluate the qualifications of each firm seeking to enter into the contract with the

department. The director may hold discussions with any such firm for the purposes of obtaining more information about a statement of qualifications submitted by the firm, the scope and nature of the services that the firm would provide, and the various technical approaches that the firm may take with respect to the project to which the proposed contract applies.

(B) Following the evaluation of the qualifications of firms and any additional discussions with those firms with respect to a contract for professional services, the director shall do both of the following:

(1) Select and rank no fewer than three firms that the director considers to be the most qualified to provide the required professional services unless the director determines that fewer than three qualified firms are available, in which case the director shall select and rank those firms;

(2) Negotiate a contract with the firm that is ranked the most qualified to perform the required professional services. The contract negotiations shall be directed toward all of the following:

(a) Ensuring that the firm and the department have a mutual understanding of the essential requirements involved in providing the required professional services;

(b) Determining that the firm will make available the necessary personnel, equipment, and facilities to perform the professional services within the time that will be required in the contract;

(c) Agreeing on compensation that is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services.

(C) Upon the failure to negotiate a contract with the firm that is ranked most qualified under division (B) of this section, the director shall notify the firm in writing of the termination of negotiations and shall enter into negotiations with the firm that is ranked next most qualified. If negotiations fail with that firm, the director shall negotiate with each subsequently ranked firm in order of ranking until a contract is negotiated and entered into or until the director selects and ranks additional firms under division (D) of this section. All negotiations shall comply with this section and any rules adopted under this chapter.

(D) If the director fails to negotiate a contract with any of the firms selected under division (B) of this section, the director shall select and rank additional firms based on their qualifications. Negotiations shall continue in the same manner as with the firms selected and ranked under division (B) of this section until a contract is negotiated and entered into.

lecting firms for a group of contracts included in a single announcement and the approval of the controlling board is required under that section, the director may present the selections as a group to the controlling board for the board's approval prior to negotiation of the contracts. Final negotiations of the group of contracts may be completed after the controlling board's approval. If the director fails to negotiate a contract with a firm that is selected to perform one of the contracts of a group of contracts, the director shall notify the controlling board of the selection of an alternate firm under division (C) or (D) of this section.

If the estimated construction cost of a project is twenty million dollars or more, the director may present preliminary estimates regarding the project to the controlling board for the purpose of requesting authority to select firms and enter into contracts for professional services for that project without further consent of the controlling board. The director shall keep itemized records of the funds that are obligated under each contract and shall report those amounts to the controlling board annually.

Sec. 5526.06. (A) The director of transportation may adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code for the purpose of implementing sections 5526.02 to 5526.05 of the Revised Code.

(B) Sections 5526.02 to 5526.05 of the Revised Code do not apply to any of the following:

(1) A project with an estimated cost of less than fifty thousand dollars;

(2) A project that is determined by the director to be an emergency requiring immediate action under section 5526.08 of the Revised Code. When contracting for professional services for the purpose of addressing the emergency, the director shall comply with that section.

(3) A project requiring special expertise where there exist fewer than three qualified firms.

Sec. 5526.07. (A) Except for any firm providing professional services that relate to research or training, right-of-way acquisition services, or services to assist the department of transportation in the administration of contract claims, a firm that renders professional services to the department, during the period of the performance of professional services for the department and for any other period of time specified in a contract with the department, shall have and maintain, or be covered by, a professional liability insurance policy or policies with a company or companies that are authorized to do business in this state and that afford professional liability coverage for the professional services rendered. The insurance shall be in an amount considered sufficient by the director of transportation.

(B) The requirement to have or be covered by professional liability

insurance under division (A) of this section may be waived by the director for good cause.

Sec. 5526.08. The director of transportation may declare an emergency if circumstances exist that threaten life, safety, or health or if a situation arises that would greatly increase the costs of a project if not addressed. The director shall declare an emergency by preparing a written statement of the circumstances that exist that warrant the declaration. Notwithstanding section 127.16 of the Revised Code, the director may then select a firm with appropriate qualifications and negotiate a contract for the immediate performance of emergency professional services. Not later than thirty days after the professional services have been performed, the director shall submit a written report to the controlling board indicating the amount of the emergency contract, the services performed by the firm, and the circumstances giving rise to the emergency.

Sec. 5529.03. (A)(1) The director of transportation may acquire by gift, purchase, or appropriation, any interest, estate, or right in and to real property adjacent to highways of this state as necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to ~~said~~ those highways, or for the establishment of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the right-of-way of ~~said~~ those highways to accommodate the traveling public. Nothing in this section authorizes the director to appropriate fee simple title to real property further than three hundred feet from the nearest edge of the highway right-of-way.

(2) Division (A)(1) of this section does not apply to the purchase or appropriation of any interest in property under section 5501.31 of the Revised Code that is required for land to replace wetlands or to the purchase of property under that section to replace, preserve, or conserve any environmental resource.

(B) The director may convey or lease any such property adjacent to the highway right-of-way to any person or entity in the manner and subject to such reservations, conditions, covenants, or other contractual arrangements as the director determines will not substantially interfere with the scenic character or beauty of the area traversed by the highway.

(C) The director may employ consulting engineers and enter into contracts for consulting engineering services with any qualified person, or firm, ~~partnership, corporation, or association~~ to prepare plans and estimates and generally supervise the construction and landscaping for scenic enhancement and roadside beautification projects, and in the awarding of such contracts compliance with sections 5501.17 and 5525.01 of the

Revised Code is not required.

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

Sec. 5735.051. The general assembly finds as a fact that, of the revenues ~~which that~~ occur from excises imposed by sections 5735.05, 5735.25, 5735.29, and 5735.30 of the Revised Code, ~~three-fourths of one per cent are~~ is attributable to the operation of motor vehicles upon waters within the boundaries of this state. Of this amount, seven-eighths shall be credited to the waterways safety fund and shall be used for the purposes of sections 1547.71 to 1547.78 of the Revised Code, and one-eighth shall be credited to the wildlife boater angler fund and shall be used for the purposes specified in section 1531.35 of the Revised Code.

