

**As Reported by the Senate Highways and Transportation
Committee**

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 230

**Representatives Reinhard, Schlichter, Widowfield, Aslanides, Carmichael,
Cates, DeBose, C. Evans, Flowers, Gibbs, Hagan, Otterman, Perry, Raussen,
Schmidt, Seitz, Setzer, Webster**

A B I L L

To amend sections 109.801, 121.08, 306.351, 307.05,	1
307.055, 307.86, 1548.08, 1548.09, 1548.11,	2
1548.13, 1548.141, 1548.20, 2935.27, 2937.221,	3
3937.41, 3937.43, 3937.45, 4501.01, 4501.02,	4
4501.021, 4501.11, 4503.01, 4503.03, 4503.034,	5
4503.04, 4503.041, 4503.042, 4503.10, 4503.12,	6
4503.13, 4503.182, 4503.231, 4503.24, 4503.44,	7
4504.01, 4505.032, 4505.06, 4505.07, 4505.08,	8
4505.09, 4505.10, 4505.11, 4505.13, 4505.141,	9
4506.01, 4506.08, 4506.09, 4506.11, 4506.12,	10
4507.13, 4507.141, 4507.19, 4507.20, 4507.50,	11
4507.51, 4507.53, 4507.99, 4509.05, 4509.101,	12
4509.79, 4510.10, 4510.22, 4510.31, 4510.43,	13
4511.01, 4513.61, 4513.63, 4517.01, 4517.03,	14
4517.10, 4517.14, 4519.03, 4519.05, 4519.56,	15
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4749.11, 4749.12, 4749.13, 4749.14, 4905.06,	19
4919.79, 4923.20, 5502.01, 5502.11, 5503.34,	20
5516.01, 5516.04, 5516.061, 5516.10, 5577.042,	21

5577.05, and 5577.99, to enact sections 4503.036, 22
4503.642, 4505.022, 4507.1614, 4511.121, 4549.081, 23
4738.19, 4749.021, 5502.011, 5516.062, and 5577.15 24
of the Revised Code, to amend Sections 29 and 85 25
of Am. Sub. H.B. 95 of the 125th General Assembly, 26
and to amend Section 6 of Sub. S.B. 59 of the 27
124th General Assembly to revise and clarify the 28
laws governing the Department of Public Safety, 29
including the Bureau of Motor Vehicles and the 30
State Highway Patrol, to make changes and 31
corrections to the motor vehicle certificate of 32
title law and registration law, to clarify that 33
the state is the sole regulator for the 34
registration, licensing, and regulation of motor 35
vehicle salvage dealers, to expand the authority 36
of the Department of Transportation concerning the 37
regulation of advertising devices, to transfer 38
regulatory authority for private investigators and 39
security guard providers from the Division of Real 40
Estate and Professional Licensing in the 41
Department of Commerce to the Department of Public 42
Safety, to exempt from competitive bidding 43
requirements contracts between a board of county 44
commissioners and a joint emergency medical 45
service district for the services of emergency 46
medical service organizations, and to make an 47
appropriation. 48

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

Section 1. That sections 109.801, 121.08, 306.351, 307.05, 49
307.055, 307.86, 1548.08, 1548.09, 1548.11, 1548.13, 1548.141, 50

1548.20, 2935.27, 2937.221, 3937.41, 3937.43, 3937.45, 4501.01, 51
4501.02, 4501.021, 4501.11, 4503.01, 4503.03, 4503.034, 4503.04, 52
4503.041, 4503.042, 4503.10, 4503.12, 4503.13, 4503.182, 4503.231, 53
4503.24, 4503.44, 4504.01, 4505.032, 4505.06, 4505.07, 4505.08, 54
4505.09, 4505.10, 4505.11, 4505.13, 4505.141, 4506.01, 4506.08, 55
4506.09, 4506.11, 4506.12, 4507.13, 4507.141, 4507.19, 4507.20, 56
4507.50, 4507.51, 4507.53, 4507.99, 4509.05, 4509.101, 4509.79, 57
4510.10, 4510.22, 4510.31, 4510.43, 4511.01, 4513.61, 4513.63, 58
4517.01, 4517.03, 4517.10, 4517.14, 4519.03, 4519.05, 4519.56, 59
4519.57, 4519.58, 4519.61, 4519.631, 4519.68, 4738.05, 4738.18, 60
4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 61
4749.10, 4749.11, 4749.12, 4749.13, 4749.14, 4905.06, 4919.79, 62
4923.20, 5502.01, 5502.11, 5503.34, 5516.01, 5516.04, 5516.061, 63
5516.10, 5577.042, 5577.05, and 5577.99 be amended and sections 64
4503.036, 4503.642, 4505.022, 4507.1614, 4511.121, 4549.081, 65
4738.19, 4749.021, 5502.011, 5516.062, and 5577.15 of the Revised 66
Code be enacted to read as follows: 67

Sec. 109.801. (A)(1) Each year the following persons shall 68
complete successfully a firearms requalification program approved 69
by the executive director of the Ohio peace officer training 70
commission in accordance with rules adopted by the attorney 71
general pursuant to section 109.743 of the Revised Code: any 72
sheriff, deputy sheriff, marshal, deputy marshal, township 73
constable, chief of police or member of an organized police 74
department of a municipal corporation or township, chief of police 75
or member of a township police district police force, 76
superintendent of the state highway patrol, state highway patrol 77
trooper, special police officer of the state highway patrol 78
designated under section 5503.09 of the Revised Code, enforcement 79
agent employed under section 5502.14 of the Revised Code, or chief 80
of police of a university or college police department or state 81
university law enforcement officer appointed under section 3345.04 82

of the Revised Code; any parole or probation officer who carries a 83
firearm in the course of official duties; any employee of the 84
department of natural resources who is a natural resources law 85
enforcement staff officer, park officer, forest officer, preserve 86
officer, wildlife officer, or state watercraft officer who carries 87
a firearm in the course of official duties; the house of 88
representatives sergeant at arms if the house of representatives 89
sergeant at arms has arrest authority pursuant to division (E)(1) 90
of section 101.311 of the Revised Code; any assistant house of 91
representatives sergeant at arms; any employee of the department 92
of youth services who is designated pursuant to division (A)(2) of 93
section 5139.53 of the Revised Code as being authorized to carry a 94
firearm while on duty as described in that division; or a special 95
police officer employed by a municipal corporation at a municipal 96
airport or other municipal air navigation facility described in 97
division (A)(19) of section 109.71 of the Revised Code. 98

(2) No person listed in division (A)(1) of this section shall 99
carry a firearm during the course of official duties if the person 100
does not comply with division (A)(1) of this section. 101

(B) The hours that a sheriff spends attending a firearms 102
requalification program required by division (A) of this section 103
are in addition to the sixteen hours of continuing education that 104
are required by division (E) of section 311.01 of the Revised 105
Code. 106

(C) As used in this section, "firearm" has the same meaning 107
as in section 2923.11 of the Revised Code. 108

Sec. 121.08. (A) There is hereby created in the department of 109
commerce the position of deputy director of administration. This 110
officer shall be appointed by the director of commerce, serve 111
under the director's direction, supervision, and control, perform 112
the duties the director prescribes, and hold office during the 113

director's pleasure. The director of commerce may designate an 114
assistant director of commerce to serve as the deputy director of 115
administration. The deputy director of administration shall 116
perform the duties prescribed by the director of commerce in 117
supervising the activities of the division of administration of 118
the department of commerce. 119

(B) Except as provided in section 121.07 of the Revised Code, 120
the department of commerce shall have all powers and perform all 121
duties vested in the deputy director of administration, the state 122
fire marshal, the superintendent of financial institutions, the 123
superintendent of real estate and professional licensing, the 124
superintendent of liquor control, the superintendent of the 125
division of industrial compliance, the superintendent of labor and 126
worker safety, and the commissioner of securities, and shall have 127
all powers and perform all duties vested by law in all officers, 128
deputies, and employees of those offices. Except as provided in 129
section 121.07 of the Revised Code, wherever powers are conferred 130
or duties imposed upon any of those officers, the powers and 131
duties shall be construed as vested in the department of commerce. 132

(C)(1) There is hereby created in the department of commerce 133
a division of financial institutions, which shall have all powers 134
and perform all duties vested by law in the superintendent of 135
financial institutions. Wherever powers are conferred or duties 136
imposed upon the superintendent of financial institutions, those 137
powers and duties shall be construed as vested in the division of 138
financial institutions. The division of financial institutions 139
shall be administered by a superintendent of financial 140
institutions. 141

(2) All provisions of law governing the superintendent of 142
financial institutions shall apply to and govern the 143
superintendent of financial institutions provided for in this 144
section; all authority vested by law in the superintendent of 145

financial institutions with respect to the management of the 146
division of financial institutions shall be construed as vested in 147
the superintendent of financial institutions created by this 148
section with respect to the division of financial institutions 149
provided for in this section; and all rights, privileges, and 150
emoluments conferred by law upon the superintendent of financial 151
institutions shall be construed as conferred upon the 152
superintendent of financial institutions as head of the division 153
of financial institutions. The director of commerce shall not 154
transfer from the division of financial institutions any of the 155
functions specified in division (C)(2) of this section. 156

(D) There is hereby created in the department of commerce a 157
division of liquor control, which shall have all powers and 158
perform all duties vested by law in the superintendent of liquor 159
control. Wherever powers are conferred or duties are imposed upon 160
the superintendent of liquor control, those powers and duties 161
shall be construed as vested in the division of liquor control. 162
The division of liquor control shall be administered by a 163
superintendent of liquor control. 164

(E) The director of commerce shall not be interested, 165
directly or indirectly, in any firm or corporation which is a 166
dealer in securities as defined in sections 1707.01 and 1707.14 of 167
the Revised Code, or in any firm or corporation licensed under 168
sections 1321.01 to 1321.19 of the Revised Code. 169

(F) The director of commerce shall not have any official 170
connection with a savings and loan association, a savings bank, a 171
bank, a bank holding company, a savings and loan association 172
holding company, a consumer finance company, or a credit union 173
that is under the supervision of the division of financial 174
institutions, or a subsidiary of any of the preceding entities, or 175
be interested in the business thereof. 176

(G) There is hereby created in the state treasury the 177

division of administration fund. The fund shall receive 178
assessments on the operating funds of the department of commerce 179
in accordance with procedures prescribed by the director of 180
commerce and approved by the director of budget and management. 181
All operating expenses of the division of administration shall be 182
paid from the division of administration fund. 183

(H) There is hereby created in the department of commerce a 184
division of real estate and professional licensing, which shall be 185
under the control and supervision of the director of commerce. The 186
division of real estate and professional licensing shall be 187
administered by a superintendent of real estate and professional 188
licensing. The superintendent of real estate and professional 189
licensing shall exercise the powers and perform the functions and 190
duties delegated to the superintendent under Chapters 4735., 191
~~4749.~~ 4763., and 4767. of the Revised Code. 192

(I) There is hereby created in the department of commerce a 193
division of labor and worker safety, which shall have all powers 194
and perform all duties vested by law in the superintendent of 195
labor and worker safety. Wherever powers are conferred or duties 196
imposed upon the superintendent of labor and worker safety, those 197
powers and duties shall be construed as vested in the division of 198
labor and worker safety. The division of labor and worker safety 199
shall be under the control and supervision of the director of 200
commerce and be administered by a superintendent of labor and 201
worker safety. The superintendent of labor and worker safety shall 202
exercise the powers and perform the duties delegated to the 203
superintendent by the director under Chapters 4109., 4111., 4115., 204
and 4167. of the Revised Code. 205

(J) The department of commerce or a division of the 206
department created by the Revised Code that is acting with 207
authorization on the ~~departments's~~ department's behalf may request 208
from the bureau of criminal identification and investigation 209

pursuant to section 109.572 of the Revised Code, or coordinate 210
with appropriate federal, state, and local government agencies to 211
accomplish, criminal records checks for the persons whose 212
identities are required to be disclosed by an applicant for the 213
issuance or transfer of a permit, license, or certification issued 214
or transferred by the department or division. At or before the 215
time of making a request for a criminal records check, the 216
department or division may require any person whose identity is 217
required to be disclosed by an applicant for the issuance or 218
transfer of such a license, permit, or certification to submit to 219
the department or division valid fingerprint impressions in a 220
format and by any media or means acceptable to the bureau of 221
criminal identification and investigation and, when applicable, 222
the federal bureau of investigation. The department or division 223
may cause the bureau of criminal identification and investigation 224
to conduct a criminal records check through the federal bureau of 225
investigation only if the person for whom the criminal records 226
check would be conducted resides or works outside of this state or 227
has resided or worked outside of this state during the preceding 228
five years, or if a criminal records check conducted by the bureau 229
of criminal identification and investigation within this state 230
indicates that the person may have a criminal record outside of 231
this state. 232

In the case of a criminal records check under section 109.572 233
of the Revised Code, the department or division shall forward to 234
the bureau of criminal identification and investigation the 235
requisite form, fingerprint impressions, and fee described in 236
division (C) of that section. When requested by the department or 237
division in accordance with this section, the bureau of criminal 238
identification and investigation shall request from the federal 239
bureau of investigation any information it has with respect to the 240
person who is the subject of the requested criminal records check 241
and shall forward the requisite fingerprint impressions and 242

information to the federal bureau of investigation for that 243
criminal records check. After conducting a criminal records check 244
or receiving the results of a criminal records check from the 245
federal bureau of investigation, the bureau of criminal 246
identification and investigation shall provide the results to the 247
department or division. 248

The department or division may require any person about whom 249
a criminal records check is requested to pay to the department or 250
division the amount necessary to cover the fee charged to the 251
department or division by the bureau of criminal identification 252
and investigation under division (C)(3) of section 109.572 of the 253
Revised Code, including, when applicable, any fee for a criminal 254
records check conducted by the federal bureau of investigation. 255

Sec. 306.351. ~~No~~ A regional transit authority ~~shall~~ may 256
~~purchase or operate any motor bus that is not a straight,~~ 257
~~continuous vehicle, but instead has a flexible joint built within~~ 258
~~the body or chassis of the motor bus, unless the motor bus is~~ 259
~~manufactured or assembled within, or, if no such motor~~ an 260
articulated bus only if the regional transit authority establishes 261
and follows a preference system for buses that are manufactured or 262
assembled within this state, ~~this state,~~ or, if none, within the 263
United States. 264

Sec. 307.05. As used in this section, "emergency medical 265
service organization" has the same meaning as in section 4765.01 266
of the Revised Code. 267

A board of county commissioners may operate an ambulance 268
service organization or emergency medical service organization, 269
or, in counties with a population of forty thousand or less, may 270
operate a nonemergency patient transport service organization, or 271
may enter into a contract with one or more counties, townships, 272

municipal corporations, nonprofit corporations, joint emergency 273
medical services districts, fire and ambulance districts, or 274
private ambulance owners, regardless of whether such counties, 275
townships, municipal corporations, nonprofit corporations, joint 276
emergency medical services districts, fire and ambulance 277
districts, or private ambulance owners are located within or 278
without the state, in order to furnish or obtain the services of 279
ambulance service organizations, to furnish or obtain additional 280
services from ambulance service organizations in times of 281
emergency, to furnish or obtain the services of emergency medical 282
service organizations, or, in counties with a population of forty 283
thousand or less, to furnish or obtain services of nonemergency 284
patient transport service organizations, or may enter into a 285
contract with any such entity to furnish or obtain the interchange 286
of services from ambulance or emergency medical service 287
organizations, or, within counties with a population of forty 288
thousand or less, to furnish or obtain the interchange of services 289
from nonemergency patient transport service organizations, within 290
the territories of the contracting subdivisions. ~~Such~~ Except in 291
the case of a contract with a joint emergency medical services 292
district to obtain the services of emergency medical service 293
organizations, such contracts shall not be entered into with a 294
public agency or nonprofit corporation that receives more than 295
half of its operating funds from governmental entities with the 296
intention of directly competing with the operation of other 297
ambulance service organizations, nonemergency patient transport 298
service organizations, or emergency medical service organizations 299
in the county unless the public agency or nonprofit corporation is 300
awarded the contract after submitting the lowest and best bid to 301
the board of county commissioners. Any county wishing to commence 302
operation of a nonemergency patient transport service organization 303
or wishing to enter into a contract for the first time to furnish 304
or obtain services from a nonemergency patient transport service 305

organization on or after March 1, 1993, including a county in 306
which a private provider has been providing the service, shall 307
demonstrate the need for public funding for the service to, and 308
obtain approval from, the state board of emergency medical 309
services or its immediate successor board prior to operating or 310
funding the organization. 311

When such an organization is operated by the board, the 312
organization may be administered by the board, by the county 313
sheriff, or by another county officer or employee designated by 314
the board. All rules, including the determining of reasonable 315
rates, necessary for the establishment, operation, and maintenance 316
of such an organization shall be adopted by the board. 317

A contract for services of an ambulance service, nonemergency 318
patient transport service, or emergency medical service 319
organization shall include the terms, conditions, and stipulations 320
as agreed to by the parties to the contract. It may provide for a 321
fixed annual charge to be paid at the times agreed upon and 322
stipulated in the contract, or for compensation based upon a 323
stipulated price for each run, call, or emergency or the number of 324
persons or pieces of apparatus employed, or the elapsed time of 325
service required in such run, call, or emergency, or any 326
combination thereof. 327

Sec. 307.055. (A) Subject to the terms and conditions of the 328
joint resolution creating it, each joint emergency medical 329
services district may furnish ambulance services and emergency 330
medical services by one of the following methods: 331

(1) By operating an emergency medical service organization as 332
defined in section 4765.01 of the Revised Code; 333

(2) By contracting for the operation of one or more 334
facilities pursuant to division (C) or (D) of this section; 335

(3) By providing necessary services and equipment to the 336
district either directly or under a contract entered into pursuant 337
to division (B) of this section; 338

(4) By providing service through any combination of methods 339
described in divisions (A)(1) to (3) of this section. 340

(B) In order to obtain ambulance service, to obtain 341
additional ambulance service in times of emergency, or to obtain 342
emergency medical services, a joint emergency medical services 343
district may enter into a contract, for a period not to exceed 344
three years, with one or more counties, townships, municipal 345
corporations, joint fire districts, other governmental units that 346
provide ambulance service or emergency medical services, nonprofit 347
corporations, or private ambulance owners, regardless of whether 348
the entities contracted with are located within or outside this 349
state, upon such terms as are agreed to, to furnish or receive 350
ambulance services or the interchange of ambulance services or 351
emergency medical services within the several territories of the 352
contracting subdivisions, if the contract is first authorized by 353
all boards of trustees and legislative authorities in the 354
territories to be served. 355

Such a contract may provide for a fixed annual charge to be 356
paid at the times agreed upon and stipulated in the contract; or 357
for compensation based on a stipulated price for each run, call, 358
or emergency or based on the elapsed time of service required for 359
each run, call, or emergency, or based on any combination of 360
these. 361

Expenditures of a district for ambulance service or emergency 362
medical service, whether pursuant to contract or otherwise, are 363
lawful expenditures, regardless of whether the district or the 364
party with which it contracts charges an additional fee to users 365
of the service. 366

(C) The board of trustees may enter into a contract with any person, municipal corporation, township, or other political subdivision, and any political subdivision may contract with the board, for the operation and maintenance of emergency medical services facilities regardless of whether the facilities used are owned or leased by the district, by another political subdivision, or by the contractor.

(D) The district may purchase, lease, and maintain all materials, buildings, land, and equipment, including vehicles, the board considers necessary for the district.

When the board finds, by resolution, that the district has personal property that is not needed for public use, or is obsolete or unfit for the use for which it was acquired, the board may dispose of the property in the same manner as provided in section 307.12 of the Revised Code.

(E) Any Except in the case of a contract with a board of county commissioners for the provision of services of an emergency medical service organization, any contract entered into by a joint emergency medical services district shall conform to the same bidding requirements that apply to county contracts under sections 307.86 to 307.92 of the Revised Code.

(F) A county participating in a joint district may contribute any of its rights or interests in real or personal property, including money, and may contribute services to the district. Any such contributions shall be made by a written agreement between the contributing county and the district, specifying the contribution as well as the rights of the participating counties in the contributed property. Written agreements shall also be prepared specifying the rights of participating counties in property acquired by the district other than by contribution of a participating county. Written agreements required by this division

may be amended only by written agreement of all parties to the 398
original agreement. 399

(G) A district's board of trustees, by adoption of an 400
appropriate resolution, may choose to have the Ohio medical 401
transportation board license any emergency medical service 402
organization the district operates. If a board adopts such a 403
resolution, Chapter 4766. of the Revised Code, except for sections 404
4766.06 and 4766.99 of the Revised Code, applies to the district 405
emergency medical service organization. All rules adopted under 406
the applicable sections of that chapter also apply to the 407
organization. A board, by adoption of an appropriate resolution, 408
may remove the district emergency medical service organization 409
from the jurisdiction of the Ohio medical transportation board. 410

Sec. 307.86. Anything to be purchased, leased, leased with an 411
option or agreement to purchase, or constructed, including, but 412
not limited to, any product, structure, construction, 413
reconstruction, improvement, maintenance, repair, or service, 414
except the services of an accountant, architect, attorney at law, 415
physician, professional engineer, construction project manager, 416
consultant, surveyor, or appraiser, by or on behalf of the county 417
or contracting authority, as defined in section 307.92 of the 418
Revised Code, at a cost in excess of twenty-five thousand dollars, 419
except as otherwise provided in division (D) of section 713.23 and 420
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 421
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 422
and 6137.05 of the Revised Code, shall be obtained through 423
competitive bidding. However, competitive bidding is not required 424
when any of the following applies: 425

(A) The board of county commissioners, by a unanimous vote of 426
its members, makes a determination that a real and present 427
emergency exists, and that determination and the reasons for it 428

are entered in the minutes of the proceedings of the board, when 429
either of the following applies: 430

(1) The estimated cost is less than fifty thousand dollars. 431

(2) There is actual physical disaster to structures, radio 432
communications equipment, or computers. 433

For purposes of this division, "unanimous vote" means all 434
three members of a board of county commissioners when all three 435
members are present, or two members of the board if only two 436
members, constituting a quorum, are present. 437

Whenever a contract of purchase, lease, or construction is 438
exempted from competitive bidding under division (A)(1) of this 439
section because the estimated cost is less than fifty thousand 440
dollars, but the estimated cost is twenty-five thousand dollars or 441
more, the county or contracting authority shall solicit informal 442
estimates from no fewer than three persons who could perform the 443
contract, before awarding the contract. With regard to each such 444
contract, the county or contracting authority shall maintain a 445
record of such estimates, including the name of each person from 446
whom an estimate is solicited. The county or contracting authority 447
shall maintain the record for the longer of at least one year 448
after the contract is awarded or the amount of time the federal 449
government requires. 450

(B)(1) The purchase consists of supplies or a replacement or 451
supplemental part or parts for a product or equipment owned or 452
leased by the county, and the only source of supply for the 453
supplies, part, or parts is limited to a single supplier. 454

(2) The purchase consists of services related to information 455
technology, such as programming services, that are proprietary or 456
limited to a single source. 457

(C) The purchase is from the federal government, the state, 458
another county or contracting authority of another county, or a 459

board of education, township, or municipal corporation. 460

(D) The purchase is made by a county department of job and 461
family services under section 329.04 of the Revised Code and 462
consists of family services duties or workforce development 463
activities or is made by a county board of mental retardation and 464
developmental disabilities under section 5126.05 of the Revised 465
Code and consists of program services, such as direct and 466
ancillary client services, child day-care, case management 467
services, residential services, and family resource services. 468

(E) The purchase consists of criminal justice services, 469
social services programs, family services, or workforce 470
development activities by the board of county commissioners from 471
nonprofit corporations or associations under programs funded by 472
the federal government or by state grants. 473

(F) The purchase consists of any form of an insurance policy 474
or contract authorized to be issued under Title XXXIX of the 475
Revised Code or any form of health care plan authorized to be 476
issued under Chapter 1751. of the Revised Code, or any combination 477
of such policies, contracts, or plans that the contracting 478
authority is authorized to purchase, and the contracting authority 479
does all of the following: 480

(1) Determines that compliance with the requirements of this 481
section would increase, rather than decrease, the cost of the 482
purchase; 483

(2) Employs a competent consultant to assist the contracting 484
authority in procuring appropriate coverages at the best and 485
lowest prices; 486

(3) Requests issuers of the policies, contracts, or plans to 487
submit proposals to the contracting authority, in a form 488
prescribed by the contracting authority, setting forth the 489
coverage and cost of the policies, contracts, or plans as the 490

contracting authority desires to purchase;	491
(4) Negotiates with the issuers for the purpose of purchasing	492
the policies, contracts, or plans at the best and lowest price	493
reasonably possible.	494
(G) The purchase consists of computer hardware, software, or	495
consulting services that are necessary to implement a computerized	496
case management automation project administered by the Ohio	497
prosecuting attorneys association and funded by a grant from the	498
federal government.	499
(H) Child day-care services are purchased for provision to	500
county employees.	501
(I)(1) Property, including land, buildings, and other real	502
property, is leased for offices, storage, parking, or other	503
purposes, and all of the following apply:	504
(a) The contracting authority is authorized by the Revised	505
Code to lease the property.	506
(b) The contracting authority develops requests for proposals	507
for leasing the property, specifying the criteria that will be	508
considered prior to leasing the property, including the desired	509
size and geographic location of the property.	510
(c) The contracting authority receives responses from	511
prospective lessors with property meeting the criteria specified	512
in the requests for proposals by giving notice in a manner	513
substantially similar to the procedures established for giving	514
notice under section 307.87 of the Revised Code.	515
(d) The contracting authority negotiates with the prospective	516
lessors to obtain a lease at the best and lowest price reasonably	517
possible considering the fair market value of the property and any	518
relocation and operational costs that may be incurred during the	519
period the lease is in effect.	520

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

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

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

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

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The

contracting authority shall mail the notices at least six weeks 552
prior to the deadline set by the contracting authority for 553
submitting proposals. Every five years the contracting authority 554
may review this list and remove any person from the list after 555
mailing the person notification of that action. 556

Any contracting authority that negotiates a contract under 557
division (F) of this section shall request proposals and 558
renegotiate with issuers in accordance with that division at least 559
every three years from the date of the signing of such a contract. 560

Any consultant employed pursuant to division (F) of this 561
section and any real estate appraiser employed pursuant to 562
division (I) of this section shall disclose any fees or 563
compensation received from any source in connection with that 564
employment. 565

Sec. 1548.08. (A) When the clerk of a court of common pleas 566
issues a physical certificate of title for a watercraft or 567
outboard motor, the clerk shall issue it over the clerk's official 568
seal. All physical certificates of title to watercraft or outboard 569
motors shall contain the information required in the application 570
for them as prescribed by section 1548.07 of the Revised Code, as 571
well as spaces for the dates of notation and cancellation of each 572
lien, mortgage, or encumbrance, over the signature of the clerk. 573
If any certificate of title is issued for a watercraft or outboard 574
motor in which two persons are establishing joint ownership with 575
right of survivorship under section 2106.17 of the Revised Code, 576
the certificate, in addition to the information required by this 577
section, shall show that the two persons have established joint 578
ownership with right of survivorship in the watercraft or outboard 579
motor. 580

An assignment of certificate of title before a notary public 581
or other officer empowered to administer oaths shall appear on the 582

reverse side of each physical certificate of title in the form to 583
be prescribed by the chief of the division of watercraft. The 584
assignment form shall include a warranty that the signer is the 585
owner of the watercraft or outboard motor and that there are no 586
mortgages, liens, or encumbrances on the watercraft or outboard 587
motor except as are noted on the face of the certificate of title. 588

(B) An electronic certificate of title is an electronic 589
record stored in the automated title processing system that 590
establishes ownership of a watercraft or outboard motor, as well 591
as any security interests that exist in that watercraft or 592
outboard motor. 593

Sec. 1548.09. When the clerk of a court of common pleas 594
issues a physical certificate of title, the clerk shall issue the 595
certificate of title on a form and in duplicate. ~~One copy shall be~~ 596
~~retained and filed~~ a manner prescribed by the clerk ~~in the clerk's~~ 597
~~office, and the information contained in it~~ chief of the division 598
of watercraft. The clerk shall file a copy of the physical 599
evidence for the creation of the certificate of title in a manner 600
prescribed by the chief of the division of watercraft. A clerk may 601
retain digital images of documents used as evidence for issuance 602
of a certificate of title. Certified printouts of documents 603
retained as digital images shall have the same evidentiary value 604
as the original physical documents. The record of the issuance of 605
the certificate of title shall be ~~transmitted on the day it is~~ 606
~~issued to~~ maintained in the ~~chief of the division of watercraft~~ 607
automated title processing system. The clerk shall sign and affix 608
the clerk's seal to the original certificate of title and, if 609
there are no liens on the watercraft or outboard motor, shall 610
deliver the certificate to the applicant. If there are one or more 611
liens on the watercraft or outboard motor, the clerk shall deliver 612
the certificate of title to the holder of the first lien. 613

The chief shall approve a uniform method of numbering certificates of title. The numbering shall be in such manner that the county of issuance is indicated. Numbers shall be assigned to certificates of title in the manner approved by the chief. The clerk shall file all certificates of title according to policies prescribed by the chief, and the clerk shall maintain in the clerk's office indexes for the certificates of title.

The clerk need not retain on file any certificate of title, duplicate certificate of title, or memorandum certificate of title, or supporting evidence of them, covering any watercraft or outboard motor for a period longer than seven years after the date of its filing; thereafter, the certificate and supporting information may be destroyed. The clerk shall issue a duplicate title, when duly applied for, of any title that has been destroyed as provided in this section.

The clerk shall issue a physical certificate of title to an applicant unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. The fact that a physical certificate of title is not issued for a watercraft or outboard motor does not affect ownership of the watercraft or outboard motor. In that case, when the clerk completes the process of entering certificate of title application information into the automated title processing system, the effect of the completion of the process is the same as if the clerk actually issued a physical certificate of title for the watercraft or outboard motor.

Sec. 1548.11. (A) In the event of the transfer of ownership of a watercraft or outboard motor by operation of law, as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution of sale, or whenever the engine of a watercraft is replaced by another engine, a watercraft or outboard

motor is sold to satisfy storage or repair charges, or 645
repossession is had upon default in performance of the terms of a 646
security agreement as provided in Chapter 1309. of the Revised 647
Code, a clerk of a court of common pleas, upon the surrender of 648
the prior certificate of title or the manufacturer's or importer's 649
certificate, or, when that is not possible, upon presentation of 650
satisfactory proof to the clerk of ownership and rights of 651
possession to the watercraft or outboard motor, and upon payment 652
of the fee prescribed in section 1548.10 of the Revised Code and 653
presentation of an application for certificate of title, may issue 654
to the applicant a certificate of title to the watercraft or 655
outboard motor. Only an affidavit by the person or agent of the 656
person to whom possession of the watercraft or outboard motor has 657
passed, setting forth the facts entitling the person to possession 658
and ownership, together with a copy of the journal entry, court 659
order, or instrument upon which the claim of possession and 660
ownership is founded, is satisfactory proof of ownership and right 661
of possession. If the applicant cannot produce such proof of 662
ownership, the applicant may apply directly to the chief of the 663
division of watercraft and submit such evidence as the applicant 664
has, and the chief, if the chief finds the evidence sufficient, 665
may authorize the clerk to issue a certificate of title. If the 666
chief finds the evidence insufficient, the applicant may petition
the court of common pleas for a court order ordering the clerk to
issue a certificate of title. The court shall grant or deny the
petition based on the sufficiency of the evidence presented to the
court. If, from the records in the office of the clerk, there 671
appears to be any lien on the watercraft or outboard motor, the 672
certificate of title shall contain a statement of the lien unless 673
the application is accompanied by proper evidence of its 674
extinction. 675

(B) Upon the death of one of the persons who have established 676
joint ownership with right of survivorship under section 2131.12 677

of the Revised Code in a watercraft or outboard motor and the 678
presentation to the clerk of the title and the certificate of 679
death of the deceased person, the clerk shall enter into the 680
records the transfer of the watercraft or outboard motor to the 681
surviving person, and the title to the watercraft or outboard 682
motor immediately passes to the surviving person. The transfer 683
does not affect any liens on the watercraft or outboard motor. 684

(C) The clerk shall transfer a decedent's interest in one 685
watercraft, one outboard motor, or one of each to the decedent's 686
surviving spouse as provided in section 2106.19 of the Revised 687
Code. 688

(D) Upon the death of an owner of a watercraft or outboard 689
motor designated in beneficiary form under section 2131.13 of the 690
Revised Code, upon application of the transfer-on-death 691
beneficiary or beneficiaries designated pursuant to that section, 692
and upon presentation to the clerk of the certificate of title and 693
the certificate of death of the deceased owner, the clerk shall 694
transfer the watercraft or outboard motor and issue a certificate 695
of title to the transfer-on-death beneficiary or beneficiaries. 696
The transfer does not affect any liens upon any watercraft or 697
outboard motor so transferred. 698

Sec. 1548.13. In the event of a lost or destroyed certificate 699
of title, application shall be made to a clerk of a court of 700
common pleas by the owner of the watercraft or outboard motor, or 701
the holder of a lien on it, for a certified copy of the 702
certificate upon a form prescribed by the chief of the division of 703
watercraft and accompanied by the fee prescribed by section 704
1548.10 of the Revised Code. The application shall be signed and 705
sworn to by the person making the application, and the clerk shall 706
issue a certified copy of the certificate of title to the person 707
entitled to receive it under this chapter. The certified copy 708

shall be plainly marked across its face with the word "duplicate," 709
and any subsequent purchaser of the watercraft or outboard motor 710
in the chain of title originating through the certified copy 711
acquires only such rights in the watercraft or outboard motor as 712
the original holder of the certified copy had. Any purchaser of 713
the watercraft or outboard motor, at the time of purchase, may 714
require the seller to indemnify the purchaser and all subsequent 715
purchasers of the watercraft or outboard motor against any loss 716
that the purchaser or any subsequent purchaser may suffer by 717
reason of any claim presented upon the original certificate. In 718
the event of the recovery of the original certificate of title by 719
the owner, the owner shall surrender it immediately to ~~the~~ a clerk 720
for cancellation. 721

The holder of a certificate of title for a watercraft or 722
outboard motor upon which is noted an existing lien, encumbrance, 723
or mortgage may apply at any time to a clerk for a memorandum 724
certificate, on a form prescribed by the chief, that is signed and 725
sworn to by the applicant. Upon receipt of the application 726
together with the fee prescribed by section 1548.10 of the Revised 727
Code, and if the application appears to be regular, the clerk 728
shall issue to the applicant a memorandum certificate for the 729
watercraft or outboard motor. If the memorandum certificate is 730
lost or destroyed, the holder of it may obtain a certified copy of 731
it by applying for the copy on a form prescribed by the chief, 732
accompanied by the fee prescribed in section 1548.10 of the 733
Revised Code. In the event of the recovery of the original 734
memorandum certificate by the owner, the owner shall surrender it 735
immediately to a clerk for cancellation. Such a memorandum 736
certificate is not assignable and constitutes no evidence of title 737
or of right to transfer or encumber the watercraft or outboard 738
motor described in it. 739

~~If an electronic certificate of title previously has been~~ 740

~~issued for a watercraft or outboard motor, the~~ The owner of the a 741
watercraft or outboard motor may apply at any time to a clerk for 742
a non-negotiable evidence of ownership for the watercraft or 743
outboard motor. 744

Sec. 1548.141. The chief of the division of watercraft shall 745
enable the public to access watercraft and outboard motor title 746
information via electronic means. No fee shall be charged for this 747
access. The title information that must be so accessible is only 748
the title information that is in an electronic format at the time 749
a person requests this access. 750

The chief, shall establish procedures governing this access. 751
The procedures may be established by rule in accordance with 752
Chapter 119. of the Revised Code, ~~shall adopt rules governing this~~ 753
~~access.~~ In adopting these ~~rules~~ procedures, the chief shall confer 754
with the clerks of the courts of common pleas. 755

Access by the public to watercraft and outboard motor title 756
information under this section shall comply with all restrictions 757
contained in the Revised Code and federal law that govern the 758
disclosure of that information. 759

Sec. 1548.20. (A) Chapter 1309. of the Revised Code does not 760
permit or require the deposit, filing, or other record of a 761
security interest covering a watercraft or outboard motor for 762
which a certificate of title is required. Any security agreement 763
covering a security interest in a watercraft or outboard motor, if 764
it is accompanied by delivery of a manufacturer's or importer's 765
certificate and followed by actual and continued possession of 766
that certificate by the holder of the instrument, or, in the case 767
of a certificate of title, if a notation of the security agreement 768
has been made by a clerk of a court of common pleas on the face of 769
the certificate of title or the clerk has entered a notation of 770

the agreement into the automated title processing system and a 771
physical certificate of title for the watercraft or outboard motor 772
has not been issued, shall be valid as against the creditors of 773
the debtor, whether armed with process or not, and against 774
subsequent purchasers, secured parties, and other lienholders or 775
claimants. All security interests, liens, mortgages, and 776
encumbrances entered into the automated title processing system in 777
relation to a particular certificate of title, regardless of 778
whether a physical certificate of title is issued, take priority 779
according to the order of time in which they are entered into the 780
automated title processing system by the clerk. Exposure for sale 781
of any watercraft or outboard motor by its owner, with the 782
knowledge or with the knowledge and consent of the holder of any 783
security interest, lien, mortgage, or encumbrance on the 784
watercraft or outboard motor, shall not render the security 785
interest lien, mortgage, or encumbrance ineffective as against the 786
creditors of the owner or against holders of subsequent security 787
interests, liens, mortgages, or encumbrances upon the watercraft 788
or outboard motor. 789

(B) If a secured party presents evidence of the security 790
interest to a clerk of a court of common pleas together with the 791
certificate of title, if a physical certificate of title for the 792
watercraft or outboard motor exists, and the fee prescribed by 793
section 1548.10 of the Revised Code, the clerk, unless the secured 794
party specifically requests the clerk not to issue a physical 795
certificate of title, shall issue a new original certificate of 796
title from the automated title processing records. The new 797
certificate shall indicate the security interest and the date of 798
the security interest. The clerk also shall note the security 799
interest and its date in the clerk's files and enter that 800
information into the automated title processing system, and on 801
that day shall notify the chief of the division of watercraft. The 802
clerk shall indicate by appropriate notation on the security 803

agreement itself the fact that the security interest has been 804
noted on the certificate of title. 805

(C) If a security interest is fully discharged as a result of 806
its holder's receipt of good funds in the correct amount and if 807
the holder holds a physical certificate of title, the holder shall 808
note the discharge of the security interest over the holder's 809
signature on the face of the certificate of title, or, if there is 810
not sufficient space for the notation on the face of the 811
certificate of title, the holder shall note the discharge over the 812
holder's signature on a form prescribed by the chief. Except as 813
otherwise provided in this section, prior to delivering the 814
certificate of title to the owner, the holder or the holder's 815
agent shall convey the certificate of title or a separate sworn 816
statement of the discharge of the security interest and any 817
additional information the chief requires to a clerk. The 818
conveyance shall occur not more than seven business days after the 819
date good funds in the correct amount to fully discharge the 820
security interest have been credited to an account of the holder, 821
provided the holder has been provided accurate information 822
concerning the watercraft or outboard motor. Conveyance of the 823
certificate of title or separate sworn statement of the discharge 824
within the required seven business days may be indicated by 825
postmark or receipt by a clerk within that period. If the 826
discharge of the security interest appears to be genuine, the 827
clerk shall note the discharge of the security interest on the 828
face of the certificate of title, if it was so conveyed, and note 829
it in the automated title processing system ~~and upon the records~~ 830
~~of the clerk.~~ 831

If a security interest is fully discharged as a result of its 832
holder's receipt of good funds in the correct amount and the 833
holder does not hold a physical certificate of title, when the 834
holder notifies a clerk of the discharge of its security interest, 835

the holder at that time also may request the clerk to issue a 836
physical certificate of title to the watercraft or outboard motor. 837
The request shall specify whether the clerk is to send the 838
certificate of title directly to the owner or to the holder or the 839
holder's agent for transmission to the owner. If such a request is 840
made, the clerk shall issue a physical certificate of title and 841
send it to the specified person. 842

The clerk shall not honor such a request for a physical 843
certificate of title if it is not made by the holder at the same 844
time as the holder's notification to the clerk of the discharge of 845
its security interest. 846

(D)(1) In all cases, a secured party may choose to present a 847
clerk with evidence of a security interest via electronic means, 848
and the clerk shall enter the security interest into the automated 849
title processing system. A secured party also may choose to notify 850
a clerk of the discharge of its security interest via electronic 851
means, and the clerk shall enter the cancellation into the 852
automated title processing system. 853

(2) In the case of a security interest that is being 854
satisfied by a watercraft dealer to whom a certificate of title is 855
being transferred, the cancellation of the security interest shall 856
occur during the course of the transfer. The dealer shall submit a 857
discharge request to the secured party. A discharge request shall 858
include good funds in the correct amount to fully discharge the 859
security interest and accurate information concerning the 860
watercraft or outboard motor. 861

(3)(a) Upon receiving a discharge request that complies with 862
division (D)(2) of this section, except as otherwise provided in 863
this division, a secured party shall convey the certificate of 864
title, with the discharge of the security interest noted on its 865
face, to the dealer within seven business days after the date good 866
funds in the correct amount to fully discharge the security 867

interest have been credited to an account of the secured party. 868

If a secured party is unable to convey to the dealer a 869
certificate of title within the required seven business days, the 870
secured party instead shall convey to the dealer an affidavit 871
stating that the security interest has been discharged, together 872
with payment for a duplicate certificate of title, within that 873
period. 874

(b) Conveyance of a certificate of title, or affidavit and 875
required payment, from a secured party to a dealer under the 876
circumstances described in division (D)(3)(a) of this section 877
within the required seven business days may be indicated by a 878
postmark within that period. 879

(4) A secured party is liable to a dealer for a late fee of 880
ten dollars per day for each certificate of title, or affidavit 881
and required payment, conveyed to the dealer more than seven 882
business days but less than twenty-one days after the date 883
specified in division (D)(3)(a) of this section and, from then on, 884
twenty-five dollars per day until the certificate of title, or 885
affidavit and required payment, are conveyed to the dealer. 886

(E) If a physical certificate of title has not been issued 887
for a watercraft or outboard motor and all the security interests 888
relating to that watercraft or outboard motor have been 889
discharged, the owner of the watercraft or outboard motor may 890
obtain a physical certificate of title from the clerk of any court 891
of common pleas upon payment of the fee specified in section 892
1548.10 of the Revised Code. 893

(F) If a clerk of a court of common pleas, other than the 894
clerk of the court of common pleas of the county in which the 895
owner of a watercraft or outboard motor resides, enters a notation 896
of the existence of, or the cancellation of, a security interest 897
relating to the watercraft or outboard motor, the clerk shall 898

transmit the data relating to the notation to the automated title processing system. 899
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(G) The electronic transmission of security interest and other information under this section shall comply with rules adopted by the registrar of motor vehicles under section 4505.13 of the Revised Code. 901
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(H) As used in this section: 905

(1) "Accurate information" means the serial number of the watercraft or outboard motor, if any; the make and model of the watercraft or outboard motor; and the name and address of the owner of the watercraft or outboard motor as they appear on the certificate of title that is to be conveyed. 906
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(2) "Good funds" has the same meaning as in section 4505.13 of the Revised Code. 911
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(3) "Watercraft dealer" has the same meaning as in section 1547.01 of the Revised Code. 913
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Sec. 2935.27. (A)(1) If a law enforcement officer issues a citation to a person pursuant to section 2935.26 of the Revised Code and if the minor misdemeanor offense for which the citation is issued is an act prohibited by Chapter 4511., 4513., or 4549. of the Revised Code or an act prohibited by any municipal ordinance that is substantially similar to any section contained in Chapter 4511., 4513., or 4549. of the Revised Code, the officer shall inform the person, if the person has a current valid Ohio driver's or commercial driver's license, of the possible consequences of the person's actions as required under division (E) of this section, and also shall inform the person that the person is required either to appear at the time and place stated in the citation or to comply with division (C) of section 2935.26 of the Revised Code. 915
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(2) If the person is an Ohio resident but does not have a
current valid Ohio driver's or commercial driver's license or if
the person is a resident of a state that is not a member of the
nonresident violator compact of which this state is a member
pursuant to section 4510.71 of the Revised Code, and if the court,
by local rule, has prescribed a procedure for the setting of a
reasonable security pursuant to division (F) of this section,
security shall be set in accordance with that local rule and that
division.

A court by local rule may prescribe a procedure for the
setting of reasonable security as described in this division. As
an alternative to this procedure, a court by local rule may
prescribe a procedure for the setting of a reasonable security by
the person without the person appearing before the court.

(B) A person who has security set under division (A)(2) of
this section shall be given a receipt or other evidence of the
deposit of the security by the court.

(C) Upon compliance with division (C) of section 2935.26 of
the Revised Code by a person who was issued a citation, the clerk
of the court shall notify the court. The court shall immediately
return any sum of money, license, or other security deposited in
relation to the citation to the person, or to any other person who
deposited the security.

(D) If a person who has a current valid Ohio driver's or
commercial driver's license and who was issued a citation fails to
appear at the time and place specified on the citation, fails to
comply with division (C) of section 2935.26 of the Revised Code,
or fails to comply with or satisfy any judgment of the court
within the time allowed by the court, the court shall declare the
~~suspension~~ forfeiture of the person's license. Thirty days after
the declaration of forfeiture, the court shall enter information

relative to the ~~suspension~~ forfeiture on a form approved and 960
furnished by the registrar of motor vehicles, and forward the form 961
to the registrar. The registrar shall suspend the person's 962
driver's or commercial driver's license, send written notification 963
of the suspension to the person at the person's last known 964
address, and order the person to surrender the person's driver's 965
or commercial driver's license to the registrar within forty-eight 966
hours. No valid driver's or commercial driver's license shall be 967
granted to the person until the court having jurisdiction of the 968
offense that led to the ~~suspension~~ forfeiture orders that the 969
~~suspension~~ forfeiture be terminated. The court shall so order if 970
the person, after having failed to appear in court at the required 971
time and place to answer the charge or after having pleaded guilty 972
to or been found guilty of the violation and having failed within 973
the time allowed by the court to pay the fine imposed by the 974
court, thereafter appears to answer the charge and pays any fine 975
imposed by the court or pays the fine originally imposed by the 976
court. The court shall inform the registrar of the termination of 977
the ~~suspension~~ forfeiture by entering information relative to the 978
termination on a form approved and furnished by the registrar and 979
sending the form to the registrar as provided in this division. 980
The person shall pay to the bureau of motor vehicles a 981
fifteen-dollar ~~processing~~ reinstatement fee to cover the costs of 982
the bureau in administering this section. The registrar shall 983
deposit the fees so paid into the state bureau of motor vehicles 984
fund created by section 4501.25 of the Revised Code. 985

In addition, upon receipt of the copy of the declaration of 986
~~suspension~~ forfeiture from the court, neither the registrar nor 987
any deputy registrar shall accept any application for the 988
registration or transfer of registration of any motor vehicle 989
owned or leased by the person named in the declaration of 990
~~suspension~~ forfeiture until the court having jurisdiction of the 991
offense that led to the ~~suspension~~ forfeiture orders that the 992

~~suspension~~ forfeiture be terminated. However, for a motor vehicle 993
leased by a person named in a declaration of ~~suspension~~ 994
forfeiture, the registrar shall not implement the preceding 995
sentence until the registrar adopts procedures for that 996
implementation under section 4503.39 of the Revised Code. Upon 997
receipt by the registrar of an order terminating the ~~suspension~~ 998
forfeiture, the registrar shall take such measures as may be 999
necessary to permit the person to register a motor vehicle owned 1000
or leased by the person or to transfer the registration of such a 1001
motor vehicle, if the person later makes application to take such 1002
action and the person otherwise is eligible to register the motor 1003
vehicle or to transfer the registration of it. 1004

The registrar is not required to give effect to any 1005
declaration of ~~suspension~~ forfeiture or order terminating a 1006
~~suspension~~ forfeiture unless the order is transmitted to the 1007
registrar by means of an electronic transfer system. The registrar 1008
shall not restore the person's driving or vehicle registration 1009
privileges until the person pays the reinstatement fee as provided 1010
in this division. 1011

If the person who was issued the citation fails to appear at 1012
the time and place specified on the citation and fails to comply 1013
with division (C) of section 2935.26 of the Revised Code and the 1014
person has deposited a sum of money or other security in relation 1015
to the citation under division (A)(2) of this section, the deposit 1016
immediately shall be forfeited to the court. 1017

This section does not preclude further action as authorized 1018
by division (F) of section 2935.26 of the Revised Code. 1019

(E) A law enforcement officer who issues a person a minor 1020
misdemeanor citation for an act prohibited by Chapter 4511., 1021
4513., or 4549. of the Revised Code or an act prohibited by a 1022
municipal ordinance that is substantially similar to any section 1023
contained in Chapter 4511., 4513., or 4549. of the Revised Code 1024

shall inform the person that if the person does not appear at the 1025
time and place stated on the citation or does not comply with 1026
division (C) of section 2935.26 of the Revised Code, the person's 1027
driver's or commercial driver's license will be suspended, the 1028
person will not be eligible for the reissuance of the license or 1029
the issuance of a new license or the issuance of a certificate of 1030
registration for a motor vehicle owned or leased by the person, 1031
until the person appears and complies with all orders of the 1032
court. The person also is subject to any applicable criminal 1033
penalties. 1034

(F) A court setting security under division (A)(2) of this 1035
section shall do so in conformity with sections 2937.22 and 1036
2937.23 of the Revised Code and the Rules of Criminal Procedure. 1037

Sec. 2937.221. (A) A person arrested without warrant for any 1038
violation listed in division (B) of this section, and having a 1039
current valid Ohio driver's or commercial driver's license, if the 1040
person has been notified of the possible consequences of the 1041
person's actions as required by division (C) of this section, may 1042
post bond by depositing the license with the arresting officer if 1043
the officer and person so choose, or with the local court having 1044
jurisdiction if the court and person so choose. The license may be 1045
used as bond only during the period for which it is valid. 1046

When an arresting officer accepts the driver's or commercial 1047
driver's license as bond, the officer shall note the date, time, 1048
and place of the court appearance on "the violator's notice to 1049
appear," and the notice shall serve as a valid Ohio driver's or 1050
commercial driver's license until the date and time appearing 1051
thereon. The arresting officer immediately shall forward the 1052
license to the appropriate court. 1053

When a local court accepts the license as bond or continues 1054
the case to another date and time, it shall provide the person 1055

with a card in a form approved by the registrar of motor vehicles 1056
setting forth the license number, name, address, the date and time 1057
of the court appearance, and a statement that the license is being 1058
held as bond. The card shall serve as a valid license until the 1059
date and time contained in the card. 1060

The court may accept other bond at any time and return the 1061
license to the person. The court shall return the license to the 1062
person when judgment is satisfied, including, but not limited to, 1063
compliance with any court orders, unless a suspension or 1064
cancellation is part of the penalty imposed. 1065

Neither "the violator's notice to appear" nor a court- 1066
granted card shall continue driving privileges beyond the 1067
expiration date of the license. 1068

If the person arrested fails to appear in court at the date 1069
and time set by the court or fails to satisfy the judgment of the 1070
court, including, but not limited to, compliance with all court 1071
orders within the time allowed by the court, the court may ~~impose~~ 1072
~~a class seven suspension~~ declare the forfeiture of the person's 1073
license ~~from the range specified in division (A)(7) of section~~ 1074
~~4510.02 of the Revised Code.~~ Thirty days after the ~~suspension~~ 1075
declaration of the forfeiture, the court shall forward the 1076
person's license to the registrar. The court also shall enter 1077
information relative to the ~~suspension~~ forfeiture on a form 1078
approved and furnished by the registrar and send the form to the 1079
registrar, ~~and the.~~ The registrar shall suspend the person's 1080
license and send written notification of the suspension to the 1081
person at the person's last known address. No valid driver's or 1082
commercial driver's license shall be granted to the person until 1083
the ~~expiration of the period of the suspension or, prior to the~~ 1084
~~expiration of that period,~~ the court having jurisdiction orders 1085
that the ~~suspension is~~ forfeiture be terminated. If ~~the court~~ 1086
~~terminates the suspension,~~ The court shall inform the 1087

registrar of the termination of the forfeiture by entering 1088
information relative to the termination on a form approved and 1089
furnished by the registrar and sending the form to the registrar. 1090
Upon the ~~expiration or~~ termination ~~of the suspension~~, the person 1091
shall pay to the bureau of motor vehicles a ~~processing~~ 1092
reinstatement fee of fifteen dollars to cover the costs of the 1093
bureau in administering this section. The registrar shall deposit 1094
the fees so paid into the state bureau of motor vehicles fund 1095
created by section 4501.25 of the Revised Code. 1096

In addition, upon receipt from the court of the copy of the 1097
~~suspension~~ declaration of forfeiture, neither the registrar nor 1098
any deputy registrar shall accept any application for the 1099
registration or transfer of registration of any motor vehicle 1100
owned by or leased in the name of the person named in the 1101
~~suspension~~ declaration of forfeiture until the ~~expiration of the~~ 1102
~~period of the suspension or, prior to the expiration of that~~ 1103
~~period,~~ the court having jurisdiction over the offense that led to 1104
the suspension issues an order terminating the ~~suspension~~ 1105
forfeiture. However, for a motor vehicle leased in the name of a 1106
person named in a ~~suspension~~ declaration of forfeiture, the 1107
registrar shall not implement the preceding sentence until the 1108
registrar adopts procedures for that implementation under section 1109
4503.39 of the Revised Code. Upon ~~the expiration of the suspension~~ 1110
~~or upon~~ receipt by the registrar of such an order ~~terminating the~~ 1111
~~suspension~~, the registrar also shall take the measures necessary 1112
to permit the person to register a motor vehicle the person owns 1113
or leases or to transfer the registration of a motor vehicle the 1114
person owns or leases if the person later makes a proper 1115
application and otherwise is eligible to be issued or to transfer 1116
a motor vehicle registration. 1117

(B) Division (A) of this section applies to persons arrested 1118
for violation of: 1119

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

(2) Any municipal ordinance substantially similar to a section included in division (B)(1) of this section;

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

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

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

(D) The registrar shall not restore the person's driving or vehicle registration privileges until the person pays the reinstatement fee as provided in this section.

Sec. 3937.41. (A) As used in this section:

(1) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code and also includes private ambulance companies

under contract to a municipal corporation, township, or county. 1150

(2) "Emergency vehicle" means any of the following: 1151

(a) Any vehicle, as defined in section 4511.01 of the Revised 1152
Code, that is an emergency vehicle of a municipal, township, or 1153
county department or public utility corporation and that is 1154
identified as such as required by law, the director of public 1155
safety, or local authorities; 1156

(b) Any motor vehicle, as defined in section 4511.01 of the 1157
Revised Code, when commandeered by a police officer; 1158

(c) Any vehicle, as defined in section 4511.01 of the Revised 1159
Code, that is an emergency vehicle of a qualified nonprofit 1160
corporation police department established pursuant to section 1161
1702.80 of the Revised Code and that is identified as an emergency 1162
vehicle; 1163

(d) Any vehicle, as defined in section 4511.01 of the Revised 1164
Code, that is an emergency vehicle of a proprietary police 1165
department or security department of a hospital operated by a 1166
public hospital agency or a nonprofit hospital agency that employs 1167
police officers under section 4973.17 of the Revised Code, and 1168
that is identified as an emergency vehicle. 1169

(3) "Firefighter" means any regular, paid, member of a 1170
lawfully constituted fire department of a municipal corporation or 1171
township. 1172

(4) "Law enforcement officer" means a sheriff, deputy 1173
sheriff, constable, marshal, deputy marshal, municipal or township 1174
police officer, state highway patrol trooper, police officer 1175
employed by a qualified nonprofit police department pursuant to 1176
section 1702.80 of the Revised Code, or police officer employed by 1177
a proprietary police department or security department of a 1178
hospital operated by a public hospital agency or nonprofit 1179
hospital agency pursuant to section 4973.17 of the Revised Code. 1180

(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person.

(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the ~~commercial motor vehicle safety~~ carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;

(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the insurer and if the superintendent determines that the insurer has violated this section, the superintendent may direct the issuance of a policy, decrease the premium rate on a policy, or reinstate insurance coverage.

(D) The employer of the law enforcement officer, firefighter, or operator of an emergency vehicle or ambulance, operator of a vehicle engaged in mowing or snow and ice removal, or operator of

a vehicle who is a member of the ~~commercial motor vehicle safety~~ 1212
carrier enforcement unit, except as otherwise provided in division 1213
(F) of this section, shall certify to the state highway patrol or 1214
law enforcement agency that investigates the accident whether the 1215
officer, firefighter, or operator of an emergency vehicle or 1216
ambulance, operator of a vehicle engaged in mowing or snow and ice 1217
removal, or operator of a vehicle who is a member of the 1218
~~commercial motor vehicle safety~~ carrier enforcement unit, was 1219
engaged in the performance of the person's official duties as such 1220
employee at the time of the accident. The employer shall designate 1221
an official authorized to make the certifications. The state 1222
highway patrol or law enforcement agency shall include the 1223
certification in any report of the accident forwarded to the 1224
department of public safety pursuant to sections 5502.11 and 1225
5502.12 of the Revised Code and shall forward the certification to 1226
the department if received after the report of the accident has 1227
been forwarded to the department. The registrar of motor vehicles 1228
shall not include an accident in a certified abstract of 1229
information under division (A) of section 4509.05 of the Revised 1230
Code, if the person involved has been so certified as having been 1231
engaged in the performance of the person's official duties at the 1232
time of the accident. 1233

(E) Division (B) of this section does not apply to an insurer 1234
whose policy covers the motor vehicle at the time the motor 1235
vehicle is involved in an accident described in division (B) of 1236
this section. 1237

(F) Division (B) of this section does not apply if an 1238
applicant or policyholder, on the basis of the applicant's or 1239
policyholder's involvement in an accident described in that 1240
division, is convicted of or pleads guilty or no contest to a 1241
violation of section 4511.19 of the Revised Code; of a municipal 1242
ordinance relating to operating a vehicle while under the 1243

influence of alcohol, a drug of abuse, or alcohol and a drug of 1244
abuse; or of a municipal ordinance relating to operating a vehicle 1245
with a prohibited concentration of alcohol in the blood, breath, 1246
or urine, or other bodily substance. 1247

Sec. 3937.43. (A) As used in this section: 1248

(1) "Automobile insurance policies" has the same meaning as 1249
in section 3937.30 of the Revised Code. 1250

(2) "Moving violation" means any violation of any statute or 1251
ordinance that regulates the operation of vehicles, streetcars, or 1252
trackless trolleys on highways or streets or that regulates size 1253
or load limitations or fitness requirements of vehicles. "Moving 1254
violation" does not include the violation of any statute or 1255
ordinance that regulates pedestrians or the parking of vehicles. 1256

(3) "Community control sanction" has the same meaning as in 1257
section 2929.01 of the Revised Code. 1258

(B) Every rating plan or schedule of rates for automobile 1259
insurance policies that is filed with the superintendent of 1260
insurance shall provide for an appropriate reduction in premium 1261
charges for any insured or applicant for insurance under the 1262
following conditions: 1263

(1) The applicant or insured is sixty years of age or older; 1264

(2) The applicant or insured successfully completes a motor 1265
vehicle accident prevention course, which includes classroom 1266
instruction and the passing of an examination in accordance with 1267
both of the following: 1268

(a) The ~~state highway patrol~~ department of public safety 1269
shall approve the course and the examination. However, the ~~state~~ 1270
~~highway patrol~~ department shall not approve any correspondence 1271
course or any other course that does not provide classroom 1272
instruction. 1273

(b) The examination shall include an actual demonstration of 1274
the applicant's or insured's ability to exercise ordinary and 1275
reasonable control in the operation of a motor vehicle. 1276

(3) The applicant or insured submits to the insurer a 1277
certificate that is issued by the sponsor of the motor vehicle 1278
accident prevention course and attests to the successful 1279
completion of the course by the applicant or insured; 1280

(4) The insurer may consider the driving record of the 1281
applicant or insured in accordance with divisions (C) and (D) of 1282
this section. 1283

(C) In determining whether to grant a reduction in premium 1284
charges in accordance with this section, the insurer may consider 1285
the driving record of the insured or applicant for a three-year 1286
period prior to the successful completion of a motor vehicle 1287
accident prevention course. 1288

(D)(1) Subject to division (D)(2) of this section, every 1289
reduction in premium charges granted in accordance with this 1290
section shall be effective for an insured for a three-year period 1291
after each successful completion of a motor vehicle accident 1292
prevention course. 1293

(2) As a condition of maintaining a reduction in premium 1294
charges granted in accordance with this section, an insurer may 1295
require that the insured, during the three-year period for which 1296
the reduction has been granted, neither be involved in an accident 1297
for which the insured is primarily at fault, nor be convicted of 1298
more than one moving violation. 1299

(E) A reduction in premium charges granted in accordance with 1300
this section shall not become effective until the first full term 1301
of coverage following the successful completion of a motor vehicle 1302
accident prevention course in accordance with division (B) of this 1303
section. 1304

(F) The ~~superintendent~~ director of the ~~state highway patrol~~ department of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to carry out the duties of the ~~state highway patrol~~ department under this section.

(G) This section does not apply to any automobile insurance policy issued under an assigned risk plan pursuant to section 4509.70 of the Revised Code.

(H) This section does not apply to circumstances in which the motor vehicle accident prevention course is required by a court as a condition of a community control sanction imposed for a moving violation.

Sec. 3937.45. (A) No insurer shall consider the circumstance that an applicant or policyholder has been convicted of any violation of the weight provisions of Chapter 5577. of the Revised Code, or a substantially similar municipal ordinance relating to vehicle weight as a basis for doing either of the following:

(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;

(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

(B) Any applicant or policyholder affected by an action of an insurer in violation of division (A) of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the insurer and ~~if he determines~~ after determining that the insurer has violated this section, the superintendent may direct the issuance of a policy, decrease the premium rate on a policy, or reinstate insurance coverage.

(C) The registrar shall not include the conviction for a violation of the weight provisions of Chapter 5577. of the Revised Code, or a substantially similar municipal ordinance relating to vehicle weight as part of the driver's or operator's permanent record and shall not include the conviction in a certified abstract of information under division ~~(B)~~(A) of section 4509.05 of the Revised Code.

(D) Division (A) of this section does not apply to an insurer whose policy covers the vehicle, trackless trolley, load, object, or structure operated or moved upon improved public highways, streets, bridges, or culverts in violation of the weight provisions of Chapter 5577. of the Revised Code, or a substantially similar municipal ordinance relating to vehicle weight.