Sec. 5577.04. (A) The maximum wheel load of any one wheel of any vehicle, trackless trolley, load, object, or structure operated or moved upon improved public highways, streets, bridges, or culverts shall not exceed six hundred fifty pounds per inch width of pneumatic tire, measured as prescribed by section 5577.03 of the Revised Code.

(B) The weight of vehicle and load imposed upon ~~the a~~ road surface that is part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

- (1) On any one axle, twenty thousand pounds;
- (2) On any tandem axle, thirty-four thousand pounds;
- (3) On any two or more consecutive axles, the maximum weight as determined by application of the formula provided in division (C) of this section.

(C) For purposes of division (B)(3) of this section, the maximum gross weight on any two or more consecutive axles shall be determined by application of the following formula:

$$W = 500((LN/N-1) + 12N + 36).$$

In this formula, W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in rounded whole feet between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration. However, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

(D) ~~Through June 30, 1996, as an alternative to~~ Except as provided in division ~~(B)~~(I) of this section, the weight of vehicle and load imposed upon

a road surface that is not part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(1) On any one axle, twenty thousand pounds;

(2) On any two successive axles:

(a) Spaced four feet or less apart, and weighed simultaneously, twenty-four thousand pounds;

(b) Spaced more than four feet apart, and weighed simultaneously, thirty-four thousand pounds, plus one thousand pounds per foot or fraction thereof, over four feet, not to exceed forty thousand pounds;

(3) On any three successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three-axle group is more than four feet from the next axle in the three-axle group and so that the spacing between the first axle and the third axle of the three-axle group is no more than nine feet, and with such load-bearing three-axle group weighed simultaneously as a unit:

(a) Forty-eight thousand pounds, with the total weight of vehicle and load not exceeding thirty-eight thousand pounds plus an additional nine hundred pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle;

(b) As an alternative to division (D)(3)(a) of this section, forty-two thousand five hundred pounds, if part of a six-axle vehicle combination with at least twenty feet of spacing between the front axle and rearmost axle, with the total weight of vehicle and load not exceeding fifty-four thousand pounds plus an additional six hundred pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle.

(4) The total weight of vehicle and load utilizing any combination of axles, other than as provided for three-axle groups in division (D) of this section, shall not exceed thirty-eight thousand pounds plus an additional nine hundred pounds for each foot of spacing between the front axle and rearmost axle of the vehicle.

(E) Notwithstanding divisions (B) and (D) of this section, the maximum overall gross weight of vehicle and load imposed upon the road surface shall not exceed eighty thousand pounds.

(F) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve feet and six inches.

(G) As used in division (B) of this section, "tandem axle" means two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches but not more than

nety-six inches apart, extending across the full width of the vehicle.

(H) This section does not apply to passenger bus type vehicles operated by a regional transit authority pursuant to sections 306.30 to 306.54 of the Revised Code.

(I) ~~It is the intent of the general assembly that through June 30, 1996, either~~ Either division (B) or (D) of this section ~~shall apply~~ applies to the weight of a vehicle and its load imposed upon any road surface that is not a part of the interstate system by vehicles with pneumatic tires. ~~It is the further intent of the general assembly that, as~~ As between divisions (B) and (D) of this section, only the division that yields the highest total gross vehicle weight limit shall be applied to any ~~particular~~ such vehicle. Once that division is determined, only the limits contained in the subdivisions of that division shall apply to that vehicle.

SECTION 2. That existing sections 151.01, 163.10, 163.22, 4503.191, 4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 4561.05, 4561.06, 4561.13, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 5525.23, 5525.25, 5529.03, 5577.04, and 5735.051 and sections 4509.27 and 5501.18 of the Revised Code are hereby repealed.

SECTION 3. Except as otherwise provided, all appropriation items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund, which are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2002 and the amounts in the second column are for fiscal year 2003.

SECTION 4. DOT DEPARTMENT OF TRANSPORTATION

FUND	TITLE		FY 2002		FY 2003
Transportation Planning and Research					
Highway Operating Fund Group					
002	771-411	Planning and Research - State	\$ 13,724,000	\$	13,408,210
002	771-412	Planning and Research - Federal	\$ 32,190,000	\$	32,460,000
TOTAL HOF Highway Operating Fund Group			\$ 45,914,000	\$	45,868,210
TOTAL ALL BUDGET FUND GROUPS - Transportation Planning and Research					
			\$ 45,914,000	\$	45,868,210
Highway Construction					
Highway Operating Fund Group					
002	772-421	Highway Construction - State	\$ 440,536,920	\$	372,980,940

Sub. H. B. No. 73

41

002	772-422	Highway Construction - Federal	\$	834,567,650	\$	834,230,370
002	772-424	Highway Construction - Other	\$	50,000,000	\$	50,000,000
212	770-005	Infrastructure Debt Service - Federal	\$	28,870,000	\$	45,650,000
212	772-423	Infrastructure Lease Payments - Federal	\$	12,534,300	\$	12,537,800
212	772-426	Highway Infrastructure Bank - Federal	\$	2,500,000	\$	2,500,000
212	772-427	Highway Infrastructure Bank - State	\$	11,700,000	\$	11,200,000
TOTAL HOF Highway Operating Fund Group			\$	1,380,708,870	\$	1,329,099,110
Highway Capital Improvement Fund Group						
042	772-723	Highway Construction - Bonds	\$	225,000,000	\$	102,500,000
TOTAL 042 Capital Highway Improvement Fund Group			\$	225,000,000	\$	102,500,000
Infrastructure Bank Obligations Fund Group						
045	772-428	Highway Infrastructure Bank - Bonds	\$	300,000,000	\$	30,000,000
TOTAL 045 Infrastructure Bank Obligations Fund Group			\$	300,000,000	\$	30,000,000
TOTAL ALL BUDGET FUND GROUPS - Highway Construction			\$	1,905,708,870	\$	1,461,599,110
Highway Maintenance						
Highway Operating Fund Group						
002	773-431	Highway Maintenance - State	\$	372,636,000	\$	381,176,000
TOTAL HOF Highway Operating Fund Group			\$	372,636,000	\$	381,176,000
TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance			\$	372,636,000	\$	381,176,000
Intermodal Transportation						
State Special Revenue Fund Group						
4Y2	774-446	Congestion Mitigation Revolving Fund	\$	50,000	\$	50,000
TOTAL SSR State Special Revenue Fund Group			\$	50,000	\$	50,000
TOTAL ALL BUDGET FUND GROUPS - Intermodal Transportation			\$	50,000	\$	50,000
Public Transportation						
Highway Operating Fund Group						
002	775-452	Public Transportation - Federal	\$	27,000,000	\$	27,000,000
002	775-454	Public Transportation - Other	\$	1,500,000	\$	1,500,000
002	775-459	Elderly and Disabled Special Equipment - Federal	\$	4,230,000	\$	4,230,000
TOTAL HOF Highway Operating Fund Group			\$	32,730,000	\$	32,730,000
TOTAL ALL BUDGET FUND GROUPS - Public Transportation			\$	32,730,000	\$	32,730,000