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

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

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation,

well-drilling machinery, ditch-digging machinery, farm machinery, 1366
trailers that are used to transport agricultural produce or 1367
agricultural production materials between a local place of storage 1368
or supply and the farm when drawn or towed on a public road or 1369
highway at a speed of twenty-five miles per hour or less, 1370
threshing machinery, hay-baling machinery, corn sheller, 1371
hammermill and agricultural tractors, machinery used in the 1372
production of horticultural, agricultural, and vegetable products, 1373
and trailers that are designed and used exclusively to transport a 1374
boat between a place of storage and a marina, or in and around a 1375
marina, when drawn or towed on a public road or highway for a 1376
distance of no more than ten miles and at a speed of twenty-five 1377
miles per hour or less. 1378

(C) "Agricultural tractor" and "traction engine" mean any 1379
self-propelling vehicle that is designed or used for drawing other 1380
vehicles or wheeled machinery, but has no provisions for carrying 1381
loads independently of such other vehicles, and that is used 1382
principally for agricultural purposes. 1383

(D) "Commercial tractor," except as defined in division (C) 1384
of this section, means any motor vehicle that has motive power and 1385
either is designed or used for drawing other motor vehicles, or is 1386
designed or used for drawing another motor vehicle while carrying 1387
a portion of the other motor vehicle or its load, or both. 1388

(E) "Passenger car" means any motor vehicle that is designed 1389
and used for carrying not more than nine persons and includes any 1390
motor vehicle that is designed and used for carrying not more than 1391
fifteen persons in a ridesharing arrangement. 1392

(F) "Collector's vehicle" means any motor vehicle or 1393
agricultural tractor or traction engine that is of special 1394
interest, that has a fair market value of one hundred dollars or 1395
more, whether operable or not, and that is owned, operated, 1396
collected, preserved, restored, maintained, or used essentially as 1397

a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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

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

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

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

(K) "Bicycle" means every device, other than a tricycle that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which any person may ride, and that has either two tandem wheels, or one wheel in front and two wheels in the rear, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two 1429
tandem wheels or one wheel in the front and two wheels in the 1430
rear, that is capable of being pedaled, and that is equipped with 1431
a helper motor of not more than fifty cubic centimeters piston 1432
displacement that produces no more than one brake horsepower and 1433
is capable of propelling the vehicle at a speed of no greater than 1434
twenty miles per hour on a level surface. 1435

(M) "Trailer" means any vehicle without motive power that is 1436
designed or used for carrying property or persons wholly on its 1437
own structure and for being drawn by a motor vehicle, and includes 1438
any such vehicle that is formed by or operated as a combination of 1439
a semitrailer and a vehicle of the dolly type such as that 1440
commonly known as a trailer dolly, a vehicle used to transport 1441
agricultural produce or agricultural production materials between 1442
a local place of storage or supply and the farm when drawn or 1443
towed on a public road or highway at a speed greater than 1444
twenty-five miles per hour, and a vehicle that is designed and 1445
used exclusively to transport a boat between a place of storage 1446
and a marina, or in and around a marina, when drawn or towed on a 1447
public road or highway for a distance of more than ten miles or at 1448
a speed of more than twenty-five miles per hour. "Trailer" does 1449
not include a manufactured home or travel trailer. 1450

(N) "Noncommercial trailer" means any trailer, except a 1451
travel trailer or trailer that is used to transport a boat as 1452
described in division (B) of this section, but, where applicable, 1453
includes a vehicle that is used to transport a boat as described 1454
in division (M) of this section, that has a gross weight of no 1455
more than three thousand pounds, and that is used exclusively for 1456
purposes other than engaging in business for a profit. 1457

(O) "Mobile home" means a building unit or assembly of closed 1458
construction that is fabricated in an off-site facility, is more 1459
than thirty-five body feet in length or, when erected on site, is 1460

three hundred twenty or more square feet, is built on a permanent 1461
chassis, is transportable in one or more sections, and does not 1462
qualify as a manufactured home as defined in division (C)(4) of 1463
section 3781.06 of the Revised Code or as an industrialized unit 1464
as defined in division (C)(3) of section 3781.06 of the Revised 1465
Code. 1466

(P) "Semitrailer" means any vehicle of the trailer type that 1467
does not have motive power and is so designed or used with another 1468
and separate motor vehicle that in operation a part of its own 1469
weight or that of its load, or both, rests upon and is carried by 1470
the other vehicle furnishing the motive power for propelling 1471
itself and the vehicle referred to in this division, and includes, 1472
for the purpose only of registration and taxation under those 1473
chapters, any vehicle of the dolly type, such as a trailer dolly, 1474
that is designed or used for the conversion of a semitrailer into 1475
a trailer. 1476

(Q) "Recreational vehicle" means a vehicular portable 1477
structure that meets all of the following conditions: 1478

(1) It is designed for the sole purpose of recreational 1479
travel. 1480

(2) It is not used for the purpose of engaging in business 1481
for profit. 1482

(3) It is not used for the purpose of engaging in intrastate 1483
commerce. 1484

(4) It is not used for the purpose of commerce as defined in 1485
49 C.F.R. 383.5, as amended. 1486

(5) It is not regulated by the public utilities commission 1487
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 1488

(6) It is classed as one of the following: 1489

(a) "Travel trailer" means a nonself-propelled recreational 1490

vehicle that does not exceed an overall length of thirty-five 1491
feet, exclusive of bumper and tongue or coupling, and contains 1492
less than three hundred twenty square feet of space when erected 1493
on site. "Travel trailer" includes a tent-type fold-out camping 1494
trailer as defined in section 4517.01 of the Revised Code. 1495

(b) "Motor home" means a self-propelled recreational vehicle 1496
that has no fifth wheel and is constructed with permanently 1497
installed facilities for cold storage, cooking and consuming of 1498
food, and for sleeping. 1499

(c) "Truck camper" means a nonself-propelled recreational 1500
vehicle that does not have wheels for road use and is designed to 1501
be placed upon and attached to a motor vehicle. "Truck camper" 1502
does not include truck covers that consist of walls and a roof, 1503
but do not have floors and facilities enabling them to be used as 1504
a dwelling. 1505

(d) "Fifth wheel trailer" means a vehicle that is of such 1506
size and weight as to be movable without a special highway permit, 1507
that has a gross trailer area of four hundred square feet or less, 1508
that is constructed with a raised forward section that allows a 1509
bi-level floor plan, and that is designed to be towed by a vehicle 1510
equipped with a fifth-wheel hitch ordinarily installed in the bed 1511
of a truck. 1512

(e) "Park trailer" means a vehicle that is commonly known as 1513
a park model recreational vehicle, meets the American national 1514
standard institute standard A119.5 (1988) for park trailers, is 1515
built on a single chassis, has a gross trailer area of four 1516
hundred square feet or less when set up, is designed for seasonal 1517
or temporary living quarters, and may be connected to utilities 1518
necessary for the operation of installed features and appliances. 1519

(R) "Pneumatic tires" means tires of rubber and fabric or 1520
tires of similar material, that are inflated with air. 1521

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

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

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less.

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

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles

by means of used parts, if such departments are operated for the 1553
purpose of furthering and assisting in the business of 1554
manufacturing, selling, displaying, offering for sale, or dealing 1555
in motor vehicles. Places of business or departments in a place of 1556
business used to dismantle, salvage, or rebuild motor vehicles by 1557
means of using used parts are not considered as being maintained 1558
for the purpose of assisting or furthering the manufacturing, 1559
selling, displaying, and offering for sale or dealing in motor 1560
vehicles. 1561

(X) "Operator" includes any person who drives or operates a 1562
motor vehicle upon the public highways. 1563

(Y) "Chauffeur" means any operator who operates a motor 1564
vehicle, other than a taxicab, as an employee for hire; or any 1565
operator whether or not the owner of a motor vehicle, other than a 1566
taxicab, who operates such vehicle for transporting, for gain, 1567
compensation, or profit, either persons or property owned by 1568
another. Any operator of a motor vehicle who is voluntarily 1569
involved in a ridesharing arrangement is not considered an 1570
employee for hire or operating such vehicle for gain, 1571
compensation, or profit. 1572

(Z) "State" includes the territories and federal districts of 1573
the United States, and the provinces of Canada. 1574

(AA) "Public roads and highways" for vehicles includes all 1575
public thoroughfares, bridges, and culverts. 1576

(BB) "Manufacturer's number" means the manufacturer's 1577
original serial number that is affixed to or imprinted upon the 1578
chassis or other part of the motor vehicle. 1579

(CC) "Motor number" means the manufacturer's original number 1580
that is affixed to or imprinted upon the engine or motor of the 1581
vehicle. 1582

(DD) "Distributor" means any person who is authorized by a 1583

motor vehicle manufacturer to distribute new motor vehicles to 1584
licensed motor vehicle dealers at an established place of business 1585
that is used exclusively for the purpose of distributing new motor 1586
vehicles to licensed motor vehicle dealers, except when the 1587
distributor also is a new motor vehicle dealer, in which case the 1588
distributor may distribute at the location of the distributor's 1589
licensed dealership. 1590

(EE) "Ridesharing arrangement" means the transportation of 1591
persons in a motor vehicle where the transportation is incidental 1592
to another purpose of a volunteer driver and includes ridesharing 1593
arrangements known as carpools, vanpools, and buspools. 1594

(FF) "Apportionable vehicle" means any vehicle that is used 1595
or intended for use in two or more international registration plan 1596
member jurisdictions that allocate or proportionally register 1597
vehicles, that is used for the transportation of persons for hire 1598
or designed, used, or maintained primarily for the transportation 1599
of property, and that meets any of the following qualifications: 1600

(1) Is a power unit having a gross vehicle weight in excess 1601
of twenty-six thousand pounds; 1602

(2) Is a power unit having three or more axles, regardless of 1603
the gross vehicle weight; 1604

(3) Is a combination vehicle with a gross vehicle weight in 1605
excess of twenty-six thousand pounds. 1606

"Apportionable vehicle" does not include recreational 1607
vehicles, vehicles displaying restricted plates, city pick-up and 1608
delivery vehicles, buses used for the transportation of chartered 1609
parties, or vehicles owned and operated by the United States, this 1610
state, or any political subdivisions thereof. 1611

(GG) "Chartered party" means a group of persons who contract 1612
as a group to acquire the exclusive use of a passenger-carrying 1613
motor vehicle at a fixed charge for the vehicle in accordance with 1614

the carrier's tariff, lawfully on file with the United States 1615
department of transportation, for the purpose of group travel to a 1616
specified destination or for a particular itinerary, either agreed 1617
upon in advance or modified by the chartered group after having 1618
left the place of origin. 1619

(HH) "International registration plan" means a reciprocal 1620
agreement of member jurisdictions that is endorsed by the American 1621
association of motor vehicle administrators, and that promotes and 1622
encourages the fullest possible use of the highway system by 1623
authorizing apportioned registration of fleets of vehicles and 1624
recognizing registration of vehicles apportioned in member 1625
jurisdictions. 1626

(II) "Restricted plate" means a license plate that has a 1627
restriction of time, geographic area, mileage, or commodity, and 1628
includes license plates issued to farm trucks under division 1629
(~~K~~)(J) of section 4503.04 of the Revised Code. 1630

(JJ) "Gross vehicle weight," with regard to any commercial 1631
car, trailer, semitrailer, or bus that is taxed at the rates 1632
established under section 4503.042 of the Revised Code, means the 1633
unladen weight of the vehicle fully equipped plus the maximum 1634
weight of the load to be carried on the vehicle. 1635

(KK) "Combined gross vehicle weight" with regard to any 1636
combination of a commercial car, trailer, and semitrailer, that is 1637
taxed at the rates established under section 4503.042 of the 1638
Revised Code, means the total unladen weight of the combination of 1639
vehicles fully equipped plus the maximum weight of the load to be 1640
carried on that combination of vehicles. 1641

(LL) "Chauffeured limousine" means a motor vehicle that is 1642
designed to carry nine or fewer passengers and is operated for 1643
hire on an hourly basis pursuant to a prearranged contract for the 1644
transportation of passengers on public roads and highways along a 1645

route under the control of the person hiring the vehicle and not 1646
over a defined and regular route. "Prearranged contract" means an 1647
agreement, made in advance of boarding, to provide transportation 1648
from a specific location in a chauffeured limousine at a fixed 1649
rate per hour or trip. "Chauffeured limousine" does not include 1650
any vehicle that is used exclusively in the business of funeral 1651
directing. 1652

(MM) "Manufactured home" has the same meaning as in division 1653
(C)(4) of section 3781.06 of the Revised Code. 1654

(NN) "Acquired situs," with respect to a manufactured home or 1655
a mobile home, means to become located in this state by the 1656
placement of the home on real property, but does not include the 1657
placement of a manufactured home or a mobile home in the inventory 1658
of a new motor vehicle dealer or the inventory of a manufacturer, 1659
remanufacturer, or distributor of manufactured or mobile homes. 1660

(OO) "Electronic" includes electrical, digital, magnetic, 1661
optical, electromagnetic, or any other form of technology that 1662
entails capabilities similar to these technologies. 1663

(PP) "Electronic record" means a record generated, 1664
communicated, received, or stored by electronic means for use in 1665
an information system or for transmission from one information 1666
system to another. 1667

(QQ) "Electronic signature" means a signature in electronic 1668
form attached to or logically associated with an electronic 1669
record. 1670

(RR) "Financial transaction device" has the same meaning as 1671
in division (A) of section 113.40 of the Revised Code. 1672

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1673
dealer licensed under Chapter 4517. of the Revised Code whom the 1674
registrar of motor vehicles determines meets the criteria 1675
designated in section 4503.035 of the Revised Code for electronic 1676

motor vehicle dealers and designates as an electronic motor 1677
vehicle dealer under that section. 1678

(TT) "Electric personal assistive mobility device" means a 1679
self-balancing two non-tandem wheeled device that is designed to 1680
transport only one person, has an electric propulsion system of an 1681
average of seven hundred fifty watts, and when ridden on a paved 1682
level surface by an operator who weighs one hundred seventy pounds 1683
has a maximum speed of less than twenty miles per hour. 1684

~~(TT)~~(UU) "Limited driving privileges" means the privilege to 1685
operate a motor vehicle that a court grants under section 4510.021 1686
of the Revised Code to a person whose driver's or commercial 1687
driver's license or permit or nonresident operating privilege has 1688
been suspended. 1689

Sec. 4501.02. (A) There is hereby created in the department 1690
of public safety a bureau of motor vehicles, which shall be 1691
administered by a registrar of motor vehicles. The registrar shall 1692
be appointed by the director of public safety and shall serve at 1693
the director's pleasure. 1694

The registrar shall administer the laws of the state relative 1695
to the registration of and certificates of title for motor 1696
vehicles, and the licensing of motor vehicle dealers, motor 1697
vehicle leasing dealers, distributors, and salespersons, and of 1698
motor vehicle salvage dealers, salvage motor vehicle auctions, and 1699
salvage motor vehicle pools. The registrar also shall, in 1700
accordance with section 4503.61 of the Revised Code, take those 1701
steps necessary to enter this state into membership in the 1702
international registration plan and carry out the registrar's 1703
other duties under that section. The registrar, with the approval 1704
of the director of public safety, may do all of the following: 1705

(1) Adopt such forms and rules as are necessary to carry out 1706
all laws the registrar is required to administer; 1707

(2) Appoint such number of assistants, deputies, clerks, 1708
stenographers, and other employees as are necessary to carry out 1709
such laws; 1710

(3) Acquire or lease such facilities as are necessary to 1711
carry out the duties of the registrar's office; 1712

(4) Establish accounts in a bank or depository and deposit 1713
any funds collected by the registrar in those accounts to the 1714
credit of "state of Ohio, bureau of motor vehicles." Within three 1715
days after the deposit of funds in such an account, the registrar 1716
shall draw on that account in favor of the treasurer of state. The 1717
registrar may reserve funds against the draw to the treasurer of 1718
state to the extent reasonably necessary to ensure that the 1719
deposited items are not dishonored. The registrar may pay any 1720
service charge usually collected by the bank or depository. 1721

The registrar shall give a bond for the faithful performance 1722
of the registrar's duties in such amount and with such security as 1723
the director approves. When in the opinion of the director it is 1724
advisable, any deputy or other employee may be required to give 1725
bond in such amount and with such security as the director 1726
approves. In the discretion of the director, the bonds authorized 1727
to be taken on deputies or other employees may be individual, 1728
schedule, or blanket bonds. 1729

The director of public safety may investigate the activities 1730
of the bureau and have access to its records at any time, and the 1731
registrar shall make a report to the director at any time upon 1732
request. 1733

All laws relating to the licensing of motor vehicle dealers, 1734
motor vehicle leasing dealers, distributors, and salespersons, and 1735
of motor vehicle salvage dealers, salvage motor vehicle auctions, 1736
and salvage motor vehicle pools, designating and granting power to 1737
the registrar shall be liberally construed to the end that the 1738

practice or commission of fraud in the business of selling motor 1739
vehicles and of disposing of salvage motor vehicles may be 1740
prohibited and prevented. 1741

(B) There is hereby created in the department of public 1742
safety a division of emergency medical services, which shall be 1743
administered by an executive director of emergency medical 1744
services appointed under section 4765.03 of the Revised Code. 1745

Sec. 4501.021. (A) Notwithstanding sections 149.33 to 149.34 1746
of the Revised Code, the registrar of motor vehicles shall 1747
determine the methods for obtaining, collecting, recording, and 1748
maintaining the records of the bureau of motor vehicles and of 1749
deputy registrars that pertain to driver's or commercial driver's 1750
licenses, identification cards, and vehicle registrations, 1751
including photographic or digitalized images, and electronic or 1752
digitalized signatures. The registrar may choose methods including 1753
paper, film, digital or other electronic media, or any other media 1754
that reasonably allows for recording, maintaining, and retrieving 1755
the records in a reliable manner. 1756

(B) The registrar of motor vehicles may dispose of all 1757
records of the bureau of motor vehicles pursuant to section 149.34 1758
of the Revised Code. 1759

The disposal of all records shall not take place when the 1760
registrar has received notice that a court case or other legal 1761
action is pending involving such records. 1762

Any surplus from the sale of such records, after paying the 1763
cost of administering the destruction or sale of such records, 1764
shall be paid into the state treasury. 1765

~~(B)~~(C) Each deputy registrar shall retain in the deputy 1766
registrar's office a file containing copies of all records and 1767
transactions performed for the bureau. Copies of motor vehicle 1768

registration applications shall be retained for a period of 1769
eighteen months from the date of the record or transaction, 1770
whichever is later; copies of driver's license or identification 1771
card applications shall be retained for a period of four years 1772
from the date of the record or transaction, whichever is later; 1773
and all other records shall be retained for a period of three 1774
years from the date of the record or transaction, whichever is 1775
later. The retained records shall be available for public 1776
examination, but no person may make copies of the records for sale 1777
or distribution. 1778

Sec. 4501.11. (A) There is hereby created in the state 1779
treasury the security, investigations, and policing fund. 1780
Notwithstanding section 5503.04 of the Revised Code, no fines 1781
collected from or money arising from bonds or bail forfeited by 1782
persons apprehended or arrested by state highway patrol troopers 1783
shall be credited to the general revenue fund until sufficient 1784
revenue to fund appropriations for the activities described under 1785
division (B) of this section are credited to the security, 1786
investigations, and policing fund. All investment earnings of the 1787
security, investigations, and policing fund shall be credited to 1788
that fund. 1789

This division does not apply to fines for violations of 1790
division (B) of section 4513.263 of the Revised Code, or to fines 1791
for violations of any municipal ordinance that is substantively 1792
comparable to that division, which fines shall be delivered to the 1793
treasurer of state as provided in division (E) of section 4513.263 1794
of the Revised Code. 1795

(B) The money credited to the security, investigations, and 1796
policing fund shall be used to pay the costs of: 1797

(1) Providing security for the governor, other officials and 1798
dignitaries, the capitol square, and other state property pursuant 1799

to division (E) of section 5503.02 of the Revised Code; 1800

(2) Undertaking major criminal investigations that involve 1801
state property interests; 1802

(3) Providing traffic control and security for the Ohio 1803
expositions commission on a full-time, year-round basis; 1804

(4) Performing nonhighway-related duties of the state highway 1805
patrol at the Ohio state fair; 1806

(5) Coordinating homeland security activities. 1807

Sec. 4503.01. "Motor vehicle" as defined in section 4505.01 1808
of the Revised Code applies to sections 4503.02 to 4503.10, and 1809
4503.12 to 4503.18 of the Revised Code. For the purposes of 1810
sections 4503.02 to 4503.04, 4503.10 to 4503.12, 4503.182, 1811
4503.19, 4503.21, 4503.22, and 4503.25 of the Revised Code, the 1812
term "motor vehicle" also includes a motorized bicycle and a 1813
trailer or semitrailer whose weight is four thousand pounds or 1814
less. 1815

As used in this chapter, "motor vehicle" does not include a 1816
concrete pump or a concrete conveyor. 1817

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 1818
designate the county auditor in each county a deputy registrar. If 1819
the population of a county is forty thousand or less according to 1820
the last federal census and if the county auditor is designated by 1821
the registrar as a deputy registrar, no other person need be 1822
designated in the county to act as a deputy registrar. 1823

(b) ~~For three years after the effective date of this~~ 1824
~~amendment, the~~ The registrar may designate a clerk of a court of 1825
common pleas as a deputy registrar if the population of the county 1826
is forty thousand or less according to the last federal census. 1827
All fees collected and retained by a clerk for conducting deputy 1828

registrar services shall be paid into the county treasury to the 1829
credit of the certificate of title administration fund created 1830
under section 325.33 of the Revised Code. 1831

(c) In all other instances, the registrar shall contract with 1832
one or more other persons in each county to act as deputy 1833
registrars. 1834

(2) Deputy registrars shall accept applications for the 1835
annual license tax for any vehicle not taxed under section 4503.63 1836
of the Revised Code and shall assign distinctive numbers in the 1837
same manner as the registrar. Such deputies shall be located in 1838
such locations in the county as the registrar sees fit. There 1839
shall be at least one deputy registrar in each county. 1840

Deputy registrar contracts are subject to the provisions of 1841
division (B) of section 125.081 of the Revised Code. 1842

(B) The registrar shall not contract with any person to act 1843
as a deputy registrar if the person or, where applicable, the 1844
person's spouse or a member of the person's immediate family has 1845
made, within the current calendar year or any one of the previous 1846
three calendar years, one or more contributions totaling in excess 1847
of one hundred dollars to any person or entity included in 1848
division (A)(2) of section 4503.033 of the Revised Code. As used 1849
in this division, "immediate family" has the same meaning as in 1850
division (D) of section 102.01 of the Revised Code, and "entity" 1851
includes any political party and any "continuing association" as 1852
defined in division (B)(4) of section 3517.01 of the Revised Code 1853
or "political action committee" as defined in division (B)(8) of 1854
that section that is primarily associated with that political 1855
party. For purposes of this division, contributions to any 1856
continuing association or any political action committee that is 1857
primarily associated with a political party shall be aggregated 1858
with contributions to that political party. 1859

The contribution limitations contained in this division do 1860
not apply to any county auditor or clerk of a court of common 1861
pleas. 1862

The registrar shall not contract with either of the following 1863
to act as a deputy registrar: 1864

(1) Any elected public official other than a county auditor 1865
or, as authorized by division (A)(1)(b) of this section, a clerk 1866
of a court of common pleas, acting in an ~~the county auditor's~~ 1867
official capacity; 1868

(2) Any person holding a current, valid contract to conduct 1869
motor vehicle inspections under section 3704.14 of the Revised 1870
Code. 1871

(C)(1) Except as provided in division (C)(2) of this section, 1872
deputy registrars are independent contractors and neither they nor 1873
their employees are employees of this state, except that nothing 1874
in this section shall affect the status of county auditors or 1875
clerks of courts of common pleas as public officials, nor the 1876
status of their employees as employees of any of the counties of 1877
this state, which are political subdivisions of this state. Each 1878
deputy registrar shall be responsible for the payment of all 1879
unemployment compensation premiums, all workers' compensation 1880
premiums, social security contributions, and any and all taxes for 1881
which the deputy registrar is legally responsible. Each deputy 1882
registrar shall comply with all applicable federal, state, and 1883
local laws requiring the withholding of income taxes or other 1884
taxes from the compensation of the deputy registrar's employees. 1885
Each deputy registrar shall maintain during the entire term of the 1886
deputy registrar's contract a policy of business liability 1887
insurance satisfactory to the registrar and shall hold the 1888
department of public safety, the director of public safety, the 1889
bureau of motor vehicles, and the registrar harmless upon any and 1890

all claims for damages arising out of the operation of the deputy registrar agency. 1891
1892

(2) For purposes of Chapter 4141. of the Revised Code, 1893
determinations concerning the employment of deputy registrars and 1894
their employees shall be made under Chapter 4141. of the Revised 1895
Code. 1896

(D)(1) With the approval of the director, the registrar shall 1897
adopt rules governing the terms of the contract between the 1898
registrar and each deputy registrar and specifications for the 1899
services to be performed. The rules shall include specifications 1900
relating to the amount of bond to be given as provided in this 1901
section; the size and location of the deputy's office; and the 1902
leasing of equipment necessary to conduct the vision screenings 1903
required under section 4507.12 of the Revised Code and training in 1904
the use of the equipment. The specifications shall permit and 1905
encourage every deputy registrar to inform the public of the 1906
location of the deputy registrar's office and hours of operation 1907
by means of public service announcements and allow any deputy 1908
registrar to advertise in regard to the operation of the deputy 1909
registrar's office. The rules also shall include specifications 1910
for the hours the deputy's office is to be open to the public and 1911
shall require as a minimum that one deputy's office in each county 1912
be open to the public for at least four hours each weekend, 1913
provided that if only one deputy's office is located within the 1914
boundary of the county seat, that office is the office that shall 1915
be open for the four-hour period each weekend, and that every 1916
deputy's office in each county shall be open to the public until 1917
six-thirty p.m. on at least one weeknight each week. The rules 1918
also shall include specifications providing that every deputy in 1919
each county, upon request, provide any person with information 1920
about the location and office hours of all deputy registrars in 1921
the county and that every deputy prominently display within the 1922

deputy's ~~the deputy registrar's~~ office, the toll-free telephone 1923
number of the bureau. The rules shall not prohibit the award of a 1924
deputy registrar contract to a nonprofit corporation formed under 1925
the laws of this state. The rules shall prohibit any deputy 1926
registrar from operating more than one such office at any time, 1927
except that the rules may permit a nonprofit corporation formed 1928
for the purposes of providing automobile-related services to its 1929
members or the public and that provides such services from more 1930
than one location in this state to operate a deputy registrar 1931
office at any such location, provided that the nonprofit 1932
corporation operates no more than one deputy registrar office in 1933
any one county. The rules may include such other specifications as 1934
the registrar and director consider necessary to provide a high 1935
level of service. 1936

(2) With the prior approval of the registrar, each deputy 1937
registrar may conduct at the location of the deputy registrar's 1938
office any business that is consistent with the functions of a 1939
deputy registrar and that is not specifically mandated or 1940
authorized by this or another chapter of the Revised Code or by 1941
implementing rules of the registrar. 1942

(3) As used in this section and in section 4507.01 of the 1943
Revised Code, "nonprofit corporation" has the same meaning as in 1944
section 1702.01 of the Revised Code. 1945

(E) Unless otherwise terminated and except for interim 1946
contracts of less than one year, contracts with deputy registrars 1947
shall be for a term of at least two years, but no more than three 1948
years, and all contracts effective on or after July 1, 1996, shall 1949
be for a term of more than two years, but not more than three 1950
years. All contracts with deputy registrars shall expire on the 1951
~~thirtieth day~~ last Saturday of June in the year of their 1952
expiration. The auditor of state may examine the accounts, 1953
reports, systems, and other data of each deputy registrar at least 1954

every two years. The registrar, with the approval of the director, 1955
shall immediately remove a deputy who violates any provision of 1956
the Revised Code related to the duties as a deputy, any rule 1957
adopted by the registrar, or a term of the deputy's contract with 1958
the registrar. The registrar also may remove a deputy who, in the 1959
opinion of the registrar, has engaged in any conduct that is 1960
either unbecoming to one representing this state or is 1961
inconsistent with the efficient operation of the deputy's office. 1962
~~Upon removal of a deputy registrar for contract violation, the 1963~~
~~auditor of state shall examine the accounts, records, systems, and 1964~~
~~other data of the deputy registrar so removed. 1965~~

If the registrar, with the approval of the director, 1966
determines that there is good cause to believe that a deputy 1967
registrar or a person proposing for a deputy registrar contract 1968
has engaged in any conduct that would require the denial or 1969
termination of the deputy registrar contract, the registrar may 1970
require the production of books, records, and papers as the 1971
registrar determines are necessary, and may take the depositions 1972
of witnesses residing within or outside the state in the same 1973
manner as is prescribed by law for the taking of depositions in 1974
civil actions in the court of common pleas, and for that purpose 1975
the registrar may issue a subpoena for any witness or a subpoena 1976
duces tecum to compel the production of any books, records, or 1977
papers, directed to the sheriff of the county where the witness 1978
resides or is found. Such a subpoena shall be served and returned 1979
in the same manner as a subpoena in a criminal case is served and 1980
returned. The fees and mileage of the sheriff and witnesses shall 1981
be the same as that allowed in the court of common pleas in 1982
criminal cases and shall be paid from the fund in the state 1983
treasury for the use of the agency in the same manner as other 1984
expenses of the agency are paid. 1985

In any case of disobedience or neglect of any subpoena served 1986

on any person or the refusal of any witness to testify to any 1987
matter regarding which the witness lawfully may be interrogated, 1988
the court of common pleas of any county where the disobedience, 1989
neglect, or refusal occurs or any judge of that court, on 1990
application by the registrar, shall compel obedience by attachment 1991
proceedings for contempt, as in the case of disobedience of the 1992
requirements of a subpoena issued from that court, or a refusal to 1993
testify in that court. 1994

Nothing in this division shall be construed to require a 1995
hearing of any nature prior to the termination of any deputy 1996
registrar contract by the registrar, with the approval of the 1997
director, for cause. 1998

(F) Except as provided in section 2743.03 of the Revised 1999
Code, no court, other than the court of common pleas of Franklin 2000
county, has jurisdiction of any action against the department of 2001
public safety, the director, the bureau, or the registrar to 2002
restrain the exercise of any power or authority, or to entertain 2003
any action for declaratory judgment, in the selection and 2004
appointment of, or contracting with, deputy registrars. Neither 2005
the department, the director, the bureau, nor the registrar is 2006
liable in any action at law for damages sustained by any person 2007
because of any acts of the department, the director, the bureau, 2008
or the registrar, or of any employee of the department or bureau, 2009
in the performance of official duties in the selection and 2010
appointment of, and contracting with, deputy registrars. 2011

(G) The registrar shall assign to each deputy registrar a 2012
series of numbers sufficient to supply the demand at all times in 2013
the area the deputy registrar serves, and the registrar shall keep 2014
a record in the registrar's office of the numbers within the 2015
series assigned. Each deputy shall be required to give bond in the 2016
amount of at least twenty-five thousand dollars, or in such higher 2017
amount as the registrar determines necessary, based on a uniform 2018

schedule of bond amounts established by the registrar and 2019
determined by the volume of registrations handled by the deputy. 2020
The form of the bond shall be prescribed by the registrar. The 2021
bonds required of deputy registrars, in the discretion of the 2022
registrar, may be individual or schedule bonds or may be included 2023
in any blanket bond coverage carried by the department. 2024

(H) Each deputy registrar shall keep a file of each 2025
application received by the deputy and shall register that motor 2026
vehicle with the name and address of its owner. 2027

(I) Upon request, a deputy registrar shall make the physical 2028
inspection of a motor vehicle and issue the physical inspection 2029
certificate required in section 4505.061 of the Revised Code. 2030

(J) Each deputy registrar shall file a report semi-annually 2031
with the registrar of motor vehicles listing the number of 2032
applicants for licenses the deputy has served, the number of voter 2033
registration applications the deputy has completed and transmitted 2034
to the board of elections, and the number of voter registration 2035
applications declined. 2036

Sec. 4503.034. (A) Notwithstanding sections 4503.10, 2037
4503.102, 4503.12, 4503.182, 4503.24, 4505.061, 4506.08, 4507.24, 2038
4507.50, 4507.52, 4519.03, 4519.05, 4519.10, 4519.56, and 4519.69 2039
of the Revised Code: 2040

(1) Each deputy registrar shall be allowed the increased fee 2041
otherwise allowed in those sections and commencing on January 1, 2042
2003, for performing the services specified in those sections only 2043
if the deputy registrars achieve a statewide satisfaction rate of 2044
at least ninety per cent on the survey conducted by the registrar 2045
of motor vehicles under this section. If the deputy registrars 2046
fail to achieve a statewide satisfaction rate of at least ninety 2047
per cent on the survey, the fee for performing the services 2048
specified in those sections shall remain at the rate in effect for 2049

the immediately preceding year. 2050

(2) Each deputy registrar shall be allowed the increased fee 2051
otherwise allowed in those sections and commencing on January 1, 2052
2004, for performing the services specified in those sections only 2053
if the deputy registrars achieve a statewide satisfaction rate of 2054
at least ninety per cent on the survey conducted by the registrar 2055
under this section. If the deputy registrars fail to achieve a 2056
statewide satisfaction rate of at least ninety per cent on the 2057
survey, the fee for performing the services specified in those 2058
sections shall remain at the rate in effect for the immediately 2059
preceding year. 2060