Rail Transportation

Highway Operating Fund Group

002 776-462	Grade Crossings - Federal	\$	15,000,000	\$	15,000,000
TOTAL HOF Highway Operating Fund Group		\$	15,000,000	\$	15,000,000

State Special Revenue Fund Group

4A3 776-665	Railroad Crossing Safety Devices	\$	1,200,000	\$	0
TOTAL SSR State Special Revenue Fund Group		\$	1,200,000	\$	0

TOTAL ALL BUDGET FUND GROUPS - Rail Transportation		\$	16,200,000	\$	15,000,000
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Aviation

Highway Operating Fund Group

002 777-472	Airport Improvements - Federal	\$	405,000	\$	405,000
002 777-475	Aviation Administration	\$	4,092,010	\$	4,158,690
TOTAL HOF Highway Operating Fund Group		\$	4,497,010	\$	4,563,690
TOTAL ALL BUDGET FUND GROUPS - Aviation		\$	4,497,010	\$	4,563,690

Administration

State Special Revenue Fund Group

4T5 770-609	Administration Memorial Fund	\$	5,000	\$	5,000
TOTAL SSR State Special Revenue Fund Group		\$	5,000	\$	5,000

Highway Operating Fund Group

002 779-491	Administration - State	\$	109,042,000	\$	110,431,850
TOTAL HOF Highway Operating Fund Group		\$	109,042,000	\$	110,431,850
TOTAL ALL BUDGET FUND GROUPS - Administration		\$	109,047,000	\$	110,436,850

Debt Service

Highway Operating Fund Group

002 770-003	Administration - State - Debt Service	\$	14,799,000	\$	14,403,400
TOTAL HOF Highway Operating Fund Group		\$	14,799,000	\$	14,403,400
TOTAL ALL BUDGET FUND GROUPS - Debt Service		\$	14,799,000	\$	14,403,400

TOTAL Department of Transportation

TOTAL HOF Highway Operating Fund Group		\$	1,975,326,880	\$	1,933,272,260
TOTAL 042 Highway Capital Improvement Fund Group		\$	225,000,000	\$	102,500,000
TOTAL 045 Infrastructure Bank Obligations Fund Group		\$	300,000,000	\$	30,000,000
TOTAL SSR State Special Revenue Fund Group		\$	1,255,000	\$	55,000

TOTAL ALL BUDGET FUND GROUPS \$ 2,501,581,880 \$ 2,065,827,260

SECTION 4.01. ISSUANCE OF BONDS

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, of the State of Ohio in the aggregate amount of \$257,500,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly.

The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 042) created by section 5528.53 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Transportation, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000 original principal amount of such obligations are outstanding at any one time.

HIGHWAY OBLIGATIONS - AUTHORIZATION

The amount of authorization to issue and sell obligations granted by prior acts of the General Assembly pursuant to Section 2i of Article VIII, Ohio Constitution, and section 5528.30 of the Revised Code is reduced from \$1,854,695,000 to \$1,745,000,000.

SECTION 4.02. MAINTENANCE INTERSTATE HIGHWAYS

The Director of Transportation may remove snow and ice and maintain, repair, improve, or provide lighting upon interstate highways that are located within the boundaries of municipal corporations, adequate to meet the requirements of federal law. When agreed in writing by the Director of Transportation and the legislative authority of a municipal corporation and notwithstanding sections 125.01 and 125.11 of the Revised Code, the Department of Transportation may reimburse the municipal corporation for all or any part of the costs, as provided by such agreement, incurred by the municipal corporation in maintaining, repairing, lighting, and removing snow and ice from the interstate system.

SECTION 4.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, AVIATION, AND ADMINISTRATION

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations for highway planning and research (appropriation items 771-411 and 771-412), highway construction (appropriation items 772-421, 772-422, and 772-424), highway maintenance (appropriation item 773-431), aviation (appropriation item 777-475), and highway administration (appropriation item 779-491). Transfers of appropriations may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

This transfer authority is intended to provide for emergency situations and flexibility to meet unforeseen conditions that could arise during the budget period. It also is intended to allow the department to optimize the use of available resources and adjust to circumstances affecting the obligation and expenditure of federal funds.

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL TRANSIT

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations between appropriation items 772-422, Highway Construction - Federal, and 775-452, Public Transportation - Federal, based upon transit capital projects meeting Federal Highway Administration and Federal Transit Administration funding guidelines. Transfers between these appropriation items may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2002 and 2003. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and projected

debt, rental, or lease payments.

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash from the Highway Operating Fund (Fund 002) to the Infrastructure Bank funds created in section 5531.09 of the Revised Code. The Director of Budget and Management may transfer from the Infrastructure Bank funds to the Highway Operating Fund up to the amounts originally transferred to the Infrastructure Bank funds under this section. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers between modes and transfers between different funding sources.

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

REAPPROPRIATIONS

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2001, and the unexpended balance of prior years' appropriations that subsequently become unencumbered after June 30, 2001, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2002 upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board.

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered as of June 30, 2002, and the unexpended balance of prior

years' appropriations that subsequently become unencumbered after June 30, 2002, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for use during fiscal year 2003 for the same purpose, upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. The department shall report all such reappropriations to the Controlling Board.

SECTION 4.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES

Of the foregoing appropriation item 772-421, Highway Construction - State, \$3,145,500 is to be used each fiscal year during the 2001-2003 biennium by the Department of Transportation for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources, as requested by the Director of Natural Resources.

Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772-421, Highway Construction - State, \$2,228,000 in each fiscal year of the 2001-2003 biennium shall be used by the Department of Transportation for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

Included in the foregoing appropriation item 772-421, Highway Construction - State, the department may perform related road work on behalf of the Ohio Expositions Commission at the state fairgrounds, including reconstruction or maintenance of public access roads, including support features, to and within the facilities as requested by the commission and approved by the Director of Transportation.

LIQUIDATION OF UNFORESEEN LIABILITIES

Any appropriation made to the Department of Transportation, Highway Operating Fund, not otherwise restricted by law, is available to liquidate unforeseen liabilities arising from contractual agreements of prior years when the prior year encumbrance is insufficient.

CONGESTION MITIGATION

The foregoing appropriation item 774-446, Congestion Mitigation Revolving Fund, shall be used to make loans or grants for the construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of public or private transportation facilities as eligible under United States Code, Title XXIII. Fund revenues include, but are not limited to, payments received from any public or private agency in repayment of a loan previously made from the fund or pursuant to 23 U.S.C. 129(a)(7) or successor legislation; interest or other income earned on the investment of moneys in the fund; and any additional moneys made available from any

sources, public or private, for the purposes for which the fund has been established.

RUMBLE STRIPS AT RAILROAD CROSSINGS

The foregoing appropriation item 776-665, Railroad Crossing Safety Devices, shall be used to award grants or pay reimbursements to political subdivisions or state agencies for the costs of putting rumble strips at active railroad crossings without gates or lights. The maximum amount of a grant or reimbursement payment is \$1,500 for any single crossing. Each political subdivision or state agency with jurisdiction over a crossing with a daily traffic count of at least five hundred motor vehicles and at least six trains shall apply to the Department for a grant or reimbursement for the costs of putting rumble strips at that crossing, and shall install the strips before the end of fiscal year 2003. However, the Department may grant a waiver from this requirement for good cause shown. The Department shall use the portion of the appropriation item in excess of the amount needed for the mandated crossings to award grants or pay reimbursements for other crossings in the order in which applications for those crossings are received. A political subdivision or state agency with jurisdiction over a mandated crossing may include in its application a request for a grant or reimbursement for the costs for nonmandated crossings over which it also has jurisdiction.

If rumble strips are not appropriate for a crossing, the Department may allow the political subdivision or state agency with jurisdiction over the crossing to use the funding for a safety device or technology more appropriate for the crossing.

The Department shall notify each political subdivision or state agency with jurisdiction over a mandated crossing of the requirements of this section and that funding is available for the costs of putting rumble strips at the crossing. The Department also shall notify associations representing political subdivisions of the availability of the funding.

The Department shall not reimburse political subdivisions or state agencies for the costs of rumble strips already located at crossings on July 1, 2001, unless the existing rumble strips must be replaced due to deterioration to the point of serving no useful purpose.

The Department shall spend no more than five per cent of the appropriation item on Department administrative expenses.

The Department shall issue a report on or before January 1, 2003, describing the activities carried out by the Department to comply with the provisions of this section. The report shall include the number of mandated crossings at which rumble strip installation has been completed, the total

number of crossings at which installation was completed, the cost of each installation to date, the number of active crossings without gates or lights that still do not have rumble strips, and a geographic breakdown of where the crossings are that have and have not yet received rumble strips.

All appropriations in Fund 4A3, appropriation item 776-665, Railroad Crossing Safety Devices, remaining unencumbered on June 30, 2002, are hereby reappropriated for the same purpose in fiscal year 2003. The Department shall report all such reappropriations to the Controlling Board.

SECTION 4.05. DEPARTMENT OF TAXATION

By June 30, 2002, the Director of Budget and Management shall transfer \$3,690,700 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund. By June 30, 2003, the Director of Budget and Management shall transfer \$3,889,600 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund. The transfers are for reimbursement of the services provided by the Department of Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the Revised Code.

RENTAL PAYMENTS - OBA

The foregoing appropriation item 770-003, Administration - State - Debt Service, shall be used to pay rent to the Ohio Building Authority for various capital facilities to be constructed, reconstructed, or rehabilitated for the use of the Department of Transportation, including the department's plant and facilities at its central office, field districts, and county and outpost locations. The rental payments shall be made from revenues received from the motor vehicle fuel tax. The amounts of any bonds and notes to finance such capital facilities shall be at the request of the Director of Transportation. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Transportation.

The Director of Transportation shall hold title to any land purchased and any resulting structures that are attributable to appropriation item 770-003. Notwithstanding section 152.18 of the Revised Code, the Director of Transportation shall administer any purchase of land and any contract for construction, reconstruction, and rehabilitation of facilities as a result of this appropriation.

Should the appropriation and any reappropriations from prior years in appropriation item 770-003 exceed the rental payments for fiscal year 2002 or 2003, then prior to June 30, 2003, the balance may be transferred to appropriation item 772-421, 773-431, or 779-491. Such transfer may be made upon the written request of the Director of Transportation and with the

approval of the Director of Budget and Management. Transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

SECTION 4.06. COMPOSITE BRIDGE DECKS

The Governor may authorize a program to investigate the use of composite and other alternative material bridge decks both to extend scarce transportation dollars and to promote economic development in Ohio.

SECTION 4.07. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS

The Director of Transportation may use revenues from the state motor vehicle fuel tax to match approved federal grants awarded to the Department of Transportation, regional transit authorities, or eligible public transportation systems, for public transportation highway purposes, or to support local or state funded projects for public transportation highway purposes. Public transportation highway purposes include: the construction or repair of high-occupancy vehicle traffic lanes, the acquisition or construction of park-and-ride facilities, the acquisition or construction of public transportation vehicle loops, the construction or repair of bridges used by public transportation vehicles or that are the responsibility of a regional transit authority or other public transportation system, or other similar construction that is designated as an eligible public transportation highway purpose. Motor vehicle fuel tax revenues may not be used for operating assistance or for the purchase of vehicles, equipment, or maintenance facilities.