(B) The registrar shall develop and conduct a survey 2061
evaluating public satisfaction with the conduct of services by 2062
deputy registrars under sections 4503.10, 4503.102, 4503.12, 2063
4503.182, 4503.24, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 2064
4519.03, 4519.05, 4519.10, 4519.56, and 4519.69 of the Revised 2065
Code. In developing the survey, the registrar also shall establish 2066
standards that shall enable a deputy registrar to achieve a ninety 2067
per cent satisfaction rating. The ninety per cent satisfaction 2068
rate required under divisions (A)(1) and (2) of this section as a 2069
condition to increasing the service fees shall be determined on a 2070
statewide basis and not on an individual basis. The registrar 2071
shall conduct the survey in 2002 to determine the satisfaction 2072
rating for purposes of division (A)(1) of this section and shall 2073
conduct the survey again in 2003 to determine the satisfaction 2074
rating for purposes of division (A)(2) of this section. 2075

Sec. 4503.036. (A) Not later than January 1, 2005, the 2076
registrar of motor vehicles shall adopt rules for the appointment 2077
of limited authority deputy registrars. Notwithstanding section 2078
4503.03 of the Revised Code, the registrar may appoint the clerk 2079
of a court or common pleas or an electronic motor vehicle dealer 2080

qualified under section 4503.035 of the Revised Code as a limited 2081
authority deputy registrar. 2082

(B) A limited authority deputy registrar may conduct only 2083
initial and transfer motor vehicle transactions using electronic 2084
means, vehicle identification number inspections, and other 2085
associated transactions in a manner approved in the rules that the 2086
registrar adopts. 2087

(C) A limited authority deputy registrar may collect and 2088
retain a fee of three dollars and fifty cents for each transaction 2089
or physical inspection that the limited authority deputy registrar 2090
conducts, and shall collect all fees and taxes that are required 2091
by law and related to the transaction or inspection in a manner 2092
approved by the registrar. A clerk of a court of common pleas 2093
shall pay all fees collected and retained under this section into 2094
the county treasury to the credit of the certificate of title 2095
administration fund created under section 325.33 of the Revised 2096
Code. 2097

(D) The rules adopted by the registrar may establish 2098
reasonable eligibility standards for clerks and electronic motor 2099
vehicle dealers. The rules shall prescribe the terms and 2100
conditions of limited authority deputy registrar contracts and 2101
shall require each limited authority deputy registrar to sign a 2102
contract before assuming any duties as a limited authority deputy 2103
registrar. The rules may establish different eligibility standards 2104
and contract terms and conditions depending on whether the limited 2105
authority deputy registrar is a clerk or an electronic motor 2106
vehicle dealer. No contract shall be for a period of more than 2107
three years. The contract may contain any other provisions the 2108
registrar reasonably prescribes. Each contract shall terminate on 2109
a date specified by the registrar. 2110

(E) Any eligible clerk or qualified electronic motor vehicle 2111
dealer may make an application to the registrar for appointment as 2112

a limited authority deputy registrar. With the approval of the 2113
director of public safety, the registrar shall make the 2114
appointments from the applications submitted, based upon the 2115
discretion of the registrar and director and not upon a 2116
competitive basis. 2117

(F) A limited authority deputy registrar is not subject to 2118
the contribution limits of division (B) of section 4503.03 of the 2119
Revised Code or the filing requirement of division (A) of section 2120
4503.033 of the Revised Code. 2121

Sec. 4503.04. ~~Until the rates established under~~ Except as 2122
provided in section 4503.042 of the Revised Code for the 2123
registration of commercial cars, trailers, semitrailers, and 2124
certain buses other than transit buses become operative, the rates 2125
of the taxes imposed by section 4503.02 of the Revised Code shall 2126
be as follows: 2127

(A) For motor vehicles having three wheels or less, the 2128
license tax is: 2129

(1) For each motorized bicycle, ten dollars; 2130

(2) For each motorcycle, fourteen dollars. 2131

(B) For each passenger car, twenty dollars; 2132

(C) For each manufactured home, each mobile home, and each 2133
travel trailer, ten dollars; 2134

(D) For each noncommercial motor vehicle designed by the 2135
manufacturer to carry a load of no more than three-quarters of one 2136
ton and for each motor home, thirty-five dollars; for each 2137
noncommercial motor vehicle designed by the manufacturer to carry 2138
a load of more than three-quarters of one ton, but not more than 2139
one ton, seventy dollars; 2140

~~(E) For each commercial car and for each trailer or~~ 2141
~~semitrailer, except a manufactured or mobile home or noncommercial~~ 2142

trailer, which shall not be taxed by this division, the license	2143
tax is fifteen dollars plus:	2144
(1) Eighty five cents for each one hundred pounds or part	2145
thereof for the first two thousand pounds or part thereof of	2146
weight of vehicle fully equipped;	2147
(2) One dollar and forty cents for each one hundred pounds or	2148
part thereof in excess of two thousand pounds up to and including	2149
three thousand pounds;	2150
(3) One dollar and ninety cents for each one hundred pounds	2151
or part thereof in excess of three thousand pounds up to and	2152
including four thousand pounds;	2153
(4) Two dollars and twenty cents for each one hundred pounds	2154
or part thereof in excess of four thousand pounds up to and	2155
including five thousand pounds;	2156
(5) Two dollars and forty cents for each one hundred pounds	2157
or part thereof in excess of five thousand pounds up to and	2158
including six thousand pounds;	2159
(6) Two dollars and eighty cents for each one hundred pounds	2160
or part thereof in excess of six thousand pounds up to and	2161
including ten thousand pounds;	2162
(7) Three dollars for each one hundred pounds or part thereof	2163
in excess of ten thousand pounds up to and including twelve	2164
thousand pounds;	2165
(8) Three dollars and twenty five cents for each one hundred	2166
pounds or part thereof in excess of twelve thousand pounds.	2167
(F) For each noncommercial trailer, the license tax is:	2168
(1) Eighty-five cents for each one hundred pounds or part	2169
thereof for the first two thousand pounds or part thereof of	2170
weight of vehicle fully equipped;	2171
(2) One dollar and forty cents for each one hundred pounds or	2172

part thereof in excess of two thousand pounds up to and including 2173
three thousand pounds. 2174

~~(G)~~(F) Notwithstanding its weight, twelve dollars for any: 2175

(1) Vehicle equipped, owned, and used by a charitable or 2176
nonprofit corporation exclusively for the purpose of administering 2177
chest x-rays or receiving blood donations; 2178

(2) Van used principally for the transportation of 2179
handicapped persons that has been modified by being equipped with 2180
adaptive equipment to facilitate the movement of such persons into 2181
and out of the van- 2182

~~(H) For each bus, except a transit bus, having motor power 2183
the license tax is: 2184~~

~~(1) Eighty five cents per one hundred pounds or part thereof 2185
for the first two thousand pounds or part thereof of weight of 2186
vehicle fully equipped; 2187~~

~~(2) One dollar and thirty cents for each one hundred pounds 2188
or part thereof in excess of two thousand pounds up to and 2189
including three thousand pounds; 2190~~

~~(3) One dollar and eighty cents for each one hundred pounds 2191
or part thereof in excess of three thousand pounds up to and 2192
including four thousand pounds; 2193~~

~~(4) Two dollars and ten cents for each one hundred pounds or 2194
part thereof in excess of four thousand pounds up to and including 2195
six thousand pounds; 2196~~

~~(5) Two dollars and forty cents for each one hundred pounds 2197
or part thereof in excess of six thousand pounds up to and 2198
including ten thousand pounds; 2199~~

~~(6) Two dollars and seventy cents for each one hundred pounds 2200
or part thereof in excess of ten thousand pounds; 2201~~

~~(7) Notwithstanding its weight, twelve dollars for any bus; 2202~~

(3) Bus used principally for the transportation of 2203
handicapped persons or persons sixty-five years of age or older; 2204

~~(8)~~(G) Notwithstanding its weight, twenty dollars for any bus 2205
used principally for the transportation of persons in a 2206
ridesharing arrangement. 2207

~~(I)~~(H) For each transit bus having motor power the license 2208
tax is twelve dollars. 2209

"Transit bus" means either a motor vehicle having a seating 2210
capacity of more than seven persons which is operated and used by 2211
any person in the rendition of a public mass transportation 2212
service primarily in a municipal corporation or municipal 2213
corporations and provided at least seventy-five per cent of the 2214
annual mileage of such service and use is within such municipal 2215
corporation or municipal corporations or a motor vehicle having a 2216
seating capacity of more than seven persons which is operated 2217
solely for the transportation of persons associated with a 2218
charitable or nonprofit corporation, but does not mean any motor 2219
vehicle having a seating capacity of more than seven persons when 2220
such vehicle is used in a ridesharing capacity or any bus 2221
described by division (F)(3) of this section. 2222

The application for registration of such transit bus shall be 2223
accompanied by an affidavit prescribed by the registrar of motor 2224
vehicles and signed by the person or an agent of the firm or 2225
corporation operating such bus stating that the bus has a seating 2226
capacity of more than seven persons, and that it is either to be 2227
operated and used in the rendition of a public mass transportation 2228
service and that at least seventy-five per cent of the annual 2229
mileage of such operation and use shall be within one or more 2230
municipal corporations or that it is to be operated solely for the 2231
transportation of persons associated with a charitable or 2232
nonprofit corporation. 2233

The form of the license plate, and the manner of its attachment to the vehicle, shall be prescribed by the registrar of motor vehicles.

~~(J)~~(I) The minimum tax for any vehicle having motor power other than a farm truck, a motorized bicycle, or motorcycle is ten dollars and eighty cents, and for each noncommercial trailer, five dollars.

~~(K)~~(J)(1) Except as otherwise provided in division ~~(K)~~(J) of this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the operation of which a farm truck is used, the license tax is five dollars plus:

(a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds;

(b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds;

(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;

(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;

(f) The minimum license tax for any farm truck shall be

twelve dollars. 2264

(2) The owner of a farm truck may register the truck for a 2265
period of one-half year by paying one-half the registration tax 2266
imposed on the truck under this chapter and one-half the amount of 2267
any tax imposed on the truck under Chapter 4504. of the Revised 2268
Code. 2269

(3) A farm bus may be registered for a period of ninety days 2270
from the date of issue of the license plates for the bus, for a 2271
fee of ten dollars, provided such license plates shall not be 2272
issued for more than any two ninety-day periods in any calendar 2273
year. Such use does not include the operation of trucks by 2274
commercial processors of agricultural products. 2275

(4) License plates for farm trucks and for farm buses shall 2276
have some distinguishing marks, letters, colors, or other 2277
characteristics to be determined by the director of public safety. 2278

(5) Every person registering a farm truck or bus under this 2279
section shall furnish an affidavit certifying that the truck or 2280
bus licensed to that person is to be so used as to meet the 2281
requirements necessary for the farm truck or farm bus 2282
classification. 2283

Any farmer may use a truck owned by the farmer for commercial 2284
purposes by paying the difference between the commercial truck 2285
registration fee and the farm truck registration fee for the 2286
remaining part of the registration period for which the truck is 2287
registered. Such remainder shall be calculated from the beginning 2288
of the semiannual period in which application for such commercial 2289
license is made. 2290

Taxes at the rates provided in this section are in lieu of 2291
all taxes on or with respect to the ownership of such motor 2292
vehicles, except as provided in section 4503.042 and section 2293
4503.06 of the Revised Code. 2294

~~(I)~~(K) Other than trucks registered under the international 2295
registration plan in another jurisdiction and for which this state 2296
has received an apportioned registration fee, the license tax for 2297
each truck which is owned, controlled, or operated by a 2298
nonresident, and licensed in another state, and which is used 2299
exclusively for the transportation of nonprocessed agricultural 2300
products intrastate, from the place of production to the place of 2301
processing, is twenty-four dollars. 2302

"Truck," as used in this division, means any pickup truck, 2303
straight truck, semitrailer, or trailer other than a travel 2304
trailer. Nonprocessed agricultural products, as used in this 2305
division, does not include livestock or grain. 2306

A license issued under this division shall be issued for a 2307
period of one hundred thirty days in the same manner in which all 2308
other licenses are issued under this section, provided that no 2309
truck shall be so licensed for more than one 2310
one_hundred_thirty-day period during any calendar year. 2311

The license issued pursuant to this division shall consist of 2312
a windshield decal to be designed by the director of public 2313
safety. 2314

Every person registering a truck under this division shall 2315
furnish an affidavit certifying that the truck licensed to the 2316
person is to be used exclusively for the purposes specified in 2317
this division. 2318

~~(M)~~(L) Every person registering a motor vehicle as a 2319
noncommercial motor vehicle as defined in section 4501.01 of the 2320
Revised Code, or registering a trailer as a noncommercial trailer 2321
as defined in that section, shall furnish an affidavit certifying 2322
that the motor vehicle or trailer so licensed to the person is to 2323
be so used as to meet the requirements necessary for the 2324
noncommercial vehicle classification. 2325

~~(N)~~(M) Every person registering a van or bus as provided in 2326
divisions ~~(G)~~(F)(2) and ~~(H)~~(7)~~(3)~~ of this section shall furnish a 2327
notarized statement certifying that the van or bus licensed to the 2328
person is to be used for the purposes specified in those 2329
divisions. The form of the license plate issued for such motor 2330
vehicles shall be prescribed by the registrar. 2331

~~(O)~~(N) Every person registering as a passenger car a motor 2332
vehicle designed and used for carrying more than nine but not more 2333
than fifteen passengers, and every person registering a bus as 2334
provided in division ~~(H)~~(8)~~(G)~~ of this section, shall furnish an 2335
affidavit certifying that the vehicle so licensed to the person is 2336
to be used in a ridesharing arrangement and that the person will 2337
have in effect whenever the vehicle is used in a ridesharing 2338
arrangement a policy of liability insurance with respect to the 2339
motor vehicle in amounts and coverages no less than those required 2340
by section 4509.79 of the Revised Code. The form of the license 2341
plate issued for such a motor vehicle shall be prescribed by the 2342
registrar. 2343

~~(P)~~(O) As used in this section: 2344

(1) "Van" means any motor vehicle having a single rear axle 2345
and an enclosed body without a second seat. 2346

(2) "Handicapped person" means any person who has lost the 2347
use of one or both legs, or one or both arms, or is blind, deaf, 2348
or so severely disabled as to be unable to move about without the 2349
aid of crutches or a wheelchair. 2350

(3) "Farm truck" means a truck used in the transportation 2351
from the farm of products of the farm, including livestock and its 2352
products, poultry and its products, floricultural and 2353
horticultural products, and in the transportation to the farm of 2354
supplies for the farm, including tile, fence, and every other 2355
thing or commodity used in agricultural, floricultural, 2356

horticultural, livestock, and poultry production and livestock, 2357
poultry, and other animals and things used for breeding, feeding, 2358
or other purposes connected with the operation of the farm. 2359

(4) "Farm bus" means a bus used only for the transportation 2360
of agricultural employees and used only in the transportation of 2361
such employees as are necessary in the operation of the farm. 2362

(5) "Farm supplies" includes fuel used exclusively in the 2363
operation of a farm, including one or more homes located on and 2364
used in the operation of one or more farms, and furniture and 2365
other things used in and around such homes. 2366

Sec. 4503.041. (A) The original owner of any trailer weighing 2367
four thousand pounds or less and used exclusively for 2368
noncommercial purposes ~~shall~~, upon application for initial 2369
registration, shall obtain and present such evidence of the 2370
trailer's weight as the registrar of motor vehicles may require. 2371
Whenever an application for registration other than an initial 2372
application by the original owner is made for a trailer to which 2373
this section applies, the application shall be accompanied by an 2374
affidavit, prescribed by the registrar and signed by the present 2375
owner, stating that the weight of the trailer is the same as that 2376
indicated by the evidence obtained and presented for initial 2377
registration by the original owner, and no other evidence of 2378
weight shall be required. This section does not apply to the owner 2379
of a boat trailer being registered in accordance with section 2380
4503.173 of the Revised Code. 2381

(B) The owner of a trailer described in division (A) of this 2382
section or the operator of a motor vehicle towing such a trailer 2383
may tow the trailer directly to and from a scale facility for the 2384
purpose of determining the trailer's weight prior to the 2385
registration of the trailer provided that at the time of such 2386
towing the owner or operator has in the owner's or operator's 2387

possession an official weight slip prescribed by the registrar and 2388
provided the trailer does not carry any load during such towing. 2389

Sec. 4503.042. The registrar of motor vehicles shall adopt 2390
rules establishing the date, subsequent to this state's entry into 2391
membership in the international registration plan, when the rates 2392
established by this section become operative. 2393

(A) The rates of the taxes imposed by section 4503.02 of the 2394
Revised Code are as follows for commercial cars having a gross 2395
vehicle weight or combined gross vehicle weight of: 2396

(1) Not more than two thousand pounds, forty-five dollars; 2397

(2) More than two thousand but not more than six thousand 2398
pounds, seventy dollars; 2399

(3) More than six thousand but not more than ten thousand 2400
pounds, eighty-five dollars; 2401

(4) More than ten thousand but not more than fourteen 2402
thousand pounds, one hundred five dollars; 2403

(5) More than fourteen thousand but not more than eighteen 2404
thousand pounds, one hundred twenty-five dollars; 2405

(6) More than eighteen thousand but not more than twenty-two 2406
thousand pounds, one hundred fifty dollars; 2407

(7) More than twenty-two thousand but not more than 2408
twenty-six thousand pounds, one hundred seventy-five dollars; 2409

(8) More than twenty-six thousand but not more than thirty 2410
thousand pounds, three hundred fifty-five dollars; 2411

(9) More than thirty thousand but not more than thirty-four 2412
thousand pounds, four hundred twenty dollars; 2413

(10) More than thirty-four thousand but not more than 2414
thirty-eight thousand pounds, four hundred eighty dollars; 2415

(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	2416 2417
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	2418 2419
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	2420 2421
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	2422 2423
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	2424 2425
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	2426 2427
(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	2428 2429
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	2430 2431
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	2432 2433
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	2434 2435
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	2436 2437
(B) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for buses having a gross vehicle weight or combined gross vehicle weight of:	2438 2439 2440
(1) Not more than two thousand pounds, ten dollars;	2441
(2) More than two thousand but not more than six thousand pounds, forty dollars;	2442 2443

(3) More than six thousand but not more than ten thousand pounds, one hundred dollars;	2444
	2445
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	2446
	2447
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	2448
	2449
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	2450
	2451
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	2452
	2453
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	2454
	2455
(9) More than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	2456
	2457
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars;	2458
	2459
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars;	2460
	2461
(12) More than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars;	2462
	2463
(13) More than forty-six thousand but not more than fifty thousand pounds, nine hundred forty dollars;	2464
	2465
(14) More than fifty thousand but not more than fifty-four thousand pounds, one thousand dollars;	2466
	2467
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, one thousand ninety dollars;	2468
	2469
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, one thousand one hundred eighty dollars;	2470
	2471
	2472

(17) More than sixty-two thousand but not more than sixty-six thousand pounds, one thousand two hundred seventy dollars;	2473 2474
(18) More than sixty-six thousand but not more than seventy thousand pounds, one thousand three hundred sixty dollars;	2475 2476
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand four hundred fifty dollars;	2477 2478 2479
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand five hundred forty dollars;	2480 2481 2482
(21) More than seventy-eight thousand pounds, one thousand six hundred thirty dollars.	2483 2484
(C) In addition to the license taxes imposed at the rates specified in divisions (A) and (B) of this section, an administrative fee of two <u>three</u> dollars and twenty-five cents, plus an appropriate amount to cover the cost of postage, shall be collected by the registrar for each international registration plan license processed by the registrar. <u>If the deputy registrar fees are increased on January 1, 2004, in accordance with section 4503.034 of the Revised Code, the administrative fee collected under this section is three dollars and fifty cents, commencing on that date, plus postage.</u>	2485 2486 2487 2488 2489 2490 2491 2492 2493 2494
(D) The rate of the tax for each trailer and semitrailer is twenty-five dollars.	2495 2496
(E) The rates established by this section shall not apply to any of the following:	2497 2498
(1) Vehicles equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	2499 2500 2501
(2) Vans used principally for the transportation of	2502

handicapped persons that have been modified by being equipped with 2503
adaptive equipment to facilitate the movement of such persons into 2504
and out of the vans; 2505

(3) Buses used principally for the transportation of 2506
handicapped persons or persons sixty-five years of age or older; 2507

(4) Buses used principally for the transportation of persons 2508
in a ridesharing arrangement; 2509

(5) Transit buses having motor power; 2510

(6) Noncommercial trailers, mobile homes, or manufactured 2511
homes. 2512

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 2513
motorcycle, and all-purpose vehicle required to be registered 2514
under section 4519.02 of the Revised Code shall file an 2515
application for registration under section 4519.03 of the Revised 2516
Code. The owner of a motor vehicle, other than a snowmobile, 2517
off-highway motorcycle, or all-purpose vehicle, that is not 2518
designed and constructed by the manufacturer for operation on a 2519
street or highway may not register it under this chapter except 2520
upon certification of inspection pursuant to section 4513.02 of 2521
the Revised Code by the sheriff, or the chief of police of the 2522
municipal corporation or township, with jurisdiction over the 2523
political subdivision in which the owner of the motor vehicle 2524
resides. Except as provided in section 4503.103 of the Revised 2525
Code, every owner of every other motor vehicle not previously 2526
described in this section and every person mentioned as owner in 2527
the last certificate of title of a motor vehicle that is operated 2528
or driven upon the public roads or highways shall cause to be 2529
filed each year, by mail or otherwise, in the office of the 2530
registrar of motor vehicles or a deputy registrar, a written or 2531
electronic application or a preprinted registration renewal notice 2532
issued under section 4503.102 of the Revised Code, the form of 2533

which shall be prescribed by the registrar, for registration for 2534
the following registration year, which shall begin on the first 2535
day of January of every calendar year and end on the thirty-first 2536
day of December in the same year. Applications for registration 2537
and registration renewal notices shall be filed at the times 2538
established by the registrar pursuant to section 4503.101 of the 2539
Revised Code. A motor vehicle owner also may elect to apply for or 2540
renew a motor vehicle registration by electronic means using 2541
electronic signature in accordance with rules adopted by the 2542
registrar. Except as provided in division (J) of this section, 2543
applications for registration shall be made on blanks furnished by 2544
the registrar for that purpose, containing the following 2545
information: 2546

(1) A brief description of the motor vehicle to be 2547
registered, including the ~~name of the manufacturer, the factory~~ 2548
~~number of the vehicle, the year's model year, make, model, and~~ 2549
vehicle identification number, and, in the case of commercial 2550
cars, the gross weight of the vehicle fully equipped computed in 2551
the manner prescribed in section 4503.08 of the Revised Code; 2552

(2) The name and residence address of the owner, and the 2553
township and municipal corporation in which the owner resides; 2554

(3) The district of registration, which shall be determined 2555
as follows: 2556

(a) In case the motor vehicle to be registered is used for 2557
hire or principally in connection with any established business or 2558
branch business, conducted at a particular place, the district of 2559
registration is the municipal corporation in which that place is 2560
located or, if not located in any municipal corporation, the 2561
county and township in which that place is located. 2562

(b) In case the vehicle is not so used, the district of 2563
registration is the municipal corporation or county in which the 2564

owner resides at the time of making the application. 2565

(4) Whether the motor vehicle is a new or used motor vehicle; 2566

(5) The date of purchase of the motor vehicle; 2567

(6) Whether the fees required to be paid for the registration 2568
or transfer of the motor vehicle, during the preceding 2569
registration year and during the preceding period of the current 2570
registration year, have been paid. Each application for 2571
registration shall be signed by the owner, either manually or by 2572
electronic signature, or pursuant to obtaining a limited power of 2573
attorney authorized by the registrar for registration, or other 2574
document authorizing such signature. If the owner elects to apply 2575
for or renew the motor vehicle registration with the registrar by 2576
electronic means, the owner's manual signature is not required. 2577

(7) The owner's social security number, if assigned, or, 2578
where a motor vehicle to be registered is used for hire or 2579
principally in connection with any established business, the 2580
owner's federal taxpayer identification number. The bureau of 2581
motor vehicles shall retain in its records all social security 2582
numbers provided under this section, but the bureau shall not 2583
place social security numbers on motor vehicle certificates of 2584
registration. 2585

(B) ~~Each~~ Except as otherwise provided in this division, each 2586
time an applicant first registers a motor vehicle in the 2587
applicant's name, the applicant shall present for inspection a 2588
physical certificate of title or memorandum certificate showing 2589
title to the motor vehicle to be registered in the name of the 2590
applicant if a physical certificate of title or memorandum 2591
certificate has been issued by a clerk of a court of common pleas. 2592
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 2593
Code, a clerk instead has issued an electronic certificate of 2594
title for the applicant's motor vehicle, that certificate may be 2595

presented for inspection at the time of first registration in a 2596
manner prescribed by rules adopted by the registrar. An applicant 2597
is not required to present a certificate of title to an electronic 2598
motor vehicle dealer acting as a limited authority deputy 2599
registrar in accordance with rules adopted by the registrar. When 2600
a motor vehicle inspection and maintenance program is in effect 2601
under section 3704.14 of the Revised Code and rules adopted under 2602
it, each application for registration for a vehicle required to be 2603
inspected under that section and those rules shall be accompanied 2604
by an inspection certificate for the motor vehicle issued in 2605
accordance with that section. The application shall be refused if 2606
any of the following applies: 2607

(1) The application is not in proper form. 2608

(2) The application is prohibited from being accepted by 2609
division (D) of section 2935.27, division (A) of section 2937.221, 2610
division (A) of section 4503.13, division (B) of section 4510.22, 2611
or division (B)(1) of section 4521.10 of the Revised Code. 2612

(3) A certificate of title or memorandum certificate of title 2613
is required but does not accompany the application or, in the case 2614
of an electronic certificate of title, is required but is not 2615
presented in a manner prescribed by the registrar's rules. 2616

(4) All registration and transfer fees for the motor vehicle, 2617
for the preceding year or the preceding period of the current 2618
registration year, have not been paid. 2619

(5) The owner or lessee does not have an inspection 2620
certificate for the motor vehicle as provided in section 3704.14 2621
of the Revised Code, and rules adopted under it, if that section 2622
is applicable. 2623

This section does not require the payment of license or 2624
registration taxes on a motor vehicle for any preceding year, or 2625
for any preceding period of a year, if the motor vehicle was not 2626

taxable for that preceding year or period under sections 4503.02, 2627
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 2628
Revised Code. When a certificate of registration is issued upon 2629
the first registration of a motor vehicle by or on behalf of the 2630
owner, the official issuing the certificate shall indicate the 2631
issuance with a stamp on the certificate of title or memorandum 2632
certificate or, in the case of an electronic certificate of title, 2633
an electronic stamp or other notation as specified in rules 2634
adopted by the registrar, and with a stamp on the inspection 2635
certificate for the motor vehicle, if any. The official also shall 2636
indicate, by a stamp or by other means the registrar prescribes, 2637
on the registration certificate issued upon the first registration 2638
of a motor vehicle by or on behalf of the owner the odometer 2639
reading of the motor vehicle as shown in the odometer statement 2640
included in or attached to the certificate of title. Upon each 2641
subsequent registration of the motor vehicle by or on behalf of 2642
the same owner, the official also shall so indicate the odometer 2643
reading of the motor vehicle as shown on the immediately preceding 2644
certificate of registration. 2645

The registrar shall include in the permanent registration 2646
record of any vehicle required to be inspected under section 2647
3704.14 of the Revised Code the inspection certificate number from 2648
the inspection certificate that is presented at the time of 2649
registration of the vehicle as required under this division. 2650

(C)(1) Commencing with each registration renewal with an 2651
expiration date on or after October 1, 2003, and for each initial 2652
application for registration received on and after that date, the 2653
registrar and each deputy registrar shall collect an additional 2654
fee of eleven dollars for each application for registration and 2655
registration renewal received. The additional fee is for the 2656
purpose of defraying the department of public safety's costs 2657
associated with the administration and enforcement of the motor 2658

vehicle and traffic laws of Ohio. Each deputy registrar shall 2659
transmit the fees collected under division (C)(1) of this section 2660
in the time and manner provided in this section. The registrar 2661
shall deposit all moneys received under division (C)(1) of this 2662
section into the state highway safety fund established in section 2663
4501.06 of the Revised Code. 2664

(2) In addition, a charge of twenty-five cents shall be made 2665
for each reflectorized safety license plate issued, and a single 2666
charge of twenty-five cents shall be made for each county 2667
identification sticker or each set of county identification 2668
stickers issued, as the case may be, to cover the cost of 2669
producing the license plates and stickers, including material, 2670
manufacturing, and administrative costs. Those fees shall be in 2671
addition to the license tax. If the total cost of producing the 2672
plates is less than twenty-five cents per plate, or if the total 2673
cost of producing the stickers is less than twenty-five cents per 2674
sticker or per set issued, any excess moneys accruing from the 2675
fees shall be distributed in the same manner as provided by 2676
section 4501.04 of the Revised Code for the distribution of 2677
license tax moneys. If the total cost of producing the plates 2678
exceeds twenty-five cents per plate, or if the total cost of 2679
producing the stickers exceeds twenty-five cents per sticker or 2680
per set issued, the difference shall be paid from the license tax 2681
moneys collected pursuant to section 4503.02 of the Revised Code. 2682

(D) Each deputy registrar shall be allowed a fee of two 2683
dollars and seventy-five cents commencing on July 1, 2001, three 2684
dollars and twenty-five cents commencing on January 1, 2003, and 2685
three dollars and fifty cents commencing on January 1, 2004, for 2686
each application for registration and registration renewal notice 2687
the deputy registrar receives, which shall be for the purpose of 2688
compensating the deputy registrar for the deputy registrar's 2689
services, and such office and rental expenses, as may be necessary 2690

for the proper discharge of the deputy registrar's duties in the 2691
receiving of applications and renewal notices and the issuing of 2692
registrations. 2693

(E) Upon the certification of the registrar, the county 2694
sheriff or local police officials shall recover license plates 2695
erroneously or fraudulently issued. 2696

(F) Each deputy registrar, upon receipt of any application 2697
for registration or registration renewal notice, together with the 2698
license fee and any local motor vehicle license tax levied 2699
pursuant to Chapter 4504. of the Revised Code, shall transmit that 2700
fee and tax, if any, in the manner provided in this section, 2701
together with the original and duplicate copy of the application, 2702
to the registrar. The registrar, subject to the approval of the 2703
director of public safety, may deposit the funds collected by 2704
those deputies in a local bank or depository to the credit of the 2705
"state of Ohio, bureau of motor vehicles." Where a local bank or 2706
depository has been designated by the registrar, each deputy 2707
registrar shall deposit all moneys collected by the deputy 2708
registrar into that bank or depository not more than one business 2709
day after their collection and shall make reports to the registrar 2710
of the amounts so deposited, together with any other information, 2711
some of which may be prescribed by the treasurer of state, as the 2712
registrar may require and as prescribed by the registrar by rule. 2713
The registrar, within three days after receipt of notification of 2714
the deposit of funds by a deputy registrar in a local bank or 2715
depository, shall draw on that account in favor of the treasurer 2716
of state. The registrar, subject to the approval of the director 2717
and the treasurer of state, may make reasonable rules necessary 2718
for the prompt transmittal of fees and for safeguarding the 2719
interests of the state and of counties, townships, municipal 2720
corporations, and transportation improvement districts levying 2721
local motor vehicle license taxes. The registrar may pay service 2722

charges usually collected by banks and depositories for such 2723
service. If deputy registrars are located in communities where 2724
banking facilities are not available, they shall transmit the fees 2725
forthwith, by money order or otherwise, as the registrar, by rule 2726
approved by the director and the treasurer of state, may 2727
prescribe. The registrar may pay the usual and customary fees for 2728
such service. 2729