**SECTION 5. DHS DEPARTMENT OF PUBLIC SAFETY
Highway Safety Information and Education**

State Highway Safety Fund Group

036	761-321	Operating Expense - Information and Education	\$	2,798,221	\$	3,071,756
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137
831	761-610	Information and Education - Federal	\$	684,501	\$	706,238
83N	761-611	Elementary School Seat Belt Program	\$	407,166	\$	447,895
832	761-612	Traffic Safety-Federal	\$	12,508,783	\$	12,910,149
844	761-613	Seat Belt Education Program	\$	235,128	\$	258,657
846	761-625	Motorcycle Safety Education	\$	1,316,145	\$	1,358,917
847	761-622	Film Production Reimbursement	\$	45,259	\$	46,390

TOTAL HSF State Highway Safety

Sub. H. B. No. 73

50

Fund Group	\$	18,272,340	\$	19,077,139
Agency Fund Group				
5J9 761-678 Federal Salvage/GSA	\$	204,400	\$	209,510
TOTAL AGY Agency	\$	204,400	\$	209,510
TOTAL ALL BUDGET FUND GROUPS - Highway Safety Information and Education	\$	18,476,740	\$	19,286,649

FEDERAL HIGHWAY SAFETY PROGRAM MATCH

The foregoing appropriation item 761-402, Traffic Safety Match, shall be used to provide the nonfederal portion of the federal Highway Safety Program. Upon request by the Director of Public Safety and approval by the Director of Budget and Management, appropriation item 761-402 shall be used to transfer cash from the Highway Safety Fund to the Traffic Safety - Federal Fund (Fund 832) at the beginning of each fiscal year on an intrastate transfer voucher.

SECTION 5.01. BUREAU OF MOTOR VEHICLES

State Special Revenue Fund Group

539 762-614 Motor Vehicle Dealers Board	\$	233,476	\$	239,902
TOTAL SSR State Special Revenue Fund Group	\$	233,476	\$	239,902

State Highway Safety Fund Group

4U0 762-638 Collegiate License Plate Program	\$	481,842	\$	493,888
4U2 762-641 Football Hall of Fame License Plates	\$	150,000	\$	150,000
4W4 762-321 Operating Expense-BMV	\$	63,822,261	\$	69,503,140
4W4 762-410 Registrations Supplement	\$	33,647,970	\$	34,988,363
5G8 762-668 Ohio CASA/GAL License Plates	\$	307,200	\$	307,200
5G9 762-669 Rotary International License Plates	\$	20,480	\$	20,480
5J0 762-670 Pro Sports Team License Plates	\$	1,250,000	\$	1,250,000
5J1 762-671 Boy Scouts License Plates	\$	25,000	\$	25,000
5J2 762-672 Girl Scouts License Plates	\$	25,000	\$	25,000
5J3 762-673 Eagle Scouts License Plates	\$	25,000	\$	25,000
5J4 762-674 FOP License Plates	\$	15,000	\$	15,000
5J5 762-675 FOP Associates License Plates	\$	30,000	\$	30,000
5J6 762-677 Ducks Unlimited License Plates	\$	25,000	\$	25,000
5M7 762-679 FFA License Plates	\$	25,000	\$	25,000
83R 762-639 Local Immobilization Reimbursement	\$	970,000	\$	994,250
835 762-616 Financial Responsibility Compliance	\$	5,534,464	\$	8,911,789
849 762-627 Automated Title Processing Board	\$	7,771,434	\$	8,185,803

TOTAL HSF State Highway Safety Fund Group	\$	114,125,651	\$	124,974,913
TOTAL ALL BUDGET FUND GROUPS - Bureau of Motor Vehicles	\$	114,359,127	\$	125,214,815

MOTOR VEHICLE REGISTRATION

The Registrar of Motor Vehicles may deposit revenues to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W4) established in section 4501.25 of the Revised Code, obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this section shall support, in part, appropriations for operating expenses and defray the cost of manufacturing and distributing license plates and license plate stickers and enforcing the law relative to the operation and registration of motor vehicles. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into the State Bureau of Motor Vehicles Fund before any revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

CAPITAL PROJECTS

The Registrar of Motor Vehicles may transfer revenue from the State Bureau of Motor Vehicles Fund (Fund 4W4) to the State Highway Safety Fund (Fund 036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building, CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop.

CUSTODIAL FUND CASH TRANSFER

On July 1, 2001, or as soon thereafter as possible, the cash balance in the Treasurer of State's custodial fund that was created in former section 4509.27 of the Revised Code shall be deposited into the security deposit fund that is created in section 4509.27 of the Revised Code.

SECTION 5.02. ENFORCEMENT

State Highway Safety Fund Group						
036	764-033	Minor Capital Projects	\$	2,531,302	\$	1,732,358
036	764-321	Operating Expense - Highway Patrol	\$	185,264,130	\$	195,245,402
83C	764-630	Contraband, Forfeiture, Other	\$	603,296	\$	622,894
83F	764-657	Law Enforcement Auto. Data System	\$	5,050,151	\$	5,277,569
83G	764-633	OMVI Fines	\$	781,051	\$	820,927
831	764-610	Patrol/Federal	\$	2,210,831	\$	2,336,609

Sub. H. B. No. 73

831	764-659	Transportation Enforcement - Federal	\$	3,919,153	\$	4,087,361
837	764-602	Turnpike Policing	\$	8,803,786	\$	9,306,325
838	764-606	Patrol Reimbursement	\$	216,690	\$	222,108
840	764-607	State Fair Security	\$	1,306,015	\$	1,384,660
840	764-617	Security and Investigations	\$	4,484,313	\$	4,749,103
840	764-626	State Fairgrounds Police Force	\$	783,175	\$	829,631
840	764-667	Security Assessment	\$	152,324	\$	160,982
841	764-603	Salvage and Exchange - Highway Patrol	\$	1,243,025	\$	1,274,101
TOTAL HSF State Highway Safety Fund Group			\$	217,349,242	\$	228,050,030
General Services Fund Group						
4S2	764-660	MARCS Maintenance	\$	241,811	\$	227,222
TOTAL GSF General Services Fund Group			\$	241,811	\$	227,222
TOTAL ALL BUDGET FUND GROUPS - Enforcement			\$	217,591,053	\$	228,277,252

COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

SECTION 5.03. EMERGENCY MEDICAL SERVICES

State Highway Safety Fund Group						
83M	765-624	Operating Expenses - EMS	\$	2,370,708	\$	2,292,960
83P	765-637	EMS Grants	\$	5,694,384	\$	5,836,744
831	765-610	EMS/Federal	\$	263,475	\$	270,062
TOTAL HSF State Highway Safety Fund Group			\$	8,328,567	\$	8,399,766
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services			\$	8,328,567	\$	8,399,766

SECTION 5.04. INVESTIGATIVE UNIT

State Highway Safety Fund Group						
831	767-610	Liquor Enforcement - Federal	\$	483,710	\$	514,184
831	769-610	Food Stamp Trafficking Enforcement - Federal	\$	974,809	\$	1,025,732

Sub. H. B. No. 73

53

TOTAL HSF State Highway Safety Fund Group	\$	1,458,519	\$	1,539,916
Liquor Control Fund Group				
043 767-321 Liquor Enforcement - Operations	\$	8,739,650	\$	9,266,891
TOTAL LCF Liquor Control Fund Group	\$	8,739,650	\$	9,266,891
State Special Revenue Fund Group				
622 767-615 Investigative Contraband and Forfeiture	\$	394,255	\$	404,111
TOTAL SSR State Special Revenue Fund Group	\$	394,255	\$	404,111
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement	\$	10,592,424	\$	11,210,918

SECTION 5.05. EMERGENCY MANAGEMENT

Federal Special Revenue Fund Group

3N5 763-644 U.S. DOE Agreement	\$	200,000	\$	215,000
329 763-645 Individual/Family Grant - Fed	\$	296,100	\$	303,504
337 763-609 Federal Disaster Relief	\$	6,100,000	\$	2,000,000
339 763-647 Emergency Management Assistance and Training	\$	8,525,000	\$	9,725,000
TOTAL FED Federal Special Revenue Fund Group	\$	15,121,100	\$	12,243,504

General Services Fund Group

4V3 763-662 Storms/NOAA Maintenance	\$	175,772	\$	182,685
533 763-601 State Disaster Relief	\$	8,500,000	\$	7,500,000
TOTAL GSF General Services Fund Group	\$	8,675,772	\$	7,682,685

State Special Revenue Fund Group

4Y0 763-654 EMA Utility Payment	\$	146,657	\$	146,657
4Y1 763-655 Salvage & Exchange-EMA	\$	28,285	\$	28,992
657 763-652 Utility Radiological Safety	\$	874,602	\$	927,241
681 763-653 SARA Title III HAZMAT Planning	\$	190,000	\$	190,000

TOTAL SSR State Special Revenue Fund Group	\$	1,239,544	\$	1,292,890
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TOTAL ALL BUDGET FUND GROUPS - Emergency Management	\$	25,036,416	\$	21,219,079
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SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 681) shall receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

STATE DISASTER RELIEF

The foregoing appropriation item 763-601, State Disaster Relief, may accept transfers of cash and appropriations from Controlling Board appropriation items to reimburse eligible local governments and private

nonprofit organizations for costs related to disasters that have been declared by local governments or the Governor. The Ohio Emergency Management Agency shall publish and make available an application packet outlining eligible items and application procedures for entities requesting state disaster relief.

Individuals may be eligible for reimbursement of costs related to disasters that have been declared by the Governor and the Small Business Administration. The funding in appropriation item 763-601, State Disaster Relief, shall be used in accordance with the principles of the federal Individual and Family Grant Program, which provides grants to households that have been affected by a disaster to replace basic living items. The Ohio Emergency Management Agency shall publish and make available an application procedure for individuals requesting assistance under the state Individual Assistance Program.

SECTION 5.06. ADMINISTRATION

State Highway Safety Fund Group

036	766-321	Operating Expense - Administration	\$	4,146,125	\$	4,233,612
830	761-603	Salvage and Exchange - Administration	\$	21,531	\$	22,070
TOTAL HSF State Highway Safety Fund Group			\$	4,167,656	\$	4,255,682
General Services Fund Group						
4S3	766-661	Hilltop Utility Reimbursement	\$	562,100	\$	576,153
TOTAL GSF General Services Fund Group			\$	562,100	\$	576,153
TOTAL ALL BUDGET FUND GROUPS - Administration			\$	4,729,756	\$	4,831,835

SECTION 5.07. DEBT SERVICE

State Highway Safety Fund Group

036	761-401	Lease Rental Payments	\$	12,157,000	\$	12,735,500
TOTAL HSF State Highway Safety Fund Group			\$	12,157,000	\$	12,735,500
TOTAL ALL BUDGET FUND GROUPS - Debt Service			\$	12,157,000	\$	12,735,500

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS

The foregoing appropriation item 761-401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2001, to June 30, 2003, pursuant to the primary leases and agreements for buildings made under Chapter 152. of the Revised Code that are pledged for bond service charges on related obligations issued pursuant

to Chapter 152. of the Revised Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Director of Budget and Management, lease capital facilities to the Department of Public Safety.

HILLTOP TRANSFER

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made out of appropriation item 761-401, Lease Rental Payments, that relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer such shares from the Highway Operating Fund (Fund 002) to the Highway Safety Fund (Fund 036).

SECTION 5.08. REVENUE DISTRIBUTION

Holding Account Redistribution Fund Group

R24	762-619	Unidentified Motor Vehicle Receipts	\$	1,750,000	\$	1,750,000
R27	764-608	Patrol Fee Refunds	\$	35,000	\$	35,000
R52	762-623	Security Deposits	\$	250,000	\$	250,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,035,000	\$	2,035,000
TOTAL ALL BUDGET FUND GROUPS - Revenue Distribution			\$	2,035,000	\$	2,035,000

TOTAL Department of Public Safety

TOTAL HSF State Highway Safety Fund Group			\$	375,858,975	\$	399,032,946
TOTAL SSR State Special Revenue Fund Group			\$	1,867,275	\$	1,936,903
TOTAL LCF Liquor Control Fund Group			\$	8,739,650	\$	9,266,891
TOTAL GSF General Services Fund Group			\$	9,479,683	\$	8,486,060
TOTAL FED Federal Revenue Special Fund Group			\$	15,121,100	\$	12,243,504
TOTAL AGY Agency Fund Group			\$	204,400	\$	209,510
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,035,000	\$	2,035,000
TOTAL ALL BUDGET FUND GROUPS			\$	413,306,083	\$	433,210,814

SECTION 5.09. TRANSFER OF FUNDS

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the director, shall set a monthly cash transfer schedule to meet the cash needs of

the State Highway Safety Fund (Fund 036) established in section 4501.06 of the Revised Code, less all other available cash.

The director shall transfer to the Highway Safety Fund from the Highway Operating Fund (Fund 002) established in section 5735.291 of the Revised Code such cash at such times as determined by the transfer schedule.

CASH BALANCE FUND REVIEW

Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 036), in the State Highway Safety Fund Group and shall recommend to the Controlling Board an amount to be transferred to the credit of the State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, as appropriate.

SECTION 6. DEV DEPARTMENT OF DEVELOPMENT

State Special Revenue Fund Group

4W0 195-629 Roadwork Development	\$	12,699,900	\$	12,699,900
TOTAL SSR State Special Revenue				
Fund Group	\$	12,699,900	\$	12,699,900
TOTAL ALL BUDGET FUND GROUPS	\$	12,699,900	\$	12,699,900

ROADWORK DEVELOPMENT FUND

The Roadwork Development Fund shall be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio. "Road improvements" are improvements to public roadway facilities located on, or serving or capable of serving, a project site.

The Department of Transportation, under the direction of the Department of Development, shall provide these funds in accordance with all guidelines and requirements established for Department of Development appropriation item 195-412, Business Development, including Controlling Board review and approval as well as the requirements for usage of gas tax revenue prescribed in Section 5a of Article XII, Ohio Constitution. Should the Department of Development require the assistance of the Department of Transportation to bring a project to completion, the Department of Transportation shall use the authority under Title LV of the Revised Code to provide such assistance and enter into contracts on behalf of the Department of Development. In addition, these funds may be used in conjunction with appropriation item 195-412, Business Development, or any other state funds appropriated for infrastructure improvements.

The Director of Budget and Management, pursuant to a plan submitted by the Department of Development or as otherwise determined by the

Director of Budget and Management, shall set a cash transfer schedule to meet the cash needs of the Department of Development's Roadwork Development Fund (Fund 4W0), less any other available cash. The director shall transfer to the Roadwork Development Fund from the Highway Operating Fund (Fund 002), established in section 5735.291 of the Revised Code, such amounts at such times as determined by the transfer schedule.

TRANSPORTATION IMPROVEMENT DISTRICTS

Of the foregoing appropriation item 195-629, Roadwork Development, \$250,000 each fiscal year of the biennium shall be paid by the Director of Development to each of the transportation improvement districts of Butler, Hamilton, Medina, and Stark counties, as provided for in section 5540.151 of the Revised Code. The transportation improvement districts may use the payments for any purpose authorized under Chapter 5540. of the Revised Code, including administrative activities and the purchase of property and rights for the construction, maintenance, or operation of a project. These payments shall not be subject to the restrictions of appropriation item 195-629.

SECTION 7. PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group

052	150-402	LTIP - Operating	\$	401,481	\$	426,089
052	150-701	Local Transportation Improvement Program	\$	74,000,000	\$	76,000,000

TOTAL 052 Local Transportation Improvements Fund Group \$ 74,401,481 \$ 76,426,089

Local Infrastructure Improvements Fund Group

038	150-321	Operating Expenses	\$	958,456	\$	1,016,207
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TOTAL LIF Local Infrastructure Improvements Fund Group \$ 958,456 \$ 1,016,207

TOTAL ALL BUDGET FUND GROUPS \$ 75,359,937 \$ 77,442,296

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission may create a district administration costs program and fund the program each fiscal year from interest earnings of up to \$760,000 per fiscal year, which are credited to both the State Capital Improvements Fund created in section 164.08 of the Revised Code and the Local Transportation Improvement Program Fund created in section 164.14 of the Revised Code. This total amount is based upon the total interest credited to both funds. The district administration costs program shall be used to pay or reimburse the nineteen public works districts for the direct costs of district administration. Districts choosing to participate in the program shall expend moneys received from interest earnings credited to the State Capital Improvements Fund only for the direct

costs of district administration of the State Capital Improvements Fund and moneys received from interest earnings credited to the Local Transportation Improvement Program Fund only for the direct costs of district administration of the Local Transportation Improvement Program Fund. Each public works district may apply to use up to \$40,000 per fiscal year of its district allocations under sections 164.08 and 164.14 of the Revised Code for the direct costs of district administration as authorized by this section.

The director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee pursuant to section 164.04 of the Revised Code.

REAPPROPRIATIONS

All capital appropriations from the Local Transportation Improvement Program Fund (Fund 052) in Am. Sub. H.B. 163 of the 123rd General Assembly remaining unencumbered as of June 30, 2001, are reappropriated for use during the period July 1, 2001, through June 30, 2002, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 052) in this act remaining unencumbered as of June 30, 2002, are reappropriated for use during the period July 1, 2002, through June 30, 2003, for the same purpose, subject to the availability of revenue as determined by the Director of the Public Works Commission.

SECTION 8. PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Law contained in the main operating appropriations act of the 124th General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act.

SECTION 9. LEASE PAYMENTS TO OBA AND TREASURER

Certain appropriations are in this act for the purpose of lease payments to the Ohio Building Authority or to the Treasurer of State pursuant to leases and agreements relating to bonds or notes issued by the Ohio Building

Authority or the Treasurer of State pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SECTION 10. TRANSPORTATION BUILDING FUND

All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Transportation Building Fund (Fund 029), which is hereby created. Revenues to the Transportation Building Fund consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Transportation.