(G) This section does not prevent any person from making an 2730
application for a motor vehicle license directly to the registrar 2731
by mail, by electronic means, or in person at any of the 2732
registrar's offices, upon payment of a service fee of two dollars 2733
and seventy-five cents commencing on July 1, 2001, three dollars 2734
and twenty-five cents commencing on January 1, 2003, and three 2735
dollars and fifty cents commencing on January 1, 2004, for each 2736
application. 2737

(H) No person shall make a false statement as to the district 2738
of registration in an application required by division (A) of this 2739
section. Violation of this division is falsification under section 2740
2921.13 of the Revised Code and punishable as specified in that 2741
section. 2742

(I)(1) Where applicable, the requirements of division (B) of 2743
this section relating to the presentation of an inspection 2744
certificate issued under section 3704.14 of the Revised Code and 2745
rules adopted under it for a motor vehicle, the refusal of a 2746
license for failure to present an inspection certificate, and the 2747
stamping of the inspection certificate by the official issuing the 2748
certificate of registration apply to the registration of and 2749
issuance of license plates for a motor vehicle under sections 2750
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 2751
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 2752
4503.47, and 4503.51 of the Revised Code. 2753

(2)(a) The registrar shall adopt rules ensuring that each 2754

owner registering a motor vehicle in a county where a motor 2755
vehicle inspection and maintenance program is in effect under 2756
section 3704.14 of the Revised Code and rules adopted under it 2757
receives information about the requirements established in that 2758
section and those rules and about the need in those counties to 2759
present an inspection certificate with an application for 2760
registration or preregistration. 2761

(b) Upon request, the registrar shall provide the director of 2762
environmental protection, or any person that has been awarded a 2763
contract under division (D) of section 3704.14 of the Revised 2764
Code, an on-line computer data link to registration information 2765
for all passenger cars, noncommercial motor vehicles, and 2766
commercial cars that are subject to that section. The registrar 2767
also shall provide to the director of environmental protection a 2768
magnetic data tape containing registration information regarding 2769
passenger cars, noncommercial motor vehicles, and commercial cars 2770
for which a multi-year registration is in effect under section 2771
4503.103 of the Revised Code or rules adopted under it, including, 2772
without limitation, the date of issuance of the multi-year 2773
registration, the registration deadline established under rules 2774
adopted under section 4503.101 of the Revised Code that was 2775
applicable in the year in which the multi-year registration was 2776
issued, and the registration deadline for renewal of the 2777
multi-year registration. 2778

(J) Application for registration under the international 2779
registration plan, as set forth in sections 4503.60 to 4503.66 of 2780
the Revised Code, shall be made to the registrar on forms 2781
furnished by the registrar. In accordance with international 2782
registration plan guidelines and pursuant to rules adopted by the 2783
registrar, the forms shall include the following: 2784

(1) A uniform mileage schedule; 2785

(2) The gross vehicle weight of the vehicle or combined gross 2786

vehicle weight of the combination vehicle as declared by the 2787
registrant; 2788

(3) Any other information the registrar requires by rule. 2789

Sec. 4503.12. (A) Upon the transfer of ownership of a motor 2790
vehicle, the registration of the motor vehicle expires, and the 2791
original owner immediately shall remove the license plates from 2792
the motor vehicle, except that: 2793

(1) If a statutory merger or consolidation results in the 2794
transfer of ownership of a motor vehicle from a constituent 2795
corporation to the surviving corporation, or if the incorporation 2796
of a proprietorship or partnership results in the transfer of 2797
ownership of a motor vehicle from the proprietorship or 2798
partnership to the corporation, the registration shall be 2799
continued upon the filing by the surviving or new corporation, 2800
within thirty days of such transfer, of an application for an 2801
amended certificate of registration, ~~unless such registration is~~ 2802
~~prohibited by division (D) of section 2935.27, division (A) of~~ 2803
~~section 2937.221, division (B) of section 4507.168, or division~~ 2804
~~(B)(1) of section 4521.10 of the Revised Code. The application~~ 2805
~~shall be accompanied by a service fee of two dollars and~~ 2806
~~seventy five cents commencing on July 1, 2001, three dollars and~~ 2807
~~twenty five cents commencing on January 1, 2003, and three dollars~~ 2808
~~and fifty cents commencing on January 1, 2004, a transfer fee of~~ 2809
~~one dollar, and the original certificate of registration. Upon a~~ 2810
proper filing, the registrar of motor vehicles shall issue an 2811
amended certificate of registration in the name of the new owner. 2812

(2) If the death of the owner of a motor vehicle results in 2813
the transfer of ownership of the motor vehicle to the surviving 2814
spouse of the owner or if a motor vehicle is owned by two persons 2815
under joint ownership with right of survivorship established under 2816
section 2131.12 of the Revised Code and one of those persons dies, 2817

the registration shall be continued upon the filing by the 2818
survivor of an application for an amended certificate of 2819
registration, ~~unless such registration is prohibited by division~~ 2820
~~(D) of section 2935.27, division (A) of section 2937.221, division~~ 2821
~~(A) of section 4503.13, division (B) of section 4510.22, or~~ 2822
~~division (B)(1) of section 4521.10 of the Revised Code. The~~ 2823
~~application shall be accompanied by a service fee of two dollars~~ 2824
~~and seventy five cents commencing on July 1, 2001, three dollars~~ 2825
~~and twenty five cents commencing on January 1, 2003, and three~~ 2826
~~dollars and fifty cents commencing on January 1, 2004, a transfer~~ 2827
~~fee of one dollar, the original certificate of registration, and,~~ 2828
~~in.~~ In relation to a motor vehicle that is owned by two persons 2829
under joint ownership with right of survivorship established under 2830
section 2131.12 of the Revised Code, the application shall be 2831
accompanied by a copy of the certificate of title that specifies 2832
that the vehicle is owned under joint ownership with right of 2833
survivorship. Upon a proper filing, the registrar shall issue an 2834
amended certificate of registration in the name of the survivor. 2835

(3) If the death of the owner of a motor vehicle results in 2836
the transfer of ownership of the motor vehicle to a 2837
transfer-on-death beneficiary or beneficiaries designated under 2838
section 2131.13 of the Revised Code, the registration shall be 2839
continued upon the filing by the transfer-on-death beneficiary or 2840
beneficiaries of an application for an amended certificate of 2841
registration, ~~unless that registration is prohibited by division~~ 2842
~~(D) of section 2935.27, division (A) of section 2937.221, division~~ 2843
~~(A) of section 4503.13, division (B) of section 4510.22, or~~ 2844
~~division (B)(1) of section 4521.10 of the Revised Code. The~~ 2845
application shall be accompanied by a ~~service fee of two dollars~~ 2846
and ~~seventy five cents commencing on July 1, 2001, three dollars~~ 2847
and ~~twenty five cents commencing on January 1, 2003, and three~~ 2848
~~dollars and fifty cents commencing on January 1, 2004, a transfer~~ 2849
~~fee of one dollar, the original certificate of registration, and a~~ 2850

copy of the certificate of title that specifies that the owner of 2851
the motor vehicle has designated the motor vehicle in beneficiary 2852
form under section 2131.13 of the Revised Code. Upon a proper 2853
filing, the registrar shall issue an amended certificate of 2854
registration in the name of the transfer-on-death beneficiary or 2855
beneficiaries. 2856

(4) If the original owner of a motor vehicle that has been 2857
transferred makes application for the registration of another 2858
motor vehicle at any time during the remainder of the registration 2859
period for which the transferred motor vehicle was registered, the 2860
owner, ~~unless such registration is prohibited by division (D) of~~ 2861
~~section 2935.27, division (A) of section 2937.221, division (A) of~~ 2862
~~section 4503.13, division (E) of section 4503.234, division (B) of~~ 2863
~~section 4510.22, or division (B)(1) of section 4521.10 of the~~ 2864
~~Revised Code,~~ may file an application for transfer of the 2865
registration and, where applicable, the license plates, 2866
~~accompanied by a service fee of two dollars and seventy five cents~~ 2867
~~commencing on July 1, 2001, three dollars and twenty five cents~~ 2868
~~commencing on January 1, 2003, and three dollars and fifty cents~~ 2869
~~commencing on January 1, 2004, a transfer fee of one dollar, and~~ 2870
~~the original certificate of registration.~~ The transfer of the 2871
registration and, where applicable, the license plates from the 2872
motor vehicle for which they originally were issued to a 2873
succeeding motor vehicle purchased by the same person in whose 2874
name the original registration and license plates were issued 2875
shall be done within a period not to exceed thirty days. During 2876
that thirty-day period, the license plates from the motor vehicle 2877
for which they originally were issued may be displayed on the 2878
succeeding motor vehicle, and the succeeding motor vehicle may be 2879
operated on the public roads and highways in this state. 2880

At the time of application for transfer, the registrar shall 2881
compute and collect the amount of tax due on the succeeding motor 2882

vehicle, based upon the amount that would be due on a new 2883
registration as of the date on which the transfer is made less a 2884
credit for the unused portion of the original registration 2885
beginning on that date. If the credit exceeds the amount of tax 2886
due on the new registration, no refund shall be made. In computing 2887
the amount of tax due and credits to be allowed under this 2888
division, the provisions of division (B)(1)(a) and (b) of section 2889
4503.11 of the Revised Code shall apply. As to passenger cars, 2890
noncommercial vehicles, motor homes, and motorcycles, transfers 2891
within or between these classes of motor vehicles only shall be 2892
allowed. If the succeeding motor vehicle is of a different class 2893
than the motor vehicle for which the registration originally was 2894
issued, new license plates also shall be issued upon the surrender 2895
of the license plates originally issued and payment of the fees 2896
provided in divisions (C) and (D) of section 4503.10 of the 2897
Revised Code. 2898

(5) The owner of a commercial car having a gross vehicle 2899
weight or combined gross vehicle weight of more than ten thousand 2900
pounds may transfer the registration of that commercial car to 2901
another commercial car the owner owns without transferring 2902
ownership of the first commercial car, ~~unless registration of the~~ 2903
~~second commercial car is prohibited by division (D) of section~~ 2904
~~2935.27, division (A) of section 2937.221, division (A) of section~~ 2905
~~4503.13, division (B) of section 4507.168, or division (B)(1) of~~ 2906
~~section 4521.10 of the Revised Code.~~ At any time during the 2907
remainder of the registration period for which the first 2908
commercial car was registered, the owner may file an application 2909
for the transfer of the registration and, where applicable, the 2910
license plates, accompanied by a ~~service fee of two dollars and~~ 2911
~~seventy five cents commencing on July 1, 2001, three dollars and~~ 2912
~~twenty five cents commencing on January 1, 2003, and three dollars~~ 2913
~~and fifty cents commencing on January 1, 2004, a transfer fee of~~ 2914
~~one dollar, and the certificate of registration of the first~~ 2915

commercial car. The amount of any tax due or credit to be allowed 2916
for a transfer of registration under this division shall be 2917
computed in accordance with division (A)(4) of this section. 2918

No commercial car to which a registration is transferred 2919
under this division shall be operated on a public road or highway 2920
in this state until after the transfer of registration is 2921
completed in accordance with this division. 2922

(6) Upon application to the registrar or a deputy registrar, 2923
a person who owns or leases a motor vehicle may transfer special 2924
license plates assigned to that vehicle to any other vehicle that 2925
the person owns or leases or that is owned or leased by the 2926
person's spouse. ~~The application shall be accompanied by a service 2927
fee of two dollars and seventy five cents commencing on July 1,~~ 2928
~~2001, three dollars and twenty five cents commencing on January 1,~~ 2929
~~2003, and three dollars and fifty cents commencing on January 1,~~ 2930
~~2004, a transfer fee of one dollar, and the original certificate 2931
of registration.~~ As appropriate, the application also shall be 2932
accompanied by a power of attorney for the registration of a 2933
leased vehicle and a written statement releasing the special 2934
plates to the applicant. Upon a proper filing, the registrar or 2935
deputy registrar shall assign the special license plates to the 2936
motor vehicle owned or leased by the applicant and issue a new 2937
certificate of registration for that motor vehicle. 2938

(7) If a corporation transfers the ownership of a motor 2939
vehicle to an affiliated corporation, the affiliated corporation 2940
may apply to the registrar for the transfer of the registration 2941
and any license plates. The registrar may require the applicant to 2942
submit documentation of the corporate relationship and shall 2943
determine whether the application for registration transfer is 2944
made in good faith and not for the purposes of circumventing the 2945
provisions of this chapter. Upon a proper filing, the registrar 2946
shall issue an amended certificate of registration in the name of 2947

the new owner. 2948

(B) An application under division (A) of this section shall 2949
be accompanied by a service fee of two dollars and seventy-five 2950
cents commencing on July 1, 2001, three dollars and twenty-five 2951
cents commencing on January 1, 2003, and three dollars and fifty 2952
cents commencing on January 1, 2004, a transfer fee of one dollar, 2953
and the original certificate of registration, if applicable. 2954

(C) Neither the registrar nor a deputy registrar shall 2955
transfer a registration under division (A) of this section if the 2956
registration is prohibited by division (D) of section 2935.27, 2957
division (A) of section 2937.221, division (A) of section 4503.13, 2958
division (D) of section 4503.234, division (B) of section 4510.22, 2959
or division (B)(1) of section 4521.10 of the Revised Code. 2960

(D) Whoever violates division (A) of this section is guilty 2961
of a misdemeanor of the fourth degree. 2962

~~(C)~~(E) As used in division (A)(6) of this section, "special 2963
license plates" means either of the following: 2964

(1) Any license plates for which the person to whom the 2965
license plates are issued must pay an additional fee in excess of 2966
the fees prescribed in section 4503.04 of the Revised Code, 2967
Chapter 4504. of the Revised Code, and the service fee prescribed 2968
in division (D) or (G) of section 4503.10 of the Revised Code; 2969

(2) License plates issued under section 4503.44 of the 2970
Revised Code. 2971

Sec. 4503.13. (A) A municipal court or county court, at the 2972
court's discretion, may order the clerk of the court to send to 2973
the registrar of motor vehicles a report containing the name, 2974
address, and such other information as the registrar may require 2975
by rule, of any person for whom an arrest warrant has been issued 2976
by that court and is outstanding. 2977

Upon receipt of such a report, the registrar shall enter the 2978
information contained in the report into the records of the bureau 2979
of motor vehicles. Neither the registrar nor any deputy registrar 2980
shall issue a certificate of registration for a motor vehicle 2981
owner or lessee, when a lessee is determinable under procedures 2982
established by the registrar under division (E) of this section, 2983
who is named in the report until the registrar receives 2984
notification from the municipal court or county court that there 2985
are no outstanding arrest warrants in the name of the person. The 2986
registrar also shall send a notice to the person who is named in 2987
the report, via regular first class mail sent to the person's last 2988
known address as shown in the records of the bureau, informing the 2989
person that neither the registrar nor any deputy registrar is 2990
permitted to issue a certificate of registration for a motor 2991
vehicle in the name of the person until the registrar receives 2992
notification that there are no outstanding arrest warrants in the 2993
name of the person. 2994

(B) A clerk who reports an outstanding arrest warrant in 2995
accordance with division (A) of this section immediately shall 2996
notify the registrar when the warrant has been executed and 2997
returned to the issuing court or has been canceled. ~~The clerk~~ 2998

Upon receipt of such notification, the registrar shall charge 2999
and collect from the person named in the executed or canceled 3000
arrest warrant a processing fee of fifteen dollars to cover the 3001
costs of the bureau in administering this section. ~~The clerk~~ 3002
registrar shall transmit monthly deposit all such processing fees 3003
~~to the registrar for deposit~~ into the state bureau of motor 3004
vehicles fund created by section 4501.25 of the Revised Code. 3005

Upon ~~receipt~~ payment of ~~such notification~~ the processing fee, 3006
the registrar shall cause the report of that outstanding arrest 3007
warrant to be removed from the records of the bureau and, if there 3008
are no other outstanding arrest warrants issued by a municipal 3009

court or county court in the name of the person and the person 3010
otherwise is eligible to be issued a certificate of registration 3011
for a motor vehicle, the registrar or a deputy registrar may issue 3012
a certificate of registration for a motor vehicle in the name of 3013
the person named in the executed or canceled arrest warrant. 3014

(C) Neither the registrar, any employee of the bureau, a 3015
deputy registrar, nor any employee of a deputy registrar is 3016
personally liable for damages or injuries resulting from any error 3017
made by a clerk in entering information contained in a report 3018
submitted to the registrar under this section. 3019

(D) Any information submitted to the registrar by a clerk 3020
under this section shall be transmitted by means of an electronic 3021
data transfer system. 3022

(E) The registrar shall determine the procedures and 3023
information necessary to implement this section in regard to motor 3024
vehicle lessees. Division (A) of this section shall not apply to 3025
cases involving a motor vehicle lessee until such procedures are 3026
established. 3027

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 3028
application and proof of purchase of the vehicle, may be issued a 3029
temporary license placard or windshield sticker for the motor 3030
vehicle. 3031

The purchaser of a vehicle applying for a temporary license 3032
placard or windshield sticker under this section shall execute an 3033
affidavit stating that the purchaser has not been issued 3034
previously during the current registration year a license plate 3035
that could legally be transferred to the vehicle. 3036

Placards or windshield stickers shall be issued only for the 3037
applicant's use of the vehicle to enable the applicant to legally 3038
operate the motor vehicle while proper title, license plates, and 3039

a certificate of registration are being obtained, and shall be 3040
displayed on no other motor vehicle. 3041

Placards or windshield stickers issued under this section are 3042
valid for a period of thirty days from date of issuance and are 3043
not transferable or renewable. 3044

The fee for the placards or windshield stickers issued under 3045
this section is two dollars plus a ~~deputy registrar~~ service fee of 3046
two dollars and seventy-five cents commencing on July 1, 2001, 3047
three dollars and twenty-five cents commencing on January 1, 2003, 3048
and three dollars and fifty cents commencing on January 1, 2004, 3049
~~for each placard issued by a deputy registrar.~~ 3050

(B)(1) The registrar of motor vehicles may issue to a 3051
motorized bicycle dealer or a licensed motor vehicle dealer 3052
temporary license placards to be issued to purchasers for use on 3053
vehicles sold by the dealer, in accordance with rules prescribed 3054
by the registrar. The dealer shall notify the registrar, within 3055
forty-eight hours, of the issuance of a placard by electronic 3056
means via computer equipment purchased and maintained by the 3057
dealer or in any other manner prescribed by the registrar. 3058

(2) The fee for each placard issued by the registrar to a 3059
~~licensed motor vehicle dealer is two dollars plus a fee of two~~ 3060
~~dollars and seventy five cents commencing on July 1, 2001, three~~ 3061
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 3062
~~three dollars and fifty cents commencing on January 1, 2004~~ seven 3063
dollars, of which five dollars shall be deposited and used in 3064
accordance with division (D) of this section. The registrar shall 3065
charge an additional three dollars and fifty cents for each 3066
placard issued to a dealer who notifies the registrar of the 3067
issuance of the placards in a manner other than by approved 3068
electronic means. 3069

(3) When a dealer issues a temporary license placard to a 3070

purchaser, the dealer shall collect and retain the fees 3071
established under divisions (A) and (D) of this section. 3072

(C) The registrar of motor vehicles, at the registrar's 3073
discretion, may issue a temporary license placard. Such a placard 3074
may be issued in the case of extreme hardship encountered by a 3075
citizen from this state or another state who has attempted to 3076
comply with all registration laws, but for extreme circumstances 3077
is unable to properly register the citizen's vehicle. 3078

(D) In addition to the fees charged under divisions (A) and 3079
(B) of this section, commencing on October 1, 2003, the registrar 3080
and each deputy registrar shall collect a fee of five dollars for 3081
each temporary license placard issued. The additional fee is for 3082
the purpose of defraying the department of public safety's costs 3083
associated with the administration and enforcement of the motor 3084
vehicle and traffic laws of Ohio. Each deputy registrar shall 3085
transmit the fees collected under this division in the same manner 3086
as provided for transmission of fees collected under division (A) 3087
of this section. The registrar shall deposit all moneys received 3088
under this division into the state highway safety fund established 3089
in section 4501.06 of the Revised Code. 3090

(E) The registrar shall adopt rules, in accordance with 3091
division (B) of section 111.15 of the Revised Code, to specify the 3092
procedures for reporting the information from applications for 3093
temporary license placards and windshield stickers and for 3094
providing the information from these applications to law 3095
enforcement agencies. 3096

(F) Temporary license placards issued under this section 3097
shall bear a distinctive combination of seven letters, numerals, 3098
or letters and numerals, and shall incorporate a security feature 3099
that, to the greatest degree possible, prevents tampering with any 3100
of the information that is entered upon a placard when it is 3101
issued. 3102

(G) Whoever violates division (A) of this section is guilty 3103
of a misdemeanor of the fourth degree. Whoever violates division 3104
(B) of this section is guilty of a misdemeanor of the first 3105
degree. 3106

(H) As used in this section, "motorized bicycle dealer" means 3107
any person engaged in the business of selling at retail, 3108
displaying, offering for sale, or dealing in motorized bicycles 3109
who is not subject to section 4503.09 of the Revised Code. 3110

Sec. 4503.231. (A) No motor vehicle registered in the name of 3111
a person whose certificate of registration and identification 3112
license plates have been impounded as provided by division (B)(1) 3113
of section 4507.02 of the Revised Code, shall be operated on any 3114
highway in this state unless it displays restricted license plates 3115
that are a different color from those regularly issued and carry a 3116
special serial number that may be readily identified by law 3117
enforcement officers. The registrar of motor vehicles shall 3118
designate the color and serial number to be used on restricted 3119
license plates, which shall remain the same from year to year and 3120
shall not be displayed on any other motor vehicles. 3121

The bureau of motor vehicles shall adopt rules providing for 3122
the decentralization of the issuance of restricted license plates 3123
under this section. The rules shall provide for the issuance of 3124
the restricted license plates by at least one agency in each 3125
county. 3126

No person operating a motor vehicle displaying restricted 3127
license plates as described in this division shall knowingly 3128
disguise or obscure the color of the restricted plate. 3129

(B) If a person has been granted limited driving privileges 3130
with a condition of the privileges being that the person must 3131
display on the vehicle that is driven under the privileges 3132

restricted license plates that are described in this section, ~~all~~ 3133
~~of the following apply:~~ 3134

~~(1) If the person may operate a motor vehicle ~~to be driven~~ 3135
~~under the limited driving privileges that~~ is owned by the person's 3136
employer ~~and~~ only if the person is required to operate that motor 3137
vehicle in the course and scope of the person's employment, ~~the,~~ 3138
Such a person may operate that vehicle without displaying on that 3139
vehicle restricted license plates that are issued under this 3140
section if the employer has been notified that the person has 3141
limited driving privileges and of the nature of the restriction 3142
and if the person has proof of the employer's notification in the 3143
person's possession while operating the employer's vehicle for 3144
normal business duties. A motor vehicle owned by a business that 3145
is partly or entirely owned or controlled by the person with the 3146
limited driving privileges is not a motor vehicle owned by an 3147
employer, for purposes of this division. 3148~~

~~(2) If a motor vehicle to be driven under the limited driving 3149
privileges is registered in a state other than this state, instead 3150
of displaying on that vehicle restricted license plates that are 3151
issued under this section, the person with the limited driving 3152
privileges shall display on the vehicle a decal, as prescribed by 3153
the registrar of motor vehicles, that states that the vehicle is 3154
subject to limited driving privileges in this state and that 3155
describes the restriction. The decal shall be displayed on the 3156
bottom left corner of the back window of the vehicle or, if there 3157
is no back window, on the bottom left corner of the windshield of 3158
the vehicle. The bureau of motor vehicles shall adopt rules 3159
providing for the decentralization of the issuance of the decals 3160
described in this division, with the rules providing for the 3161
issuance of the decals by at least one agency in each county. 3162~~

(C) Whoever violates this section is guilty of a minor 3163
misdemeanor. 3164

Sec. 4503.24. (A) The owner of a chauffeured limousine, upon 3165
compliance with the motor vehicle laws relating to the 3166
registration and licensing of motor vehicles, upon payment of the 3167
regular license tax as prescribed under section 4503.04 of the 3168
Revised Code, any tax levied under Chapter 4504. of the Revised 3169
Code, ~~and~~ an additional fee of seven dollars and fifty cents, and 3170
the fee specified in division (C) of this section, if applicable, 3171
and upon compliance with section 4509.80 of the Revised Code, 3172
shall be issued appropriate vehicle registration and a set of 3173
license plates and a validation sticker, or a validation sticker 3174
alone when required by section 4503.191 of the Revised Code. The 3175
~~owner shall also be~~ license plates issued ~~an additional license~~ 3176
~~plate sticker that bears~~ under this section shall bear the word 3177
"livery-." ~~The livery license printed at the bottom of the plate~~ 3178
~~sticker issued under this section shall be of a different color or~~ 3179
~~shade each year, the new.~~ The color or shade to of the word shall 3180
be selected by the director of public safety. The additional fee 3181
shall be for the purpose of compensating the bureau of motor 3182
vehicles for additional services required in the issuing of such 3183
licenses and shall be transmitted by the registrar of motor 3184
vehicles to the treasurer of state for deposit in the state bureau 3185
of motor vehicles fund created by section 4501.25 of the Revised 3186
Code. 3187

(B) Any application for registration or registration renewal 3188
of a chauffeured limousine made under this section ~~shall~~ may be 3189
submitted by mail directly to the registrar. ~~No~~ or in person to a 3190
deputy registrar ~~shall accept or process any application for~~ 3191
~~registration made under this section.~~ 3192

(C) Each deputy registrar shall be allowed a fee of three 3193
dollars and twenty-five cents commencing on January 1, 2003, and 3194
three dollars and fifty cents commencing on January 1, 2004, for 3195

each application for registration and registration renewal notice 3196
the deputy registrar receives. 3197

Sec. 4503.44. (A) As used in this section and in section 3198
4511.69 of the Revised Code: 3199

(1) "Person with a disability that limits or impairs the 3200
ability to walk" means any person who, as determined by a 3201
physician or chiropractor, meets any of the following criteria: 3202

(a) Cannot walk two hundred feet without stopping to rest; 3203

(b) Cannot walk without the use of, or assistance from, a 3204
brace, cane, crutch, another person, prosthetic device, 3205
wheelchair, or other assistive device; 3206

(c) Is restricted by a lung disease to such an extent that 3207
the person's forced (respiratory) expiratory volume for one 3208
second, when measured by spirometry, is less than one liter, or 3209
the arterial oxygen tension is less than sixty millimeters of 3210
mercury on room air at rest; 3211

(d) Uses portable oxygen; 3212

(e) Has a cardiac condition to the extent that the person's 3213
functional limitations are classified in severity as class III or 3214
class IV according to standards set by the American heart 3215
association; 3216

(f) Is severely limited in the ability to walk due to an 3217
arthritic, neurological, or orthopedic condition; 3218

(g) Is blind. 3219

(2) "Organization" means any private organization or 3220
corporation, or any governmental board, agency, department, 3221
division, or office, that, as part of its business or program, 3222
transports persons with disabilities that limit or impair the 3223
ability to walk on a regular basis in a motor vehicle that has not 3224

been altered for the purpose of providing it with special 3225
equipment for use by handicapped persons. This definition does not 3226
apply to division (J) of this section. 3227

(3) "Physician" means a person licensed to practice medicine 3228
or surgery or osteopathic medicine and surgery under Chapter 4731. 3229
of the Revised Code. 3230

(4) "Chiropractor" means a person licensed to practice 3231
chiropractic under Chapter 4734. of the Revised Code. 3232

(B) Any organization or person with a disability that limits 3233
or impairs the ability to walk may apply to the registrar of motor 3234
vehicles for a removable windshield placard or, if the person owns 3235
or leases a motor vehicle, the person may apply for the 3236
registration of any motor vehicle the person owns or leases. In 3237
addition to one or more sets of license plates or one placard, a 3238
person with a disability that limits or impairs the ability to 3239
walk is entitled to one additional placard, but only if the person 3240
applies separately for the additional placard, states the reasons 3241
why the additional placard is needed, and the registrar, in the 3242
registrar's discretion, determines that good and justifiable cause 3243
exists to approve the request for the additional placard. When a 3244
motor vehicle has been altered for the purpose of providing it 3245
with special equipment for a person with a disability that limits 3246
or impairs the ability to walk, but is owned or leased by someone 3247
other than such a person, the owner or lessee may apply to the 3248
registrar or a deputy registrar for registration under this 3249
section. The application for registration of a motor vehicle owned 3250
or leased by a person with a disability that limits or impairs the 3251
ability to walk shall be accompanied by a signed statement from 3252
the applicant's personal physician or chiropractor certifying that 3253
the applicant meets at least one of the criteria contained in 3254
division (A)(1) of this section and that the disability is 3255
expected to continue for more than six consecutive months. The 3256

application for a removable windshield placard made by a person 3257
with a disability that limits or impairs the ability to walk shall 3258
be accompanied by a prescription from the applicant's personal 3259
physician or chiropractor prescribing such a placard for the 3260
applicant, ~~and by a signed statement certifying~~ provided that the 3261
applicant meets at least one of the criteria contained in division 3262
(A)(1) of this section. The physician or chiropractor shall state 3263
on the prescription the length of time the physician or 3264
chiropractor expects the applicant to have the disability that 3265
limits or impairs the applicant's ability to walk. The application 3266
for a removable windshield placard made by an organization shall 3267
be accompanied by such documentary evidence of regular transport 3268
of persons with disabilities that limit or impair the ability to 3269
walk by the organization as the registrar may require by rule and 3270
shall be completed in accordance with procedures that the 3271
registrar may require by rule. The application for registration of 3272
a motor vehicle that has been altered for the purpose of providing 3273
it with special equipment for a person with a disability that 3274
limits or impairs the ability to walk but is owned by someone 3275
other than such a person shall be accompanied by such documentary 3276
evidence of vehicle alterations as the registrar may require by 3277
rule. 3278

(C) When an organization, a person with a disability that 3279
limits or impairs the ability to walk, or a person who does not 3280
have a disability that limits or impairs the ability to walk but 3281
owns a motor vehicle that has been altered for the purpose of 3282
providing it with special equipment for a person with a disability 3283
that limits or impairs the ability to walk first submits an 3284
application for registration of a motor vehicle under this section 3285
and every fifth year thereafter, the organization or person shall 3286
submit a signed statement from the applicant's personal physician 3287
or chiropractor, a completed application, and any required 3288
documentary evidence of vehicle alterations as provided in 3289

division (B) of this section, and also a power of attorney from 3290
the owner of the motor vehicle if the applicant leases the 3291
vehicle. Upon submission of these items, the registrar or deputy 3292
registrar shall issue to the applicant appropriate vehicle 3293
registration and a set of license plates and validation stickers, 3294
or validation stickers alone when required by section 4503.191 of 3295
the Revised Code. In addition to the letters and numbers 3296
ordinarily inscribed thereon, the license plates shall be 3297
imprinted with the international symbol of access. The license 3298
plates and validation stickers shall be issued upon payment of the 3299
regular license fee as prescribed under section 4503.04 of the 3300
Revised Code and any motor vehicle tax levied under Chapter 4504. 3301
of the Revised Code, and the payment of a service fee equal to the 3302
amount specified in division (D) or (G) of section 4503.10 of the 3303
Revised Code. 3304

(D)(1) Upon receipt of a completed and signed application for 3305
a removable windshield placard, a prescription as described in 3306
division (B) of this section, documentary evidence of regular 3307
transport of persons with disabilities that limit or impair the 3308
ability to walk, if required, and payment of a service fee equal 3309
to the amount specified in division (D) or (G) of section 4503.10 3310
of the Revised Code, the registrar or deputy registrar shall issue 3311
to the applicant a removable windshield placard, which shall bear 3312
the date of expiration on both sides of the placard and shall be 3313
valid until expired, revoked, or surrendered. Every removable 3314
windshield placard expires as described in division (D)(2) of this 3315
section, but in no case shall a removable windshield placard be 3316
valid for a period of less than sixty days. Removable windshield 3317
placards shall be renewable upon application as provided in 3318
division (B) of this section, and a service fee equal to the 3319
amount specified in division (D) or (G) of section 4503.10 of the 3320
Revised Code shall be charged for the renewal of a removable 3321
windshield placard. The registrar shall provide the application 3322

form and shall determine the information to be included thereon. 3323
The registrar also shall determine the form and size of the 3324
removable windshield placard, the material of which it is to be 3325
made, and any other information to be included thereon, and shall 3326
adopt rules relating to the issuance, expiration, revocation, 3327
surrender, and proper display of such placards. Any placard issued 3328
after October 14, 1999, shall be manufactured in a manner that 3329
allows the expiration date of the placard to be indicated on it 3330
through the punching, drilling, boring, or creation by any other 3331
means of holes in the placard. 3332

(2) At the time a removable windshield placard is issued to a 3333
person with a disability that limits or impairs the ability to 3334
walk, the registrar or deputy registrar shall enter into the 3335
records of the bureau of motor vehicles the last date on which the 3336
person will have that disability, as indicated on the accompanying 3337
prescription. Not less than thirty days prior to that date and all 3338
removable windshield placard renewal dates, the bureau shall send 3339
a renewal notice to that person at the person's last known address 3340
as shown in the records of the bureau, informing the person that 3341
the person's removable windshield placard will expire on the 3342
indicated date not to exceed five years from the date of issuance, 3343
and that the person is required to renew the placard by submitting 3344
to the registrar or a deputy registrar another prescription, as 3345
described in division (B) of this section, and by complying with 3346
the renewal provisions prescribed in division (D)(1) of this 3347
section. If such a prescription is not received by the registrar 3348
or a deputy registrar by that date, the placard issued to that 3349
person expires and no longer is valid, and this fact shall be 3350
recorded in the records of the bureau. 3351

(3) At least once every year, on a date determined by the 3352
registrar, the bureau shall examine the records of the office of 3353
vital statistics, located within the department of health, that 3354

pertain to deceased persons, and also the bureau's records of all 3355
persons who have been issued removable windshield placards and 3356
temporary removable windshield placards. If the records of the 3357
office of vital statistics indicate that a person to whom a 3358
removable windshield placard or temporary removable windshield 3359
placard has been issued is deceased, the bureau shall cancel that 3360
placard, and note the cancellation in its records. 3361

The office of vital statistics shall make available to the 3362
bureau all information necessary to enable the bureau to comply 3363
with division (D)(3) of this section. 3364

(4) Nothing in this section shall be construed to require a 3365
person or organization to apply for a removable windshield placard 3366
or special license plates if the parking card or special license 3367
plates issued to the person or organization under prior law have 3368
not expired or been surrendered or revoked. 3369

(E)(1)(a) Any person with a disability that limits or impairs 3370
the ability to walk may apply to the registrar or a deputy 3371
registrar for a temporary removable windshield placard. The 3372
application for a temporary removable windshield placard shall be 3373
accompanied by a prescription from the applicant's personal 3374
physician or chiropractor prescribing such a placard for the 3375
applicant, ~~and by a signed statement certifying~~ provided that the 3376
applicant meets at least one of the criteria contained in division 3377
(A)(1) of this section and that the disability is expected to 3378
continue for six consecutive months or less. The physician or 3379
chiropractor shall state on the prescription the length of time 3380
the physician or chiropractor expects the applicant to have the 3381
disability that limits or impairs the applicant's ability to walk, 3382
which cannot exceed six months from the date of the prescription. 3383
Upon receipt of an application for a temporary removable 3384
windshield placard, presentation of the prescription ~~and the~~ 3385
~~signed statement~~ from the applicant's personal physician or 3386

chiropractor, and payment of a service fee equal to the amount 3387
specified in division (D) or (G) of section 4503.10 of the Revised 3388
Code, the registrar or deputy registrar shall issue to the 3389
applicant a temporary removable windshield placard. ~~The~~ 3390

(b) Any active-duty member of the armed forces of the United 3391
States, including the reserve components of the armed forces and 3392
the national guard, who has an illness or injury that limits or 3393
impairs the ability to walk may apply to the registrar or a deputy 3394
registrar for a temporary removable windshield placard. With the 3395
application, the person shall present evidence of the person's 3396
active-duty status and the illness or injury. Evidence of the 3397
illness or injury may include a current department of defense 3398
convalescent leave statement, any department of defense document 3399
indicating that the person currently has an ill or injured 3400
casualty status or has limited duties, or a prescription from any 3401
physician or chiropractor prescribing the placard for the 3402
applicant. Upon receipt of the application and the necessary 3403
evidence, the registrar or deputy registrar shall issue the 3404
applicant the temporary removable windshield placard without the 3405
payment of any service fee. 3406

(2) The temporary removable windshield placard shall be of 3407
the same size and form as the removable windshield placard, shall 3408
be printed in white on a red-colored background, and shall bear 3409
the word "temporary" in letters of such size as the registrar 3410
shall prescribe. A temporary removable windshield placard also 3411
shall bear the date of expiration on the front and back of the 3412
placard, and shall be valid until expired, surrendered, or 3413
revoked, but in no case shall such a placard be valid for a period 3414
of less than sixty days. The registrar shall provide the 3415
application form and shall determine the information to be 3416
included on it, provided that the registrar shall not require a 3417
physician or chiropractor's prescription or certification for a 3418

person applying under division (E)(1)(b) of this section. The 3419
registrar also shall determine the material of which the temporary 3420
removable windshield placard is to be made and any other 3421
information to be included on the placard and shall adopt rules 3422
relating to the issuance, expiration, surrender, revocation, and 3423
proper display of those placards. Any temporary removable 3424
windshield placard issued after October 14, 1999, shall be 3425
manufactured in a manner that allows for the expiration date of 3426
the placard to be indicated on it through the punching, drilling, 3427
boring, or creation by any other means of holes in the placard. 3428

(F) If an applicant for a removable windshield placard is a 3429
veteran of the armed forces of the United States whose disability, 3430
as defined in division (A)(1) of this section, is 3431
service-connected, the registrar or deputy registrar, upon receipt 3432
of the application, presentation of a signed statement from the 3433
applicant's personal physician or chiropractor certifying the 3434
applicant's disability, and presentation of such documentary 3435
evidence from the department of veterans affairs that the 3436
disability of the applicant meets at least one of the criteria 3437
identified in division (A)(1) of this section and is 3438
service-connected as the registrar may require by rule, but 3439
without the payment of any service fee, shall issue the applicant 3440
a removable windshield placard that is valid until expired, 3441
surrendered, or revoked. 3442

(G) Upon a conviction of a violation of division ~~(H)~~, (I), ~~or~~ 3443
(J), or (K) of this section, the court shall report the 3444
conviction, and send the placard or parking card, if available, to 3445
the registrar, who thereupon shall revoke the privilege of using 3446
the placard or parking card and send notice in writing to the 3447
placardholder or cardholder at that holder's last known address as 3448
shown in the records of the bureau, and the placardholder or 3449
cardholder shall return the placard or card if not previously 3450

surrendered to the court, to the registrar within ten days 3451
following mailing of the notice. 3452

Whenever a person to whom a removable windshield placard or 3453
parking card has been issued moves to another state, the person 3454
shall surrender the placard or card to the registrar; and whenever 3455
an organization to which a placard or card has been issued changes 3456
its place of operation to another state, the organization shall 3457
surrender the placard or card to the registrar. 3458

~~(G)~~(H) Subject to division (F) of section 4511.69 of the 3459
Revised Code, the operator of a motor vehicle displaying a 3460
removable windshield placard, temporary removable windshield 3461
placard, parking card, or the special license plates authorized by 3462
this section is entitled to park the motor vehicle in any special 3463
parking location reserved for persons with disabilities that limit 3464
or impair the ability to walk, also known as handicapped parking 3465
spaces or disability parking spaces. 3466

~~(H)~~(I) No person or organization that is not eligible under 3467
division (B) or (E) of this section shall willfully and falsely 3468
represent that the person or organization is so eligible. 3469

No person or organization shall display license plates issued 3470
under this section unless the license plates have been issued for 3471
the vehicle on which they are displayed and are valid. 3472

~~(I)~~(J) No person or organization to which a removable 3473
windshield placard or temporary removable windshield placard is 3474
issued shall do either of the following: 3475

(1) Display or permit the display of the placard on any motor 3476
vehicle when having reasonable cause to believe the motor vehicle 3477
is being used in connection with an activity that does not include 3478
providing transportation for persons with disabilities that limit 3479
or impair the ability to walk; 3480

(2) Refuse to return or surrender the placard, when required. 3481

(J) (K)(1) No person or organization to which a parking card	3482
is issued shall do either of the following:	3483
(a) Display or permit the display of the parking card on any	3484
motor vehicle when having reasonable cause to believe the motor	3485
vehicle is being used in connection with an activity that does not	3486
include providing transportation for a handicapped person;	3487
(b) Refuse to return or surrender the parking card, when	3488
required.	3489
(2) As used in division (J) (K) of this section:	3490
(a) "Handicapped person" means any person who has lost the	3491
use of one or both legs or one or both arms, who is blind, deaf,	3492
or so severely handicapped as to be unable to move about without	3493
the aid of crutches or a wheelchair, or whose mobility is	3494
restricted by a permanent cardiovascular, pulmonary, or other	3495
handicapping condition.	3496
(b) "Organization" means any private organization or	3497
corporation, or any governmental board, agency, department,	3498
division, or office, that, as part of its business or program,	3499
transports handicapped persons on a regular basis in a motor	3500
vehicle that has not been altered for the purposes of providing it	3501
with special equipment for use by handicapped persons.	3502
(K) (L) If a removable windshield placard, temporary removable	3503
windshield placard, or parking card is lost, destroyed, or	3504
mutilated, the placardholder or cardholder may obtain a duplicate	3505
by doing both of the following:	3506
(1) Furnishing suitable proof of the loss, destruction, or	3507
mutilation to the registrar;	3508
(2) Paying a service fee equal to the amount specified in	3509
division (D) or (G) of section 4503.10 of the Revised Code.	3510
Any placardholder or cardholder who loses a placard or card	3511

and, after obtaining a duplicate, finds the original, immediately 3512
shall surrender the original placard or card to the registrar. 3513

~~(L)~~(M) The registrar shall pay all fees received under this 3514
section for the issuance of removable windshield placards or 3515
temporary removable windshield placards or duplicate removable 3516
windshield placards or cards into the state treasury to the credit 3517
of the state bureau of motor vehicles fund created in section 3518
4501.25 of the Revised Code. 3519

~~(M)~~(N) For purposes of enforcing this section, every peace 3520
officer is deemed to be an agent of the registrar. Any peace 3521
officer or any authorized employee of the bureau of motor vehicles 3522
who, in the performance of duties authorized by law, becomes aware 3523
of a person whose placard or parking card has been revoked 3524
pursuant to this section, may confiscate that placard or parking 3525
card and return it to the registrar. The registrar shall prescribe 3526
any forms used by law enforcement agencies in administering this 3527
section. 3528

No peace officer, law enforcement agency employing a peace 3529
officer, or political subdivision or governmental agency employing 3530
a peace officer, and no employee of the bureau is liable in a 3531
civil action for damages or loss to persons arising out of the 3532
performance of any duty required or authorized by this section. As 3533
used in this division, "peace officer" has the same meaning as in 3534
division (B) of section 2935.01 of the Revised Code. 3535

~~(N)~~(O) All applications for registration of motor vehicles, 3536
removable windshield placards, and temporary removable windshield 3537
placards issued under this section, all renewal notices for such 3538
items, and all other publications issued by the bureau that relate 3539
to this section shall set forth the criminal penalties that may be 3540
imposed upon a person who violates any provision relating to 3541
special license plates issued under this section, the parking of 3542
vehicles displaying such license plates, and the issuance, 3543

procurement, use, and display of removable windshield placards and 3544
temporary removable windshield placards issued under this section. 3545

~~(O)~~(P) Whoever violates this section is guilty of a 3546
misdemeanor of the fourth degree. 3547

Sec. 4503.642. (A) There is hereby created in the bureau of 3548
motor vehicles a performance registration and information systems 3549
management program for coordinating motor carrier safety 3550
information with federal and state agencies. The registrar of 3551
motor vehicles shall collect and maintain necessary motor carrier, 3552
commercial motor vehicle, and driver data in a manner that 3553
complies with the information systems established by the United 3554
States secretary of transportation under 49 U.S.C. 31106. 3555

(B) The registrar shall refuse to issue a registration, 3556
license plate, permit, or certificate of title for any commercial 3557
motor vehicle that is assigned to a motor carrier that has been 3558
prohibited from operating by a federal agency. The registrar may 3559
allow a prohibited motor vehicle carrier to transfer title on a 3560
commercial motor vehicle if the prohibited carrier does not retain 3561
a direct or indirect interest in the vehicle. 3562

(C) The registrar shall suspend, revoke, deny, or remove the 3563
registration, license plates, or any permit issued to any 3564
commercial motor vehicle that is assigned to a motor carrier who 3565
has been prohibited from operating by a federal agency. The 3566
suspension, revocation, denial, or removal shall remain in effect 3567
until the carrier is no longer prohibited from operating by the 3568
federal agency. The suspension, revocation, denial, or removal 3569
shall apply to all commercial motor vehicles under the carrier's 3570
control. 3571

(D) A carrier or registrant whose privilege to operate a 3572
commercial motor vehicle has been suspended, revoked, denied, or 3573
removed under division (C) of this section may request a hearing 3574

in accordance with Chapter 119. of the Revised Code. The hearing 3575
shall be limited to whether the carrier or registrant has been 3576
correctly identified, whether the carrier or registrant has been 3577
prohibited from operating by the federal agency, and whether the 3578
federal agency subsequently has rescinded the prohibition. 3579

(E) The registrar shall restore a motor carrier's or 3580
registrant's privilege to register, transfer a title, or operate a 3581
commercial motor vehicle only upon acceptable notification from 3582
the federal agency that the prohibition has been removed and upon 3583
payment of all applicable taxes and fees. 3584

(F) The registrar shall take those steps necessary to 3585
implement this section, including the adoption of rules, 3586
procedures, and forms. 3587

Sec. 4504.01. As used in this chapter: 3588

(A) "Motor vehicle" means all vehicles included within the 3589
definition of motor vehicle in sections 4501.01 and 4505.01 of the 3590
Revised Code and also includes motorized bicycles. "Motor vehicle" 3591
does not include a concrete pump or a concrete conveyor. 3592

(B) "County motor vehicle license tax" means a tax imposed by 3593
a county pursuant to this chapter. 3594

(C) "Township motor vehicle license tax" means a tax imposed 3595
by a township pursuant to this chapter. 3596

(D) "Municipal motor vehicle license tax" means a tax imposed 3597
by a municipal corporation pursuant to this chapter. 3598

(E) "Registrar" means the registrar of motor vehicles as 3599
provided in section 4501.02 of the Revised Code. 3600

(F) "Deputy registrar" means any deputy appointed by the 3601
registrar of motor vehicles pursuant to sections 4501.02 and 3602
4503.03 of the Revised Code. 3603

Sec. 4505.022. The registrar of motor vehicles may adopt 3604
rules pursuant to Chapter 119. of the Revised Code to allow a 3605
motor vehicle auction owner licensed under section 4517.07 of the 3606
Revised Code to file an application for a certificate of title in 3607
an electronic manner approved by the registrar. 3608

Sec. 4505.032. (A)(1) If a person who is not an electronic 3609
motor vehicle dealer owns a motor vehicle for which a physical 3610
certificate of title has not been issued by a clerk of a court of 3611
common pleas and the person sells the motor vehicle to ~~an~~ 3612
~~electronic~~ a motor vehicle dealer licensed under Chapter 4517. of 3613
the Revised Code, the person is not required to obtain a physical 3614
certificate of title to the motor vehicle in order to transfer 3615
ownership to the dealer. The person shall present the dealer, in a 3616
manner approved by the registrar of motor vehicles, with 3617
sufficient proof of the person's identity and complete and sign a 3618
form prescribed by the registrar attesting to the person's 3619
identity and assigning the motor vehicle to the dealer. ~~The~~ Except 3620
as otherwise provided in this section, the motor vehicle dealer 3621
shall present the assignment form to any clerk of a court of 3622
common pleas together with an application for a certificate of 3623
title and payment of the fees prescribed by section 4505.09 of the 3624
Revised Code. 3625

In a case in which a person who is the owner of a motor 3626
vehicle for which a physical certificate of title has not been 3627
issued assigns the motor vehicle to an electronic motor vehicle 3628
dealer, the electronic motor vehicle dealer ~~then shall~~ instead may 3629
inform a clerk of a court of common pleas via electronic means of 3630
the sale of the motor vehicle and assignment of ownership of the 3631
vehicle to the dealer. The clerk shall enter the information 3632
relating to the assignment, including, but not limited to, the 3633
odometer disclosure statement required by section 4505.06 of the 3634

Revised Code, into the automated title processing system, and 3635
ownership of the vehicle passes to the dealer when the clerk 3636
enters this information into the system. The dealer is not 3637
required to obtain a certificate of title to the vehicle in the 3638
dealer's name. 3639

(2) A clerk shall charge and collect from a dealer a fee of 3640
five dollars for each motor vehicle assigned to the dealer under 3641
division (A)(1) of this section. The fee shall be distributed in 3642
accordance with section 4505.09 of the Revised Code. 3643

(B) If a person who is not an electronic motor vehicle dealer 3644
owns a motor vehicle for which a physical certificate of title has 3645
not been issued by a clerk of a court of common pleas and the 3646
person sells the motor vehicle to a person who is not ~~an~~ 3647
~~electronic~~ a motor vehicle dealer licensed under Chapter 4517. of 3648
the Revised Code, the person shall obtain a physical certificate 3649
of title to the motor vehicle in order to transfer ownership of 3650
the vehicle to ~~the~~ that ~~person who is not an electronic motor~~ 3651
~~vehicle dealer~~. 3652

Sec. 4505.06. (A)(1) Application for a certificate of title 3653
shall be made in a form prescribed by the registrar of motor 3654
vehicles and shall be sworn to before a notary public or other 3655
officer empowered to administer oaths. The application shall be 3656
filed with the clerk of any court of common pleas. An application 3657
for a certificate of title may be filed electronically by any 3658
electronic means approved by the registrar in any county with the 3659
clerk of the court of common pleas of that county. Any payments 3660
required by this chapter shall be considered as accompanying any 3661
electronically transmitted application when payment actually is 3662
received by the clerk. Payment of any fee or taxes may be made by 3663
electronic transfer of funds. 3664

(2) The application for a certificate of title shall be 3665

accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in beneficiary form so that upon the death of the owner of the motor vehicle, ownership of the motor vehicle will pass to a designated transfer-on-death beneficiary or beneficiaries, the applicant may do so as provided in section 2131.13 of the Revised Code. A person who establishes ownership of a motor vehicle that is transferable on death in accordance with section 2131.13 of the Revised Code may terminate that type of ownership or change the designation of the transfer-on-death beneficiary or beneficiaries by applying for

a certificate of title pursuant to this section. The clerk shall 3699
retain the evidence of title presented by the applicant and on 3700
which the certificate of title is issued, except that, if an 3701
application for a certificate of title is filed electronically by 3702
an electronic motor vehicle dealer on behalf of the purchaser of a 3703
motor vehicle, the clerk shall retain the completed electronic 3704
record to which the dealer converted the certificate of title 3705
application and other required documents. The registrar, after 3706
consultation with the attorney general, shall adopt rules that 3707
govern the location at which, and the manner in which, are stored 3708
the actual application and all other documents relating to the 3709
sale of a motor vehicle when an electronic motor vehicle dealer 3710
files the application for a certificate of title electronically on 3711
behalf of the purchaser. 3712

The clerk shall use reasonable diligence in ascertaining 3713
whether or not the facts in the application for a certificate of 3714
title are true by checking the application and documents 3715
accompanying it or the electronic record to which a dealer 3716
converted the application and accompanying documents with the 3717
records of motor vehicles in the clerk's office. If the clerk is 3718
satisfied that the applicant is the owner of the motor vehicle and 3719
that the application is in the proper form, the clerk, within five 3720
business days after the application is filed, shall issue a 3721
physical certificate of title over the clerk's signature and 3722
sealed with the clerk's seal, unless the applicant specifically 3723
requests the clerk not to issue a physical certificate of title 3724
and instead to issue an electronic certificate of title. For 3725
purposes of the transfer of a certificate of title, if the clerk 3726
is satisfied that the secured party has duly discharged a lien 3727
notation but has not canceled the lien notation with a clerk, the 3728
clerk may cancel the lien notation on the automated title 3729
processing system and notify the clerk of the county of origin. 3730

(4) In the case of the sale of a motor vehicle to a general 3731
buyer or user by a dealer, by a motor vehicle leasing dealer 3732
selling the motor vehicle to the lessee or, in a case in which the 3733
leasing dealer subleased the motor vehicle, the sublessee, at the 3734
end of the lease agreement or sublease agreement, or by a 3735
manufactured home broker, the certificate of title shall be 3736
obtained in the name of the buyer by the dealer, leasing dealer, 3737
or manufactured home broker, as the case may be, upon application 3738
signed by the buyer. The certificate of title shall be issued, or 3739
the process of entering the certificate of title application 3740
information into the automated title processing system if a 3741
physical certificate of title is not to be issued shall be 3742
completed, within five business days after the application for 3743
title is filed with the clerk. If the buyer of the motor vehicle 3744
previously leased the motor vehicle and is buying the motor 3745
vehicle at the end of the lease pursuant to that lease, the 3746
certificate of title shall be obtained in the name of the buyer by 3747
the motor vehicle leasing dealer who previously leased the motor 3748
vehicle to the buyer or by the motor vehicle leasing dealer who 3749
subleased the motor vehicle to the buyer under a sublease 3750
agreement. 3751

In all other cases, except as provided in section 4505.032 3752
and division (D)(2) of section 4505.11 of the Revised Code, such 3753
certificates shall be obtained by the buyer. 3754

(5)(a)(i) If the certificate of title is being obtained in 3755
the name of the buyer by a motor vehicle dealer or motor vehicle 3756
leasing dealer and there is a security interest to be noted on the 3757
certificate of title, the dealer or leasing dealer shall submit 3758
the application for the certificate of title and payment of the 3759
applicable tax to a clerk within seven business days after the 3760
later of the delivery of the motor vehicle to the buyer or the 3761
date the dealer or leasing dealer obtains the manufacturer's or 3762

importer's certificate, or certificate of title issued in the name 3763
of the dealer or leasing dealer, for the motor vehicle. Submission 3764
of the application for the certificate of title and payment of the 3765
applicable tax within the required seven business days may be 3766
indicated by postmark or receipt by a clerk within that period. 3767

(ii) Upon receipt of the certificate of title with the 3768
security interest noted on its face, the dealer or leasing dealer 3769
shall forward the certificate of title to the secured party at the 3770
location noted in the financing documents or otherwise specified 3771
by the secured party. 3772

(iii) A motor vehicle dealer or motor vehicle leasing dealer 3773
is liable to a secured party for a late fee of ten dollars per day 3774
for each certificate of title application and payment of the 3775
applicable tax that is submitted to a clerk more than seven 3776
business days but less than twenty-one days after the later of the 3777
delivery of the motor vehicle to the buyer or the date the dealer 3778
or leasing dealer obtains the manufacturer's or importer's 3779
certificate, or certificate of title issued in the name of the 3780
dealer or leasing dealer, for the motor vehicle and, from then on, 3781
twenty-five dollars per day until the application and applicable 3782
tax are submitted to a clerk. 3783

(b) In all cases of transfer of a motor vehicle, the 3784
application for certificate of title shall be filed within thirty 3785
days after the assignment or delivery of the motor vehicle. If an 3786
application for a certificate of title is not filed within the 3787
period specified in division (A)(5)(b) of this section, the clerk 3788
shall collect a fee of five dollars for the issuance of the 3789
certificate, except that no such fee shall be required from a 3790
motor vehicle salvage dealer, as defined in division (A) of 3791
section 4738.01 of the Revised Code, who immediately surrenders 3792
the certificate of title for cancellation. The fee shall be in 3793
addition to all other fees established by this chapter, and shall 3794

be retained by the clerk. The registrar shall provide, on the 3795
certificate of title form prescribed by section 4505.07 of the 3796
Revised Code, language necessary to give evidence of the date on 3797
which the assignment or delivery of the motor vehicle was made. 3798

(6) As used in division (A) of this section, "lease 3799
agreement," "lessee," and "sublease agreement" have the same 3800
meanings as in section 4505.04 of the Revised Code. 3801

(B) The clerk, except as provided in this section, shall 3802
refuse to accept for filing any application for a certificate of 3803
title and shall refuse to issue a certificate of title unless the 3804
dealer or manufactured home broker or the applicant, in cases in 3805
which the certificate shall be obtained by the buyer, submits with 3806
the application payment of the tax levied by or pursuant to 3807
Chapters 5739. and 5741. of the Revised Code based on the 3808
purchaser's county of residence. Upon payment of the tax in 3809
accordance with division (E) of this section, the clerk shall 3810
issue a receipt prescribed by the registrar and agreed upon by the 3811
tax commissioner showing payment of the tax or a receipt issued by 3812
the commissioner showing the payment of the tax. When submitting 3813
payment of the tax to the clerk, a dealer shall retain any 3814
discount to which the dealer is entitled under section 5739.12 of 3815
the Revised Code. 3816

For receiving and disbursing such taxes paid to the clerk by 3817
a resident of the clerk's county, the clerk may retain a poundage 3818
fee of one and one one-hundredth per cent, and the clerk shall pay 3819
the poundage fee into the certificate of title administration fund 3820
created by section 325.33 of the Revised Code. The clerk shall not 3821
retain a poundage fee from payments of taxes by persons who do not 3822
reside in the clerk's county. 3823

A clerk, however, may retain from the taxes paid to the clerk 3824
an amount equal to the poundage fees associated with certificates 3825
of title issued by other clerks of courts of common pleas to 3826

applicants who reside in the first clerk's county. The registrar, 3827
in consultation with the tax commissioner and the clerks of the 3828
courts of common pleas, shall develop a report from the automated 3829
title processing system that informs each clerk of the amount of 3830
the poundage fees that the clerk is permitted to retain from those 3831
taxes because of certificates of title issued by the clerks of 3832
other counties to applicants who reside in the first clerk's 3833
county. 3834

In the case of casual sales of motor vehicles, as defined in 3835
section 4517.01 of the Revised Code, the price for the purpose of 3836
determining the tax shall be the purchase price on the assigned 3837
certificate of title executed by the seller and filed with the 3838
clerk by the buyer on a form to be prescribed by the registrar, 3839
which shall be prima-facie evidence of the amount for the 3840
determination of the tax. 3841

(C)(1) If the transferor indicates on the certificate of 3842
title that the odometer reflects mileage in excess of the designed 3843
mechanical limit of the odometer, the clerk shall enter the phrase 3844
"exceeds mechanical limits" following the mileage designation. If 3845
the transferor indicates on the certificate of title that the 3846
odometer reading is not the actual mileage, the clerk shall enter 3847
the phrase "nonactual: warning - odometer discrepancy" following 3848
the mileage designation. The clerk shall use reasonable care in 3849
transferring the information supplied by the transferor, but is 3850
not liable for any errors or omissions of the clerk or those of 3851
the clerk's deputies in the performance of the clerk's duties 3852
created by this chapter. 3853

The registrar shall prescribe an affidavit in which the 3854
transferor shall swear to the true selling price and, except as 3855
provided in this division, the true odometer reading of the motor 3856
vehicle. The registrar may prescribe an affidavit in which the 3857
seller and buyer provide information pertaining to the odometer 3858

reading of the motor vehicle in addition to that required by this 3859
section, as such information may be required by the United States 3860
secretary of transportation by rule prescribed under authority of 3861
subchapter IV of the "Motor Vehicle Information and Cost Savings 3862
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 3863

(2) Division (C)(1) of this section does not require the 3864
giving of information concerning the odometer and odometer reading 3865
of a motor vehicle when ownership of a motor vehicle is being 3866
transferred as a result of a bequest, under the laws of intestate 3867
succession, to a survivor pursuant to section 2106.18, 2131.12, or 3868
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 3869
beneficiaries pursuant to section 2131.13 of the Revised Code, ~~or~~ 3870
in connection with the creation of a security interest or for a 3871
vehicle with a gross vehicle weight rating of more than sixteen 3872
thousand pounds. 3873

(D) When the transfer to the applicant was made in some other 3874
state or in interstate commerce, the clerk, except as provided in 3875
this section, shall refuse to issue any certificate of title 3876
unless the tax imposed by or pursuant to Chapter 5741. of the 3877
Revised Code based on the purchaser's county of residence has been 3878
paid as evidenced by a receipt issued by the tax commissioner, or 3879
unless the applicant submits with the application payment of the 3880
tax. Upon payment of the tax in accordance with division (E) of 3881
this section, the clerk shall issue a receipt prescribed by the 3882
registrar and agreed upon by the tax commissioner, showing payment 3883
of the tax. 3884

For receiving and disbursing such taxes paid to the clerk by 3885
a resident of the clerk's county, the clerk may retain a poundage 3886
fee of one and one one-hundredth per cent. The clerk shall not 3887
retain a poundage fee from payments of taxes by persons who do not 3888
reside in the clerk's county. 3889

A clerk, however, may retain from the taxes paid to the clerk 3890

an amount equal to the poundage fees associated with certificates 3891
of title issued by other clerks of courts of common pleas to 3892
applicants who reside in the first clerk's county. The registrar, 3893
in consultation with the tax commissioner and the clerks of the 3894
courts of common pleas, shall develop a report from the automated 3895
title processing system that informs each clerk of the amount of 3896
the poundage fees that the clerk is permitted to retain from those 3897
taxes because of certificates of title issued by the clerks of 3898
other counties to applicants who reside in the first clerk's 3899
county. 3900

When the vendor is not regularly engaged in the business of 3901
selling motor vehicles, the vendor shall not be required to 3902
purchase a vendor's license or make reports concerning those 3903
sales. 3904

(E) The clerk shall accept any payment of a tax in cash, or 3905
by cashier's check, certified check, draft, money order, or teller 3906
check issued by any insured financial institution payable to the 3907
clerk and submitted with an application for a certificate of title 3908
under division (B) or (D) of this section. The clerk also may 3909
accept payment of the tax by corporate, business, or personal 3910
check, credit card, electronic transfer or wire transfer, debit 3911
card, or any other accepted form of payment made payable to the 3912
clerk. The clerk may require bonds, guarantees, or letters of 3913
credit to ensure the collection of corporate, business, or 3914
personal checks. Any service fee charged by a third party to a 3915
clerk for the use of any form of payment may be paid by the clerk 3916
from the certificate of title administration fund created in 3917
section 325.33 of the Revised Code, or may be assessed by the 3918
clerk upon the applicant as an additional fee. Upon collection, 3919
the additional fees shall be paid by the clerk into that 3920
certificate of title administration fund. 3921

The clerk shall make a good faith effort to collect any 3922

payment of taxes due but not made because the payment was returned 3923
or dishonored, but the clerk is not personally liable for the 3924
payment of uncollected taxes or uncollected fees. The clerk shall 3925
notify the tax commissioner of any such payment of taxes that is 3926
due but not made and shall furnish the information to the 3927
commissioner that the commissioner requires. The clerk shall 3928
deduct the amount of taxes due but not paid from the clerk's 3929
periodic remittance of tax payments, in accordance with procedures 3930
agreed upon by the tax commissioner. The commissioner may collect 3931
taxes due by assessment in the manner provided in section 5739.13 3932
of the Revised Code. 3933