DOT DEPARTMENT OF TRANSPORTATION

CAP-001 Transportation Buildings Capital	\$	250,000
Improvements		
TOTAL Department of Transportation	\$	250,000
TOTAL Transportation Building Fund	\$	250,000

Expenditures from appropriations contained in this section shall be accounted for as though made in Am. Sub. H.B. 640 of the 123rd General Assembly. The appropriations made in this section are subject to all provisions of Am. Sub. H.B. 640 of the 123rd General Assembly that are generally applicable to such appropriations.

SECTION 11. STUDY OF ROAD AND BRIDGE FUNDING MANDATES

The staff of the Legislative Service Commission, upon the approval of the Commission, shall conduct a study to:

- (A) Identify federal and state statutory and administrative mandates on the use of road and bridge funding available to local governments;
- (B) Suggest ways that these mandates could be modified or lifted to facilitate the most efficient and productive use of the funding.

The emphasis of the study shall be on funding distributed through the Ohio Department of Transportation. The study also shall discuss ways that the Department and local officials could cooperate to implement "best practices" and other techniques designed to maximize the productive use of the funds.

If approved by the Commission, the commission staff shall submit a report on the study to the General Assembly not more than one year after the effective date of this section.

SECTION 12. STATE HIGHWAY PATROL FUNDING TASK FORCE

(A) There is hereby created the State Highway Patrol Funding Task Force. The task force shall study the method of funding the State Highway Patrol. The task force shall issue a report of its findings to the General Assembly and the Governor on December 2, 2002. The task force shall include in the report a recommendation for a direct funding source for the State Highway Patrol. Upon issuing its report, the task force shall cease to exist.

(B) The task force shall consist of the following members:

(1) Three members of the House of Representatives appointed by the Speaker of the House, no more than two of whom shall be from the same political party as the Speaker;

(2) Three members of the Senate appointed by the President of the Senate, no more than two of whom shall be from the same political party as the President;

(3) The Director of Public Safety or the Director's designee;

(4) The Director of Transportation or the Director's designee;

(5) The Tax Commissioner or the Commissioner's designee;

(6) Two persons appointed by the Speaker of the House of Representatives to represent the general public;

(7) Two persons appointed by the President of the Senate to represent the general public;

(8) Six members appointed jointly by the Speaker of the House of Representatives and the President of the Senate, one from each of six lists of three individuals recommended by the County Commissioners Association of Ohio, the Ohio Municipal League, the Ohio Township Association, the County Engineers Association of Ohio, the Ohio Public Expenditure Council, and the State Highway Patrol troopers' collective bargaining unit, respectively.

A vacancy on the task force shall be filled in the manner provided for the original appointment.

(C) The Speaker of the House of Representatives and the President of the Senate each shall appoint a co-chairperson of the task force from among the appointees who are members of their respective chambers. The co-chairpersons shall call the first meeting of the task force within thirty days after the last member is appointed.

(D) The Legislative Service Commission shall provide staff services for the task force.

SECTION 13. From July 1, 2001, through June 30, 2003, three or fewer steel coils are deemed to be a nondivisible load for purposes of special permits issued under section 4513.34 of the Revised Code, provided that the maximum overall gross vehicle weight of the vehicle and load shall not exceed ninety-two thousand pounds.

SECTION 14. During the period from July 1, 2001, through July 1, 2003, notwithstanding sections 153.65 to 153.71 of the Revised Code, a county engineer may combine the design and construction elements of a bridge project, provided that not more than fifteen bridge projects may be completed using design-build contracts and the contracts shall not exceed two million dollars per project. The County Engineers Association of Ohio, in consultation with the Director of Transportation, shall select the projects to be completed as a design-build contract under this section. In completing a design-build bridge project, a county engineer shall use the process established by the Department of Transportation for locally administered federal aid projects. When required to use competitive bidding, the county engineer shall award a design-build contract in accordance with sections 307.86 to 307.92 of the Revised Code.

A county engineer may request the Director to review and comment on the plans for conformance with state and federal requirements. If so requested, the Director shall review and comment on the plans.

On or before December 31, 2002, the Director shall prepare and submit to the General Assembly a report evaluating the experience of the county engineers with each project and contract under this section, including whether the county engineers realized any cost or time savings. Regarding those projects and contracts, the report shall include a discussion of the number and cost of change orders, the quality of work performed, the number of bids received, the impact on minority and female contract participation, and other issues that the Director considers appropriate. The Director also may make recommendations regarding the continuation of the program, including the need for any changes.

SECTION 15. Not more than ninety days after the effective date of this section, the Director of Transportation shall issue a report to the General Assembly addressing all of the following:

- (A) Ways that the Department of Transportation may increase the rate of delivery of federally funded local projects;
- (B) Actions that local project sponsors may use to better utilize federal

funds provided by the Department;

(C) Joint agreements the Department may develop with local governments and the associations representing local governments to ensure the most effective use of federal funds by local governments.

SECTION 16. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 17. The repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law. (A "repeal," as contemplated by this section, does not include a repeal that is part of a repeal and re-enactment.)

SECTION 18. Sections 4501.35 and 4509.27 of the Revised Code as enacted or repealed and re-enacted by this act, and the items of law of which such sections as enacted or repealed and re-enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as enacted or repealed and re-enacted by this act, and the items of law of which such sections as enacted or repealed and re-enacted by this act are composed, go into immediate effect when this act becomes law.

SECTION 19. If the amendment or enactment in this act of a codified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the enactment or repeal and re-enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the enacting or repeal clauses commanding the enactment or repeal and re-enactment also are not subject to the referendum, the same as the enactment or repeal and re-enactment.

SECTION 20. The items in the uncodified sections of law contained in this act that appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation for the current expenses of state government are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, these items go into immediate effect when this act becomes law.

The items in the uncodified sections of law contained in this act that appropriate money other than for the current expenses of state government, earmark this class of appropriations, or do not depend for their implementation upon an appropriation for the current expenses of state government are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, these items take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against such an item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

SECTION 21. An item, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2003, unless its context clearly indicates otherwise.

SECTION 22. Section 5501.31 of the Revised Code is amended by this act

Sub. H. B. No. 73

64

and also by Sub. S.B. 295 of the 123rd General Assembly (effective April 5, 2001). The amendments of Sub. S.B. 295 are included in this act to confirm the intention to retain them, but are not intended to be effective until April 5, 2001.

SECTION 23. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____