Any person who presents payment that is returned or 3934
dishonored for any reason is liable to the clerk for payment of a 3935
penalty over and above the amount of the taxes due. The clerk 3936
shall determine the amount of the penalty, and the penalty shall 3937
be no greater than that amount necessary to compensate the clerk 3938
for banking charges, legal fees, or other expenses incurred by the 3939
clerk in collecting the returned or dishonored payment. The 3940
remedies and procedures provided in this section are in addition 3941
to any other available civil or criminal remedies. Subsequently 3942
collected penalties, poundage fees, and title fees, less any title 3943
fee due the state, from returned or dishonored payments collected 3944
by the clerk shall be paid into the certificate of title 3945
administration fund. Subsequently collected taxes, less poundage 3946
fees, shall be sent by the clerk to the treasurer of state at the 3947
next scheduled periodic remittance of tax payments, with 3948
information as the commissioner may require. The clerk may abate 3949
all or any part of any penalty assessed under this division. 3950

(F) In the following cases, the clerk shall accept for filing 3951
an application and shall issue a certificate of title without 3952
requiring payment or evidence of payment of the tax: 3953

(1) When the purchaser is this state or any of its political 3954

subdivisions, a church, or an organization whose purchases are	3955
exempted by section 5739.02 of the Revised Code;	3956
(2) When the transaction in this state is not a retail sale	3957
as defined by section 5739.01 of the Revised Code;	3958
(3) When the purchase is outside this state or in interstate	3959
commerce and the purpose of the purchaser is not to use, store, or	3960
consume within the meaning of section 5741.01 of the Revised Code;	3961
(4) When the purchaser is the federal government;	3962
(5) When the motor vehicle was purchased outside this state	3963
for use outside this state;	3964
(6) When the motor vehicle is purchased by a nonresident of	3965
this state for immediate removal from this state, and will be	3966
permanently titled and registered in another state, as provided by	3967
division (B)(23) of section 5739.02 of the Revised Code, and upon	3968
presentation of a copy of the affidavit provided by that section,	3969
and a copy of the exemption certificate provided by section	3970
5739.03 of the Revised Code.	3971
The clerk shall forward all payments of taxes, less poundage	3972
fees, to the treasurer of state in a manner to be prescribed by	3973
the tax commissioner and shall furnish information to the	3974
commissioner as the commissioner requires.	3975
(G) An application, as prescribed by the registrar and agreed	3976
to by the tax commissioner, shall be filled out and sworn to by	3977
the buyer of a motor vehicle in a casual sale. The application	3978
shall contain the following notice in bold lettering: "WARNING TO	3979
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by	3980
law to state the true selling price. A false statement is in	3981
violation of section 2921.13 of the Revised Code and is punishable	3982
by six months' imprisonment or a fine of up to one thousand	3983
dollars, or both. All transfers are audited by the department of	3984
taxation. The seller and buyer must provide any information	3985

requested by the department of taxation. The buyer may be assessed 3986
any additional tax found to be due." 3987

(H) For sales of manufactured homes or mobile homes occurring 3988
on or after January 1, 2000, the clerk shall accept for filing, 3989
pursuant to Chapter 5739. of the Revised Code, an application for 3990
a certificate of title for a manufactured home or mobile home 3991
without requiring payment of any tax pursuant to section 5739.02, 3992
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 3993
issued by the tax commissioner showing payment of the tax. For 3994
sales of manufactured homes or mobile homes occurring on or after 3995
January 1, 2000, the applicant shall pay to the clerk an 3996
additional fee of five dollars for each certificate of title 3997
issued by the clerk for a manufactured or mobile home pursuant to 3998
division (H) of section 4505.11 of the Revised Code and for each 3999
certificate of title issued upon transfer of ownership of the 4000
home. The clerk shall credit the fee to the county certificate of 4001
title administration fund, and the fee shall be used to pay the 4002
expenses of archiving those certificates pursuant to division (A) 4003
of section 4505.08 and division (H)(3) of section 4505.11 of the 4004
Revised Code. The tax commissioner shall administer any tax on a 4005
manufactured or mobile home pursuant to Chapters 5739. and 5741. 4006
of the Revised Code. 4007

(I) Every clerk shall have the capability to transact by 4008
electronic means all procedures and transactions relating to the 4009
issuance of motor vehicle certificates of title that are described 4010
in the Revised Code as being accomplished by electronic means. 4011

Sec. 4505.07. (A) A physical certificate of title shall be 4012
printed upon a special paper with a secure printing process or 4013
other secure process, for the printing of motor vehicle titles, as 4014
required by section 2 of the "Truth in Mileage Act of 1986," 100 4015
Stat. 3309, 15 U.S.C.A. 1901 et seq. 4016

An electronic certificate of title is an electronic record 4017
stored in the automated title processing system that established 4018
ownership of a motor vehicle, as well as any security interests 4019
that exist in that motor vehicle. 4020

(B) Every certificate of title shall bear the distinguishing 4021
number assigned to the title, and shall contain, on the front of 4022
the certificate, the following information: 4023

(1) An indication that the certificate is issued in this 4024
state; 4025

(2) The county in which the certificate is issued; 4026

(3) An indication that the certificate is an original, 4027
memorandum, duplicate, or salvage certificate; 4028

(4) The date of issuance of the certificate; 4029

(5) The name and address of the owner, in full; 4030

(6) The name and address of the previous owner, in full; 4031

(7) The previous certificate of title number; 4032

(8) The state in which the vehicle previously was titled; 4033

(9) The make, body type, year, model, and vehicle 4034
identification number of the vehicle; 4035

(10) First and second lien notation information, including 4036
the name and address of the lienholder in full and the date of the 4037
lien notation; 4038

(11) For discharging and canceling the lien notation, a 4039
notice that states: "lien discharge," a space for the signature of 4040
the lienholder, the discharge date, a space for the signature of 4041
the clerk of the court of common pleas, the cancellation date, and 4042
a space for the notation of the deputy clerk; 4043

(12) The purchase price of the motor vehicle and the amount 4044
of Ohio sales or use tax paid; 4045

(13) The mileage registered on the odometer and the status of the odometer of the vehicle at the time the previous title was assigned;	4046 4047 4048
(14) A space for the seal of the clerk;	4049
(15) The signature of the clerk;	4050
(16) A space for the notation of the deputy clerk;	4051
(17) A space for other pertinent information as may be required by the registrar of motor vehicles;	4052 4053
(18) A consecutive number for control purposes;	4054
(19) In the case of a vehicle last previously registered in another state, a space to be used for recording any notation applicable to the vehicle and the abbreviation of the state in which the vehicle was last registered, as required by divisions (B)(1) and (2) of section 4505.08 of the Revised Code;	4055 4056 4057 4058 4059
(20) In the case of a vehicle last previously registered in this state, a space to be used for recording any information applicable to the vehicle as required by division (C) of section 4505.08 of the Revised Code or by rule of the registrar of motor vehicles adopted under that division.	4060 4061 4062 4063 4064
(C) If the certificate of title is a duplicate certificate, that fact and the original title number must be stated on the front of the duplicate certificate.	4065 4066 4067
(D) If the certificate of title is a memorandum certificate, that fact and the original title number must be stated on the front of the memorandum certificate.	4068 4069 4070
(E) If the certificate of title is a salvage certificate, that fact and the original title number must be stated on the front of the salvage certificate.	4071 4072 4073
(F) The following information shall appear on the reverse	4074

side of each certificate of title:	4075
(1) A notice in bold lettering that states: "ERASURES AND ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in ink.);"	4076 4077
(2) The total consideration of the vehicle;	4078
(3) A disclosure that states: "I (we) certify the vehicle described in this title was transferred for the price of \$..... to:" and the printed name and address of the buyer in full;	4079 4080 4081 4082
(4) An odometer certification statement that states: "Federal and state laws require that you state the mileage in connection with transfer of ownership. Failure to complete or providing false information may result in fines and imprisonment."	4083 4084 4085 4086
The odometer certification language as required by federal law and division (C) of section 4505.06 of the Revised Code.	4087 4088
(5) A disclosure that states: "I (we) warrant the title to be free of all liens."	4089 4090
(6) A space for the signature of the transferor and the transferor's printed name and address in full;	4091 4092
(7) A space for the seal of the clerk or a notary;	4093
(8) The acknowledgment statement of the clerk, the deputy clerk, or a notary;	4094 4095
(9) A space for the signature of the clerk, the deputy clerk, or a notary;	4096 4097
(10) The buyer's odometer acknowledgment statement, with a space for the buyer's printed name and address;	4098 4099
(11) A notice in bold lettering that states: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable	4100 4101 4102 4103

by six months' imprisonment or a fine of up to one thousand 4104
dollars, or both. All transfers are audited by the department of 4105
taxation. 4106

The seller and buyer must provide any information requested 4107
by the department of taxation. The buyer may be assessed any 4108
additional tax found to be due." 4109

(12) An application for a certificate of title, memorandum 4110
certificate of title, or salvage certificate of title, as 4111
prescribed by the registrar, which shall include all of the 4112
following: 4113

(a) A disclosure that states: "Application for certificate of 4114
title (type or print in ink)"; 4115

(b) A disclosure that states: "Fee of \$5.00 for failure to 4116
apply for title within 30 days of assignment."; 4117

(c) A space for the applicant's printed name and address: 4118

(d) A space for the applicant's social security number or 4119
employer's identification number; 4120

(e) A space for the purchase price, tax paid, or tax 4121
exemption reason, or dealer's permit number, and vendor's number, 4122
and condition of the vehicle; 4123

(f) A disclosure statement that states: "Lien information: If 4124
no lien state "none." If more than one lien, attach statement of 4125
all additional liens."; 4126

(g) A space for the lienholder's name and address; 4127

(h) A disclosure statement that states: "I (we) state that 4128
all information contained in this application is true and 4129
correct."; 4130

(i) A space for the applicant's signature; 4131

(j) A space for the acknowledgment statement of the clerk, 4132

the deputy clerk, or a notary; 4133

(k) A space for the seal of the clerk or a notary; 4134

(l) A space for the signature of the clerk, the deputy clerk,
or a notary; 4135
4136

(m) Any other pertinent information as may be required by the
registrar. 4137
4138

Sec. 4505.08. (A) When the clerk of a court of common pleas 4139
issues a physical certificate of title, the clerk shall issue the 4140
certificate of title ~~in duplicate. One copy shall be retained and~~ 4141
~~filed by the clerk in the clerk's office on a form and in a manner~~ 4142
prescribed by the registrar of motor vehicles. The clerk shall 4143
file a copy of the physical evidence for the creation of the 4144
certificate of title in a manner prescribed by the registrar. A 4145
clerk may retain digital images of documents used as evidence for 4146
issuance of a certificate of title. Certified printouts of 4147
documents retained as digital images shall have the same 4148
evidentiary value as the original physical documents. The record 4149
of the issuance of the certificate of title shall be maintained in 4150
the automated title processing system. The clerk shall sign and 4151
affix the clerk's seal to the original certificate of title and, 4152
if there are no liens on the motor vehicle, shall deliver the 4153
certificate to the applicant or the selling dealer. If there are 4154
one or more liens on the motor vehicle, the certificate of title 4155
shall be delivered to the holder of the first lien or the selling 4156
dealer, who shall deliver the certificate of title to the holder 4157
of the first lien. 4158

The registrar ~~of motor vehicles~~ shall prescribe a uniform 4159
method of numbering certificates of title, and such numbering 4160
shall be in such manner that the county of issuance is indicated. 4161
The clerk shall assign numbers to certificates of title in the 4162
manner prescribed by the registrar. The clerk shall file all 4163

certificates of title according to rules to be prescribed by the registrar, and the clerk shall maintain in the clerk's office indexes for the certificates of title.

The clerk need not retain on file any current certificates of title, current duplicate certificates of title, current memorandum certificates of title, or current salvage certificates of title, or supporting evidence of them, ~~including the electronic record described in division (A) of section 4505.06 of the Revised Code,~~ covering any motor vehicle or manufactured or mobile home for a period longer than seven years after the date of its filing; thereafter, the documents and supporting evidence may be destroyed. The clerk need not retain on file any inactive records, including certificates of title, duplicate certificates of title, or memorandum certificates of title, or supporting evidence of them, including the electronic record described in division (A) of section 4505.06 of the Revised Code, covering any motor vehicle or manufactured or mobile home for a period longer than five years after the date of its filing; thereafter, the documents and supporting evidence may be destroyed.

The automated title processing system shall contain all active records and an index of the active records, a record and index of all inactive titles for ten years, and a record and index of all inactive titles for manufactured and mobile homes for thirty years. If the clerk provides a written copy of any information contained in the database, the copy shall be considered the original for purposes of the clerk certifying the record of the information for use in any legal proceeding.

(B)(1) If the clerk issues a certificate of title for a motor vehicle that was last previously registered in another state, the clerk shall record verbatim, where practicable, in the space on the title described in division (B)(19) of section 4505.07 of the Revised Code, the words that appear as a notation to the vehicle

on the title issued by the previous state. These notations may 4196
include, but are not limited to, words to the effect that the 4197
vehicle was considered or was categorized by the state in which it 4198
was last previously registered to be a law enforcement vehicle or 4199
a taxicab or was once in a flood. 4200

(2) If the clerk, while issuing a certificate of title for a 4201
motor vehicle that was last previously registered in another 4202
state, receives information from the automated title processing 4203
system indicating that a title to the vehicle previously was 4204
issued by this state and that the previous title contained 4205
notations that appeared in the space described in division (B)(19) 4206
or (20) of section 4505.07 of the Revised Code, the clerk shall 4207
enter the notations that appeared on the previous certificate of 4208
title issued by this state on the new certificate of title in the 4209
space described in division (B)(19) or (20) of section 4505.07 of 4210
the Revised Code, irrespective of whether the notations appear on 4211
the certificate of title issued by the state in which the vehicle 4212
was last previously registered. 4213

(3) If the clerk, while issuing a certificate of title for a 4214
motor vehicle that was last previously registered in another 4215
state, receives information from the automated title processing 4216
system indicating that the vehicle was previously issued a title 4217
by this state and that the previous title bore the notation 4218
"REBUILT SALVAGE" as required by division (E) of section 4505.11 4219
of the Revised Code, or the previous title to the vehicle issued 4220
by this state was a salvage certificate of title, the clerk shall 4221
cause the certificate of title the clerk issues to bear the 4222
notation "REBUILT SALVAGE" in the location prescribed by the 4223
registrar pursuant to that division. 4224

(C) When the clerk issues a certificate of title for a motor 4225
vehicle that was last previously registered in this state and was 4226
a law enforcement vehicle or a taxicab or was once in a flood, the 4227

clerk shall record that information in the space on the title 4228
described in division (B)(20) of section 4505.07 of the Revised 4229
Code. The registrar, by rule, may prescribe any additional uses of 4230
or happenings to a motor vehicle that the registrar has reason to 4231
believe should be noted on the certificate of title as provided in 4232
this division. 4233

(D) The clerk shall use reasonable care in recording or 4234
entering onto titles the clerk issues any notation and information 4235
the clerk is required by divisions (B) and (C) of this section to 4236
record or enter and in causing the titles the clerk issues to bear 4237
any notation required by those divisions, but the clerk is not 4238
liable for any of the clerk's errors or omissions or those of the 4239
clerk's deputies, or the automated title processing system, in the 4240
performance of the duties imposed on the clerk by this section. 4241

(E) The clerk may issue a duplicate title, when duly applied 4243
for, of any title that has been destroyed as herein provided. 4244

(F) The clerk shall issue a physical certificate of title to 4245
an applicant unless the applicant specifically requests the clerk 4246
not to issue a physical certificate of title and instead to issue 4247
an electronic certificate of title. The fact that a physical 4248
certificate of title is not issued for a motor vehicle does not 4249
affect ownership of the vehicle. In that case, when the clerk 4250
completes the process of entering certificate of title application 4251
information into the automated title processing system, the effect 4252
of the completion of the process is the same as if the clerk 4253
actually issued a physical certificate of title for the motor 4254
vehicle. 4255

(G) An electronic motor vehicle dealer who applies for a 4256
certificate of title on behalf of a customer who purchases a motor 4257
vehicle from the dealer may print a non-negotiable evidence of 4258
ownership for the customer if the customer so requests. The 4259

authorization to print the non-negotiable evidence of ownership 4260
shall come from the clerk with whom the dealer makes application 4261
for the certificate of title for the customer, but the printing by 4262
the dealer does not create an agency relationship of any kind 4263
between the dealer and the clerk. 4264

~~(H) If an electronic certificate of title previously has been~~ 4265
~~issued for a motor vehicle, the~~ The owner of ~~the~~ a motor vehicle 4266
may apply at any time to a clerk of a court of common pleas for a 4267
non-negotiable evidence of ownership for the motor vehicle. 4268

Sec. 4505.09. (A) The clerk of a court of common pleas shall 4269
charge a fee of five dollars for each certificate of title that is 4270
not applied for within thirty days after the later of the 4271
assignment or delivery of the motor vehicle described in it. The 4272
fees shall be retained by the clerk. 4273

In addition to those fees, the clerk shall charge a fee of 4274
five dollars for each certificate of title, duplicate certificate 4275
of title, memorandum certificate of title, authorization to print 4276
a non-negotiable evidence of ownership described in division (G) 4277
of section 4505.08 of the Revised Code, non-negotiable evidence of 4278
ownership printed by the clerk under division (H) of that section, 4279
and notation of any lien on a certificate of title. The clerk 4280
shall retain two dollars and twenty-five cents of the fee charged 4281
for each certificate of title, four dollars and seventy-five cents 4282
of the fee charged for each duplicate certificate of title, all of 4283
the fees charged for each memorandum certificate, authorization to 4284
print a non-negotiable evidence of ownership, or non-negotiable 4285
evidence of ownership printed by the clerk, and four dollars and 4286
twenty-five cents of the fee charged for each notation of a lien. 4287

The remaining two dollars and seventy-five cents charged for 4288
the certificate of title, the remaining twenty-five cents charged 4289
for the duplicate certificate of title, and the remaining 4290

seventy-five cents charged for the notation of any lien on a 4291
certificate of title shall be paid to the registrar of motor 4292
vehicles by monthly returns, which shall be forwarded to the 4293
registrar not later than the fifth day of the month next 4294
succeeding that in which the certificate is issued or that in 4295
which the registrar is notified of a lien or cancellation of a 4296
lien. 4297

(B)(1) The registrar shall pay twenty-five cents of the 4298
amount received for each certificate of title and all of the 4299
amounts received for each notation of any lien and each duplicate 4300
certificate of title into the state bureau of motor vehicles fund 4301
established in section 4501.25 of the Revised Code. 4302

(2) Fifty cents of the amount received for each certificate 4303
of title shall be paid by the registrar as follows: 4304

(a) Four cents shall be paid into the state treasury to the 4305
credit of the motor vehicle dealers board fund, which is hereby 4306
created. All investment earnings of the fund shall be credited to 4307
the fund. The moneys in the motor vehicle dealers board fund shall 4308
be used by the motor vehicle dealers board created under section 4309
4517.30 of the Revised Code, together with other moneys 4310
appropriated to it, in the exercise of its powers and the 4311
performance of its duties under Chapter 4517. of the Revised Code, 4312
except that the director of budget and management may transfer 4313
excess money from the motor vehicle dealers board fund to the 4314
bureau of motor vehicles fund if the registrar determines that the 4315
amount of money in the motor vehicle dealers board fund, together 4316
with other moneys appropriated to the board, exceeds the amount 4317
required for the exercise of its powers and the performance of its 4318
duties under Chapter 4517. of the Revised Code and requests the 4319
director to make the transfer. 4320

(b) Twenty-one cents shall be paid into the general revenue 4321
fund. 4322

(c) Twenty-five cents shall be paid into the state treasury 4323
to the credit of the motor vehicle sales audit fund, which is 4324
hereby created. The moneys in the fund shall be used by the tax 4325
commissioner together with other funds available to the 4326
commissioner to conduct a continuing investigation of sales and 4327
use tax returns filed for motor vehicles in order to determine if 4328
sales and use tax liability has been satisfied. The commissioner 4329
shall refer cases of apparent violations of section 2921.13 of the 4330
Revised Code made in connection with the titling or sale of a 4331
motor vehicle and cases of any other apparent violations of the 4332
sales or use tax law to the appropriate county prosecutor whenever 4333
the commissioner considers it advisable. 4334

(3) Two dollars of the amount received by the registrar for 4335
each certificate of title shall be paid into the state treasury to 4336
the credit of the automated title processing fund, which is hereby 4337
created and which shall consist of moneys collected under division 4338
(B)(3) of this section and under sections 1548.10 and 4519.59 of 4339
the Revised Code. All investment earnings of the fund shall be 4340
credited to the fund. The moneys in the fund shall be used as 4341
follows: 4342

(a) Except for moneys collected under section 1548.10 of the 4343
Revised Code and as provided in division (B)(3)(c) of this 4344
section, moneys collected under division (B)(3) of this section 4345
shall be used to implement and maintain an automated title 4346
processing system for the issuance of motor vehicle, off-highway 4347
motorcycle, and all-purpose vehicle certificates of title in the 4348
offices of the clerks of the courts of common pleas. 4349

(b) Moneys collected under section 1548.10 of the Revised 4350
Code shall be used to issue marine certificates of title in the 4351
offices of the clerks of the courts of common pleas as provided in 4352
Chapter 1548. of the Revised Code. 4353

(c) Moneys collected under division (B)(3) of this section 4354
shall be used in accordance with section 4505.25 of the Revised 4355
Code to implement Sub. S.B. 59 of the 124th general assembly. 4356

(C)(1) The automated title processing board is hereby created 4357
consisting of the registrar or the registrar's representative, a 4358
person selected by the registrar, the president of the Ohio clerks 4359
of court association or the president's representative, and two 4360
clerks of courts of common pleas appointed by the governor. The 4361
director of budget and management or the director's designee, the 4362
chief of the division of watercraft in the department of natural 4363
resources or the chief's designee, and the tax commissioner or the 4364
commissioner's designee shall be nonvoting members of the board. 4365
The purpose of the board is to facilitate the operation and 4366
maintenance of an automated title processing system and approve 4367
the procurement of automated title processing system equipment. 4368
Voting members of the board, excluding the registrar or the 4369
registrar's representative, shall serve without compensation, but 4370
shall be reimbursed for travel and other necessary expenses 4371
incurred in the conduct of their official duties. The registrar or 4372
the registrar's representative shall receive neither compensation 4373
nor reimbursement as a board member. 4374

(2) The automated title processing board shall determine each 4375
of the following: 4376

(a) The automated title processing equipment and certificates 4377
of title requirements for each county; 4378

(b) The payment of expenses that may be incurred by the 4379
counties in implementing an automated title processing system; 4380

(c) The repayment to the counties for existing title 4381
processing equipment. 4382

(3) The registrar shall purchase, lease, or otherwise acquire 4383
any automated title processing equipment and certificates of title 4384

that the board determines are necessary from moneys in the 4385
automated title processing fund established by division (B)(3) of 4386
this section. ~~Each county issuing more than one hundred thousand 4387~~
~~certificates of title annually, with the approval of the registrar 4388~~
~~and in accordance with the registrar's requirements, may purchase 4389~~
~~and maintain an automated title processing system for the issuance 4390~~
~~of motor vehicle titles, certificates of title for off-highway 4391~~
~~motorcycles and all purpose vehicles, and certificates of title 4392~~
~~for watercraft and outboard motors with the cost of the system 4393~~
~~paid for from the automated processing title fund. 4394~~

(D) All counties shall conform to the requirements of the 4395
registrar regarding the operation of their automated title 4396
processing system for motor vehicle titles, certificates of title 4397
for off-highway motorcycles and all-purpose vehicles, and 4398
certificates of title for watercraft and outboard motors. 4399

Sec. 4505.10. (A) In the event of the transfer of ownership 4400
of a motor vehicle by operation of law, as upon inheritance, 4401
devise, bequest, order in bankruptcy, insolvency, replevin, or 4402
execution sale, a motor vehicle is sold to satisfy storage or 4403
repair charges, or repossession is had upon default in performance 4404
of the terms of a security agreement as provided in Chapter 1309. 4405
of the Revised Code and the secured party has notified the debtor 4406
as required by division (B) of section 1309.611 of the Revised 4407
Code, a clerk of a court of common pleas, upon the surrender of 4408
the prior certificate of title or the manufacturer's or importer's 4409
certificate, or, when that is not possible, upon presentation of 4410
satisfactory proof to the clerk of ownership and rights of 4411
possession to the motor vehicle, and upon payment of the fee 4412
prescribed in section 4505.09 of the Revised Code and presentation 4413
of an application for certificate of title, may issue to the 4414
applicant a certificate of title to the motor vehicle. Only an 4415
affidavit by the person or agent of the person to whom possession 4416

of the motor vehicle has passed, setting forth the facts entitling 4417
the person to the possession and ownership, together with a copy 4418
of the journal entry, court order, or instrument upon which the 4419
claim of possession and ownership is founded, is satisfactory 4420
proof of ownership and right of possession. If the applicant 4421
cannot produce that proof of ownership, the applicant may apply 4422
directly to the registrar of motor vehicles and submit the 4423
evidence the applicant has, and the registrar, if the registrar 4424
finds the evidence sufficient, then may authorize a clerk to issue 4425
a certificate of title. If the registrar finds the evidence 4426
insufficient, the applicant may petition the court of common pleas 4427
for a court order ordering the clerk to issue a certificate of 4428
title. The court shall grant or deny the petition based on the 4429
sufficiency of the evidence presented to the court. If, from the 4430
records in the office of the clerk involved, there appears to be 4431
any lien on the motor vehicle, the certificate of title shall 4432
contain a statement of the lien unless the application is 4433
accompanied by proper evidence of its extinction. 4434

(B) A clerk shall transfer a decedent's interest in one or 4435
two automobiles to the surviving spouse of the decedent, as 4436
provided in section 2106.18 of the Revised Code, upon receipt of 4437
the title or titles. An affidavit executed by the surviving spouse 4438
shall be submitted to the clerk with the title or titles. The 4439
affidavit shall give the date of death of the decedent, shall 4440
state that each automobile for which the decedent's interest is to 4441
be so transferred is not disposed of by testamentary disposition, 4442
and shall provide an approximate value for each automobile 4443
selected to be transferred by the surviving spouse. The affidavit 4444
shall also contain a description for each automobile for which the 4445
decedent's interest is to be so transferred. The transfer does not 4446
affect any liens upon any automobile for which the decedent's 4447
interest is so transferred. 4448

(C) Upon the death of one of the persons who have established joint ownership with right of survivorship under section 2131.12 of the Revised Code in a motor vehicle, and upon presentation to a 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.

(D) Upon the death of the owner of a motor vehicle designated in beneficiary form under section 2131.13 of the Revised Code, upon application for a certificate of title by the transfer-on-death beneficiary or beneficiaries designated pursuant to that section, and upon presentation to the clerk of the certificate of title and the certificate of death of the decedent, the clerk shall transfer the motor vehicle and issue a certificate of title to the transfer-on-death beneficiary or beneficiaries. The transfer does not affect any liens upon the motor vehicle so transferred.

Sec. 4505.11. (A) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when the motor vehicle is dismantled, destroyed, or changed in such manner that it loses its character as a motor vehicle, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender the certificate of title to that motor vehicle to a clerk of a court of common pleas, and the clerk, with the consent of any holders of any liens noted on the certificate of title, then shall enter a cancellation upon the clerk's records and shall notify the registrar of motor vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner prescribed by this section, any clerk and the registrar of motor vehicles may cancel and destroy all certificates and all

memorandum certificates in that chain of title. 4480

(B) If an Ohio certificate of title or salvage certificate of 4481
title to a motor vehicle is assigned to a salvage dealer, the 4482
dealer is not required to obtain an Ohio certificate of title or a 4483
salvage certificate of title to the motor vehicle in the dealer's 4484
own name if the dealer dismantles or destroys the motor vehicle, 4485
indicates the number of the dealer's motor vehicle salvage 4486
dealer's license on it, marks "FOR DESTRUCTION" across the face of 4487
the certificate of title or salvage certificate of title, and 4488
surrenders the certificate of title or salvage certificate of 4489
title to a clerk of a court of common pleas as provided in 4490
division (A) of this section. If the salvage dealer retains the 4491
motor vehicle for resale, the dealer shall make application for a 4492
salvage certificate of title to the motor vehicle in the dealer's 4493
own name as provided in division (C)(1) of this section. 4494

(C)(1) When an insurance company declares it economically 4495
impractical to repair such a motor vehicle and has paid an agreed 4496
price for the purchase of the motor vehicle to any insured or 4497
claimant owner, the insurance company shall receive the 4498
certificate of title and the motor vehicle and proceed as follows. 4499
Within thirty days, the insurance company shall deliver the 4500
certificate of title to a clerk of a court of common pleas and 4501
shall make application for a salvage certificate of title. The 4502
clerk shall issue the salvage certificate of title on a form, 4503
prescribed by the registrar, that shall be easily distinguishable 4504
from the original certificate of title and shall bear the same 4505
~~number and~~ information as the original certificate of title except 4506
that it may bear a different number than that of the original 4507
certificate of title. Except as provided in division (C)(2) of 4508
this section, the salvage certificate of title shall be assigned 4509
by the insurance company to a salvage dealer or any other person 4510
for use as evidence of ownership upon the sale or other 4511

disposition of the motor vehicle, and the salvage certificate of 4512
title shall be transferrable to any other person. The clerk shall 4513
charge a fee of four dollars for the cost of processing each 4514
salvage certificate of title. 4515

(2) If an insurance company considers a motor vehicle as 4516
described in division (C)(1) of this section to be impossible to 4517
restore for highway operation, the insurance company may assign 4518
the certificate of title to the motor vehicle to a salvage dealer 4519
or scrap metal processing facility and send the assigned 4520
certificate of title to the clerk of the court of common pleas of 4521
~~the any county in which the salvage dealer or scrap metal~~ 4522
~~processing facility is located.~~ The insurance company shall mark 4523
the face of the certificate of title "FOR DESTRUCTION" and shall 4524
deliver a photocopy of the certificate of title to the salvage 4525
dealer or scrap metal processing facility for its records. 4526

(3) If an insurance company declares it economically 4527
impractical to repair a motor vehicle, agrees to pay to the 4528
insured or claimant owner an amount in settlement of a claim 4529
against a policy of motor vehicle insurance covering the motor 4530
vehicle, and agrees to permit the insured or claimant owner to 4531
retain possession of the motor vehicle, the insurance company 4532
shall not pay the insured or claimant owner any amount in 4533
settlement of the insurance claim until the owner obtains a 4534
salvage certificate of title to the vehicle and furnishes a copy 4535
of the salvage certificate of title to the insurance company. 4536

(D) When a self-insured organization, rental or leasing 4537
company, or secured creditor becomes the owner of a motor vehicle 4538
that is burned, damaged, or dismantled and is determined to be 4539
economically impractical to repair, the self-insured organization, 4540
rental or leasing company, or secured creditor shall do one of the 4541
following: 4542

(1) Mark the face of the certificate of title to the motor 4543

vehicle "FOR DESTRUCTION" and surrender the certificate of title 4544
to a clerk of a court of common pleas for cancellation as 4545
described in division (A) of this section. The self-insured 4546
organization, rental or leasing company, or secured creditor then 4547
shall deliver the motor vehicle, together with a photocopy of the 4548
certificate of title, to a salvage dealer or scrap metal 4549
processing facility and shall cause the motor vehicle to be 4550
dismantled, flattened, crushed, or destroyed. 4551

(2) Obtain a salvage certificate of title to the motor 4552
vehicle in the name of the self-insured organization, rental or 4553
leasing company, or secured creditor, as provided in division 4554
(C)(1) of this section, and then sell or otherwise dispose of the 4555
motor vehicle. If the motor vehicle is sold, the self-insured 4556
organization, rental or leasing company, or secured creditor shall 4557
obtain a salvage certificate of title to the motor vehicle in the 4558
name of the purchaser from a clerk of a court of common pleas. 4559

(E) If a motor vehicle titled with a salvage certificate of 4560
title is restored for operation upon the highways, application 4561
shall be made to a clerk of a court of common pleas for a 4562
certificate of title. Upon inspection by the state highway patrol, 4563
which shall include establishing proof of ownership and an 4564
inspection of the motor number and vehicle identification number 4565
of the motor vehicle and of documentation or receipts for the 4566
materials used in restoration by the owner of the motor vehicle 4567
being inspected, which documentation or receipts shall be 4568
presented at the time of inspection, the clerk, upon surrender of 4569
the salvage certificate of title, shall issue a certificate of 4570
title for a fee prescribed by the registrar. The certificate of 4571
title shall be in the same form as the original certificate of 4572
title, ~~shall bear the same number as the salvage certificate of~~ 4573
~~title and the original certificate of title,~~ and shall bear the 4574
words "REBUILT SALVAGE" in black boldface letters on its face. 4575

Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the state highway safety fund established by section 4501.06 of the Revised Code.

(F) No person shall operate upon the highways in this state a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under this section.

(G) No motor vehicle the certificate of title to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and scrap metal.

(H)(1) Except as otherwise provided in this division, an owner of a manufactured or mobile home that will be taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of

the Revised Code shall surrender the certificate within fifteen 4608
days after the home meets the conditions specified in those 4609
divisions. The auditor shall deliver the certificate of title to 4610
the clerk of the court of common pleas who issued it. 4611

(2) If the certificate of title for a manufactured or mobile 4612
home that is to be taxed as real property is held by a lienholder, 4613
the lienholder shall surrender the certificate of title to the 4614
auditor of the county containing the taxing district in which the 4615
home is located, and the auditor shall deliver the certificate of 4616
title to the clerk of the court of common pleas who issued it. The 4617
lienholder shall surrender the certificate within thirty days 4618
after both of the following have occurred: 4619

(a) The homeowner has provided written notice to the 4620
lienholder requesting that the certificate of title be surrendered 4621
to the auditor of the county containing the taxing district in 4622
which the home is located. 4623

(b) The homeowner has either paid the lienholder the 4624
remaining balance owed to the lienholder, or, with the 4625
lienholder's consent, executed and delivered to the lienholder a 4626
mortgage on the home and land on which the home is sited in the 4627
amount of the remaining balance owed to the lienholder. 4628

(3) Upon the delivery of a certificate of title by the county 4629
auditor to the clerk, the clerk shall inactivate it and ~~retain~~ 4630
maintain it in the automated title processing system for a period 4631
of thirty years. 4632

(4) Upon application by the owner of a manufactured or mobile 4633
home that is taxed as real property pursuant to division (B) of 4634
section 4503.06 of the Revised Code and that no longer satisfies 4635
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 4636
section, the clerk shall reactivate the record of the certificate 4637
of title that was inactivated under division (H)(3) of this 4638

section and shall issue a new certificate of title, but only if 4639
the application contains or has attached to it all of the 4640
following: 4641

(a) An endorsement of the county treasurer that all real 4642
property taxes charged against the home under Title LVII of the 4643
Revised Code and division (B) of section 4503.06 of the Revised 4644
Code for all preceding tax years have been paid; 4645

(b) An endorsement of the county auditor that the home will 4646
be removed from the real property tax list; 4647

(c) Proof that there are no outstanding mortgages or other 4648
liens on the home or, if there are such mortgages or other liens, 4649
that the mortgagee or lienholder has consented to the reactivation 4650
of the certificate of title. 4651

(I)(1) Whoever violates division (F) of this section shall be 4652
fined not more than two thousand dollars, imprisoned not more than 4653
one year, or both. 4654

(2) Whoever violates division (G) of this section shall be 4655
fined not more than one thousand dollars, imprisoned not more than 4656
six months, or both. 4657

Sec. 4505.13. (A)(1) Chapter 1309. and section 1701.66 of the 4658
Revised Code do not permit or require the deposit, filing, or 4659
other record of a security interest covering a motor vehicle, 4660
except as provided in division (A)(2) of this section. 4661

(2) Chapter 1309. of the Revised Code applies to a security 4662
interest in a motor vehicle held as inventory ~~1309.102~~ for sale by 4663
a dealer. The security interest has priority over creditors of the 4664
dealer as provided in Chapter 1309. of the Revised Code without 4665
notation of the security interest on a certificate of title, 4666
without entry of a notation of the security interest into the 4667
automated title processing system if a physical certificate of 4668

title for the motor vehicle has not been issued, or without the 4669
retention of a manufacturer's or importer's certificate. 4670

(B) Subject to division (A) of this section, any security 4671
agreement covering a security interest in a motor vehicle, if a 4672
notation of the agreement has been made by a clerk of a court of 4673
common pleas on the face of the certificate of title or the clerk 4674
has entered a notation of the agreement into the automated title 4675
processing system and a physical certificate of title for the 4676
motor vehicle has not been issued, is valid as against the 4677
creditors of the debtor, whether armed with process or not, and 4678
against subsequent purchasers, secured parties, and other 4679
lienholders or claimants. All security interests, liens, 4680
mortgages, and encumbrances entered into the automated title 4681
processing system in relation to a particular certificate of 4682
title, regardless of whether a physical certificate of title is 4683
issued, take priority according to the order of time in which they 4684
are entered into the automated title processing system by the 4685
clerk. Exposure for sale of any motor vehicle by its owner, with 4686
the knowledge or with the knowledge and consent of the holder of 4687
any security interest, lien, mortgage, or encumbrance on it, does 4688
not render that security interest, lien, mortgage, or encumbrance 4689
ineffective as against the creditors of that owner, or against 4690
holders of subsequent security interests, liens, mortgages, or 4691
encumbrances upon that motor vehicle. 4692

The secured party, upon presentation of evidence of a 4693
security interest to a clerk of a court of common pleas, together 4694
with the certificate of title if a physical certificate of title 4695
for the motor vehicle exists, and the fee prescribed by section 4696
4505.09 of the Revised Code, may have a notation of the security 4697
interest made. Unless the secured party specifically requests the 4698
clerk not to issue a physical certificate of title and instead to 4699
issue an electronic certificate of title, the clerk shall issue, 4700

over the clerk's signature and seal of office, a new original 4701
certificate of title from the automated title processing records 4702
that indicates the security interest and the date of the security 4703
interest. 4704

If a security interest is fully discharged as a result of its 4705
holder's receipt of good funds in the correct amount and if the 4706
holder holds a physical certificate of title, the holder shall 4707
note the discharge of the security interest on the face of the 4708
certificate of title over the holder's signature, or over the 4709
holder's signature on a form prescribed by the registrar of motor 4710
vehicles when there is no space for the discharge on the face of 4711
the certificate of title. Except as otherwise provided in this 4712
section, prior to delivering the certificate of title to the 4713
owner, the holder or the holder's agent shall convey the 4714
certificate of title or a separate ~~sworn~~ statement of the 4715
discharge of the security interest to a clerk. The conveyance 4716
shall occur not more than seven business days after the date good 4717
funds in the correct amount to fully discharge the security 4718
interest have been credited to an account of the holder, provided 4719
the holder has been provided accurate information concerning the 4720
motor vehicle. Conveyance of the certificate of title or separate 4721
~~sworn~~ statement of the discharge within the required seven 4722
business days may be indicated by postmark or receipt by a clerk 4723
within that period, or, in the case of a written confirmation that 4724
is sent electronically as provided in division (C)(1) of this 4725
section, by the date of the electronic mail or other electronic 4726
communication. If the discharge of the security interest appears 4727
to be genuine, the clerk shall note the cancellation of the 4728
security interest on the face of the certificate of title, if it 4729
was so conveyed, and note it in the automated title processing 4730
system ~~and upon the records of the clerk.~~ 4731

If a security interest is fully discharged as a result of its 4732

holder's receipt of good funds in the correct amount and the 4733
holder does not hold a physical certificate of title, when the 4734
holder notifies a clerk of the discharge of its security interest, 4735
the holder at that time also may request the clerk to issue a 4736
physical certificate of title to the vehicle. The request shall 4737
specify whether the clerk is to send the certificate of title 4738
directly to the owner or to the holder or the holder's agent for 4739
transmission to the owner. If such a request is made, the clerk 4740
shall issue a physical certificate of title and send it to the 4741
specified person. 4742

The clerk shall not honor such a request for a physical 4743
certificate of title if it is not made by the holder at the same 4744
time as the holder's notification to the clerk of the discharge of 4745
its security interest. 4746

(C)(1) In all cases, a secured party may choose to present a 4747
clerk with evidence of a security interest via written 4748
confirmation through electronic means, and the clerk shall enter 4749
the security interest into the automated title processing system. 4750
A secured party also may choose to notify a clerk of the discharge 4751
of its security interest via electronic means, and the clerk shall 4752
enter the cancellation into the automated title processing system. 4753

(2) In the case of a security interest that is being 4754
satisfied by a dealer to whom a certificate of title is being 4755
transferred, the cancellation of the security interest shall occur 4756
during the course of the transfer. The dealer shall submit a 4757
discharge request to the secured party. A discharge request shall 4758
include good funds in the correct amount to fully discharge the 4759
security interest and accurate information concerning the motor 4760
vehicle. 4761

(3)(a) Upon receiving a discharge request that complies with 4762
division (C)(2) of this section, ~~except as otherwise provided in~~ 4763
~~this division~~ if the current automated title processing system 4764

record indicates that a physical title exists for that motor 4765
vehicle, a secured party shall convey the physical certificate of 4766
title, with the discharge of the security interest noted on its 4767
face, to the dealer within seven business days after the date good 4768
funds in the correct amount to fully discharge the security 4769
interest have been ~~credit~~ credited to an account of the secured 4770
party. 4771

If a secured party is unable to convey to the dealer a the 4772
physical certificate of title within the required seven business 4773
days, the secured party instead shall convey to the dealer an 4774
affidavit stating that the security interest has been discharged, 4775
together with payment for a duplicate certificate of title, within 4776
that period. If the current automated title processing system 4777
record for a motor vehicle indicates that an electronic title 4778
exists for that motor vehicle, the secured party shall convey to 4779
the dealer within the required seven business days written 4780
confirmation that the security interest has been satisfied. 4781

(b) Conveyance of a physical certificate of title, or 4782
affidavit and required payment, or written confirmation that the 4783
security interest has been satisfied from a secured party to a 4784
dealer under the circumstances described in division (C)(3)(a) of 4785
this section within the required seven business days may be 4786
indicated by a postmark within that period or, in the case of a 4787
written confirmation that is sent electronically, the date of the 4788
electronic mail or other electronic communication. 4789

(4) A secured party is liable to a dealer for a late fee of 4790
ten dollars per day for each physical certificate of title, or 4791
affidavit and required payment, or written confirmation that the 4792
security interest has been satisfied that is conveyed to the 4793
dealer more than seven business days but less than twenty-one days 4794
after the date specified in division (C)(3)(a) of this section 4795
and, from then on, twenty-five dollars per day until the physical 4796

certificate of title, or affidavit and required payment, ~~are or~~ 4797
written confirmation that the security interest has been satisfied 4798
is conveyed to the dealer. 4799

(D) Notwithstanding any provision of Chapter 1310. of the 4800
Revised Code or of any other law, the lease of a motor vehicle or 4801
trailer does not constitute a conditional sale or create a 4802
security interest merely because the lease agreement permits or 4803
requires the lessor, at the end of the lease term, to adjust the 4804
rental price to either a higher or a lower amount by reference to 4805
the amount the lessor realizes upon the sale or other disposition 4806
of the motor vehicle or trailer. 4807

(E) If a physical certificate of title has not been issued 4808
for a motor vehicle and all the security interests relating to 4809
that motor vehicle have been discharged, the owner of the motor 4810
vehicle may obtain a physical certificate of title from the clerk 4811
of any court of common pleas upon payment of the fee specified in 4812
section ~~4509.09~~ 4505.09 of the Revised Code. 4813

(F) If a clerk of a court of common pleas, other than the 4814
clerk of the court of common pleas of the county in which the 4815
owner of a motor vehicle resides, enters a notation of the 4816
existence of, or the cancellation of, a security interest relating 4817
to the motor vehicle, the clerk shall transmit the data relating 4818
to the notation to the automated title processing system. 4819

(G) The registrar of motor vehicles, in accordance with 4820
Chapter 119. of the Revised Code, shall adopt rules governing the 4821
electronic transmission of security interest and other information 4822
under this section. In adopting the rules, the registrar shall 4823
confer with the clerks of the courts of common pleas. 4824

(H) As used in this section: 4825

(1) "Accurate information" means the make and model of the 4826
motor vehicle, its vehicle identification number, and the name and 4827

address of its owner as they appear on the certificate of title 4828
that is to be conveyed. 4829

(2) "Dealer" has the same meaning as in section 4517.01 of 4830
the Revised Code. 4831

(3) "Good funds" includes cash, or a wire transfer, cashier's 4832
check, certified check, draft, money order, or teller's check 4833
issued by an insured financial institution, or a dealer's check 4834
for which the secured party has received funds that are available 4835
for withdrawal pursuant to "Availability of Funds and Collection 4836
of Checks (Regulation CC)," 12 C.F.R. 229. 4837

(4) "Inventory" has the same meaning as in section ~~1309.07~~ 4838
1309.102 of the Revised Code. 4839

(5) "Electronic certificate of title" means an electronic 4840
record stored in the automated title processing system that 4841
established ownership of a motor vehicle, as well as any security 4842
interest that exists in that motor vehicle. 4843

(6) "Written confirmation" means a communication from a 4844
secured party to a motor vehicle dealer regarding the secured 4845
party's security interest in a motor vehicle. A written 4846
confirmation may be either a physical document or an electronic 4847
communication such as electronic mail. Both types of written 4848
confirmation may be conveyed under this section. 4849

Sec. 4505.141. The registrar of motor vehicles shall enable 4850
the public to access motor vehicle title information via 4851
electronic means. No fee shall be charged for this access. The 4852
title information that must be so accessible is only the title 4853
information that is in an electronic format at the time a person 4854
requests this access. 4855

The registrar shall establish procedures governing this 4856
access. The procedures may be established by rule in accordance 4857

with Chapter 119. of the Revised Code, ~~shall adopt rules governing~~ 4858
~~this access.~~ In adopting the ~~rules~~ procedures, the registrar shall 4859
confer with the clerks of the courts of common pleas. 4860

Access by the public to motor vehicle title information under 4861
this section shall comply with all restrictions contained in the 4862
Revised Code and federal law that govern the disclosure of that 4863
information. 4864

Sec. 4506.01. As used in this chapter: 4865

(A) "Alcohol concentration" means the concentration of 4866
alcohol in a person's blood, breath, or urine. When expressed as a 4867
percentage, it means grams of alcohol per the following: 4868

(1) One hundred milliliters of whole blood, blood serum, or 4869
blood plasma; 4870

(2) Two hundred ten liters of breath; 4871

(3) One hundred milliliters of urine. 4872

(B) "School bus" has the same meaning as in section 4511.01 4873
of the Revised Code. 4874

(C) "Commercial driver's license" means a license issued in 4875
accordance with this chapter that authorizes an individual to 4876
drive a commercial motor vehicle. 4877

(D) "Commercial driver license information system" means the 4878
information system established pursuant to the requirements of the 4879
"Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 4880
49 U.S.C.A. App. 2701. 4881

(E) Except when used in section 4506.25 of the Revised Code, 4882
"commercial motor vehicle" means any motor vehicle designed or 4883
used to transport persons or property that meets any of the 4884
following qualifications: 4885

(1) Any combination of vehicles with a combined gross vehicle 4886

weight rating of twenty-six thousand one pounds or more, provided 4887
the gross vehicle weight rating of the vehicle or vehicles being 4888
towed is in excess of ten thousand pounds; 4889

(2) Any single vehicle with a gross vehicle weight rating of 4890
twenty-six thousand one pounds or more, or any such vehicle towing 4891
a vehicle having a gross vehicle weight rating that is not in 4892
excess of ten thousand pounds; 4893

(3) Any single vehicle or combination of vehicles that is not 4894
a class A or class B vehicle, but that either is designed to 4895
transport sixteen or more passengers including the driver, or is 4896
placarded for hazardous materials; 4897

(4) Any school bus with a gross vehicle weight rating of less 4898
than twenty-six thousand one pounds that is designed to transport 4899
fewer than sixteen passengers including the driver; 4900

(5) Is transporting hazardous materials for which placarding 4901
is required by regulations adopted under the "Hazardous Materials 4902
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 4903
amended; 4904

(6) Any single vehicle or combination of vehicles that is 4905
designed to be operated and to travel on a public street or 4906
highway and is considered by the federal highway administration to 4907
be a commercial motor vehicle, including, but not limited to, a 4908
motorized crane, a vehicle whose function is to pump cement, a rig 4909
for drilling wells, and a portable crane. 4910

(F) "Controlled substance" means all of the following: 4911

(1) Any substance classified as a controlled substance under 4912
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 4913
802(6), as amended; 4914

(2) Any substance included in schedules I through V of 21 4915
C.F.R. part 1308, as amended; 4916

(3) Any drug of abuse.	4917
(G) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	4918 4919 4920 4921 4922 4923 4924 4925
(H) "Disqualification" means withdrawal of the privilege to drive a commercial motor vehicle.	4926 4927
(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	4928 4929
(J) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	4930 4931 4932
(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	4933 4934
(L) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	4935 4936 4937 4938 4939
(M) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.	4940 4941 4942 4943
(N) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.	4944 4945 4946

(O) "Felony" means any offense under federal or state law 4947
that is punishable by death or specifically classified as a felony 4948
under the law of this state, regardless of the penalty that may be 4949
imposed. 4950

(P) "Foreign jurisdiction" means any jurisdiction other than 4951
a state. 4952

(Q) "Gross vehicle weight rating" means the value specified 4953
by the manufacturer as the maximum loaded weight of a single or a 4954
combination vehicle. The gross vehicle weight rating of a 4955
combination vehicle is the gross vehicle weight rating of the 4956
power unit plus the gross vehicle weight rating of each towed 4957
unit. 4958

(R) "Hazardous materials" means materials identified as such 4959
under regulations adopted under the "Hazardous Materials 4960
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 4961
amended. 4962

(S) "Motor vehicle" has the same meaning as in section 4963
4511.01 of the Revised Code. 4964

(T) Except when used in sections 4506.25 and 4506.26 of the 4965
Revised Code, "out-of-service order" means a temporary prohibition 4966
against driving a commercial motor vehicle issued under this 4967
chapter or a similar law of another state or of a foreign 4968
jurisdiction. 4969

(U) "Residence" means any person's residence determined in 4970
accordance with standards prescribed in rules adopted by the 4971
registrar. 4972

(V) "Temporary residence" means residence on a temporary 4973
basis as determined by the registrar in accordance with standards 4974
prescribed in rules adopted by the registrar. 4975

(W) "Serious traffic violation" means a conviction arising 4976

from the operation of a commercial motor vehicle that involves any 4977
of the following: 4978

(1) A single charge of any speed that is in excess of the 4979
posted speed limit by an amount specified by the United States 4980
secretary of transportation and that the director of public safety 4981
designates as such by rule; 4982

(2) Violation of section 4511.20, 4511.201, or 4511.202 of 4983
the Revised Code or any similar ordinance or resolution, or of any 4984
similar law of another state or political subdivision of another 4985
state; 4986

(3) Violation of a law of this state or an ordinance or 4987
resolution relating to traffic control, other than a parking 4988
violation, or of any similar law of another state or political 4989
subdivision of another state, that results in a fatal accident; 4990

(4) Violation of any other law of this state or an ordinance 4991
or resolution relating to traffic control, other than a parking 4992
violation, that is determined to be a serious traffic violation by 4993
the United States secretary of transportation and the director 4994
designates as such by rule. 4995

(X) "State" means a state of the United States and includes 4996
the District of Columbia. 4997

(Y) "Tank vehicle" means any commercial motor vehicle that is 4998
designed to transport any liquid and has a maximum capacity 4999
greater than one hundred nineteen gallons or is designed to 5000
transport gaseous materials and has a water capacity greater than 5001
one thousand pounds within a tank that is either permanently or 5002
temporarily attached to the vehicle or its chassis. "Tank vehicle" 5003
does not include ~~either~~ any of the following: 5004

(1) Any portable tank having a rated capacity of less than 5005
one thousand gallons; 5006

(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached; 5007
5008

(3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank; 5009
5010
5011

(4) Ready-mix concrete mixers. 5012

(Z) "United States" means the fifty states and the District of Columbia. 5013
5014

(AA) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code. 5015
5016

(BB) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 5017
5018

(CC) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. 5019
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Sec. 4506.08. (A) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars; except as provided in division (B) of this section, each application for a commercial driver's license, restricted commercial driver's license, or renewal of such a license shall be accompanied by a fee of twenty-five dollars; and each application for a duplicate commercial driver's license shall be accompanied by a fee of ten dollars. In addition, the registrar of motor vehicles or deputy registrar may collect and retain an additional fee of no more than two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each application for a commercial driver's license temporary instruction permit, 5023
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commercial driver's license, renewal of a commercial driver's 5037
license, or duplicate commercial driver's license received by the 5038
registrar or deputy. No fee shall be charged for the annual 5039
issuance of a waiver for farm-related service industries pursuant 5040
to section 4506.24 of the Revised Code. 5041

Each deputy registrar shall transmit the fees collected to 5042
the registrar at the time and in the manner prescribed by the 5043
registrar by rule. The registrar shall pay the fees into the state 5044
highway safety fund established in section 4501.06 of the Revised 5045
Code. 5046

(B) In addition to the fees imposed under division (A) of 5047
this section, the registrar of motor vehicles or deputy registrar 5048
shall collect a fee of twelve dollars commencing on October 1, 5049
2003, for each application for a commercial driver's license 5050
temporary instruction permit, commercial driver's license, or 5051
duplicate commercial driver's license and for each application for 5052
renewal of a commercial driver's license with an expiration date 5053
on or after that date received by the registrar or deputy 5054
registrar. The additional fee is for the purpose of defraying the 5055
department of public safety's costs associated with the 5056
administration and enforcement of the motor vehicle and traffic 5057
laws of Ohio. Each deputy registrar shall transmit the fees 5058
collected under division (B) of this section in the time and 5059
manner prescribed by the registrar. The registrar shall deposit 5060
all moneys received under division (B) of this section into the 5061
state highway safety fund established in section 4501.06 of the 5062
Revised Code. 5063

(C) Information regarding the driving record of any person 5064
holding a commercial driver's license issued by this state shall 5065
be furnished by the registrar, upon request and payment of a fee 5066
of ~~three~~ two dollars, to the employer or prospective employer of 5067
such a person and to any insurer. 5068

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 5069
approval by the director of public safety, shall adopt rules 5070
conforming with applicable standards adopted by the federal 5071
~~highway motor carrier safety~~ administration as regulations under 5072
the "~~Commercial Motor Vehicle Safety Act of 1986,~~" 100 Stat. 5073
~~3207-171, 49 U.S.C.A. App. 2701~~ Pub. L. No. 103-272, 108 Stat. 5074
1014 to 1029 (1994), 49 U.S.C.A. 31301 to 31317. The rules shall 5075
establish requirements for the qualification and testing of 5076
persons applying for a commercial driver's license, which shall be 5077
in addition to other requirements established by this chapter. 5078
Except as provided in division (B) of this section, the highway 5079
patrol or any other employee of the department of public safety 5080
the registrar authorizes shall supervise and conduct the testing 5081
of persons applying for a commercial driver's license. 5082

(B) The director may adopt rules, in accordance with Chapter 5083
119. of the Revised Code and applicable requirements of the 5084
federal ~~highway motor carrier safety~~ administration, authorizing 5085
the skills test specified in this section to be administered by 5086
any person, by an agency of this or another state, or by an 5087
agency, department, or instrumentality of local government ~~and~~ 5088
~~establishing.~~ Each party authorized under this division to 5089
administer the skills test may charge a maximum divisible fee that 5090
may be charged by the other party, provided the of eighty-five 5091
dollars for each skills test given as part of a commercial 5092
driver's license examination. The fee shall consist of not more 5093
than twenty dollars for the pre-trip inspection portion of the 5094
test, not more than twenty dollars for the off-road maneuvering 5095
portion of the test, and not more than forty-five dollars for the 5096
on-road portion of the test. Each such party may require an 5097
appointment fee in the same manner provided in division (E)(2) of 5098
this section, except that the maximum amount such a party may 5099
require as an appointment fee is eighty-five dollars. The skills 5100

test ~~is~~ administered by another party under this division shall be 5101
the same ~~that~~ as otherwise would be administered by this state ~~and~~ 5102
~~that the.~~ The other party has entered shall enter into an 5103
agreement with the director that ~~includes~~, without limitation, 5104
does all of the following: 5105

(1) Allows the director or the director's representative and 5106
the federal ~~highway~~ motor carrier safety administration or its 5107
representative to conduct random examinations, inspections, and 5108
audits of the other party without prior notice; 5109

(2) Requires the director or the director's representative to 5110
conduct on-site inspections of the other party at least annually; 5111

(3) Requires that all examiners of the other party meet the 5112
same qualification and training standards as examiners of the 5113
department of public safety, to the extent necessary to conduct 5114
skills tests in the manner required by 49 C.F.R. 383.110 through 5115
383.135; 5116

(4) Requires either that state employees take, at least 5117
annually and as though the employees were test applicants, the 5118
tests actually administered by the other party, that the director 5119
test a sample of drivers who were examined by the other party to 5120
compare the test results, or that state employees accompany a test 5121
applicant during an actual test; 5122

(5) Reserves to this state the right to take prompt and 5123
appropriate remedial action against testers of the other party if 5124
the other party fails to comply with standards of this state or 5125
federal standards for the testing program or with any other terms 5126
of the contract. 5127

(C) The director shall enter into an agreement with the 5128
department of education authorizing the skills test specified in 5129
this section to be administered by the department at any location 5130
operated by the department for purposes of training and testing 5131

school bus drivers, provided that the agreement between the 5132
director and the department complies with the requirements of 5133
division (B) of this section. Skills tests administered by the 5134
department shall be limited to persons applying for a commercial 5135
driver's license with a school bus endorsement. 5136

(D) The director shall adopt rules, in accordance with 5137
Chapter 119. of the Revised Code, authorizing waiver of the skills 5138
test specified in this section for any applicant for a commercial 5139
driver's license who meets all of the following requirements: 5140

(1) Certifies that, during the two-year period immediately 5141
preceding application for a commercial driver's license, all of 5142
the following apply: 5143

(a) The applicant has not had more than one license; 5144

(b) The applicant has not had any license suspended, revoked, 5145
or canceled; 5146

(c) The applicant has not had any convictions for any type of 5147
motor vehicle for the offenses for which disqualification is 5148
prescribed in section 4506.16 of the Revised Code; 5149

(d) The applicant has not had any violation of a state or 5150
local law relating to motor vehicle traffic control other than a 5151
parking violation arising in connection with any traffic accident 5152
and has no record of an accident in which the applicant was at 5153
fault. 5154

(2) Certifies and also provides evidence that the applicant 5155
is regularly employed in a job requiring operation of a commercial 5156
motor vehicle and that one of the following applies: 5157

(a) The applicant has previously taken and passed a skills 5158
~~Test~~ test given by a state with a classified licensing and testing 5159
system in which the test was behind-the-wheel in a representative 5160
vehicle for the applicant's commercial driver's license 5161

classification; 5162

(b) The applicant has regularly operated, for at least two 5163
years immediately preceding application for a commercial driver's 5164
license, a vehicle representative of the commercial motor vehicle 5165
the applicant operates or expects to operate. 5166

(E)(1) The department of public safety may charge and collect 5167
a divisible fee of fifty dollars for each skills test given as 5168
part of a commercial driver's license examination. The fee shall 5169
consist of ten dollars for the pre-trip inspection portion of the 5170
test, ten dollars for the off-road maneuvering portion of the 5171
test, and thirty dollars for the on-road portion of the test. 5172

(2) The director may require an applicant for a commercial 5173
driver's license who schedules an appointment with the highway 5174
patrol or other authorized employee of the department of public 5175
safety to take all portions of the skills test, to pay an 5176
appointment fee of fifty dollars at the time of scheduling the 5177
appointment. If the applicant appears at the time and location 5178
specified for the appointment and takes all portions of the skills 5179
test during that appointment, the appointment fee shall serve as 5180
the skills test fee. If the applicant schedules an appointment to 5181
take all portions of the skills test and fails to appear at the 5182
time and location specified for the appointment, no portion of the 5183
appointment fee shall be refunded. If the applicant schedules an 5184
appointment to take all portions of the skills test and appears at 5185
the time and location specified for the appointment, but declines 5186
or is unable to take all portions of the skills test, the 5187
appointment fee shall serve as the skills test fee. If the 5188
applicant cancels a scheduled appointment forty-eight hours or 5189
more prior to the time of the appointment time, the applicant 5190
shall not forfeit the appointment fee. 5191

An applicant for a commercial driver's license who schedules 5192
an appointment to take one or more, but not all, portions of the 5193

skills test shall not be required to pay any appointment fee when 5194
scheduling such an appointment. 5195

(3) ~~All~~ The department of public safety shall deposit all 5196
~~fees collected~~ it collects under division (E) of this section 5197
~~shall be deposited~~ in the state highway safety fund. 5198

(F) As used in this section, "skills test" means a test of an 5199
applicant's ability to drive the type of commercial motor vehicle 5200
for which the applicant seeks a commercial driver's license by 5201
having the applicant drive such a motor vehicle while under the 5202
supervision of an authorized state driver's license examiner or 5203
tester. 5204

Sec. 4506.11. (A) Every commercial driver's license shall be 5205
marked "commercial driver's license" or "CDL" and shall be of such 5206
material and so designed as to prevent its reproduction or 5207
alteration without ready detection, and, to this end, shall be 5208
laminated with a transparent plastic material. The commercial 5209
driver's license for licensees under twenty-one years of age shall 5210
have characteristics prescribed by the registrar of motor vehicles 5211
distinguishing it from that issued to a licensee who is twenty-one 5212
years of age or older. Every commercial driver's license shall 5213
display all of the following information: 5214

(1) The name and residence address of the licensee; 5215

(2) A color photograph of the licensee; 5216

(3) A physical description of the licensee, including sex, 5217
height, weight, and color of eyes and hair; 5218

(4) The licensee's date of birth; 5219

(5) The licensee's social security number if the person has 5220
requested that the number be displayed in accordance with section 5221
4501.31 of the Revised Code or if federal law requires the social 5222
security number to be displayed and any number or other identifier 5223

the director of public safety considers appropriate and 5224
establishes by rules adopted under Chapter 119. of the Revised 5225
Code and in compliance with federal law-; 5226

(6) The licensee's signature; 5227

(7) The classes of commercial motor vehicles the licensee is 5228
authorized to drive and any endorsements or restrictions relating 5229
to the licensee's driving of those vehicles; 5230

~~(8) A space marked "blood type" in which the licensee may 5231
specify the licensee's blood type;~~ 5232

~~(9)~~ The name of this state; 5233

~~(10)~~(9) The dates of issuance and of expiration of the 5234
license; 5235

~~(11)~~(10) If the licensee has certified willingness to make an 5236
anatomical donation under section 2108.04 of the Revised Code, any 5237
symbol chosen by the registrar of motor vehicles to indicate that 5238
the licensee has certified that willingness; 5239

~~(12)~~(11) If the licensee has executed a durable power of 5240
attorney for health care or a declaration governing the use or 5241
continuation, or the withholding or withdrawal, of life-sustaining 5242
treatment and has specified that the licensee wishes the license 5243
to indicate that the licensee has executed either type of 5244
instrument, any symbol chosen by the registrar to indicate that 5245
the licensee has executed either type of instrument; 5246

~~(13)~~(12) Any other information the registrar considers 5247
advisable and requires by rule. 5248

(B) The registrar may establish and maintain a file of 5249
negatives of photographs taken for the purposes of this section. 5250

(C) Neither the registrar nor any deputy registrar shall 5251
issue a commercial driver's license to anyone under twenty-one 5252
years of age that does not have the characteristics prescribed by 5253

the registrar distinguishing it from the commercial driver's 5254
license issued to persons who are twenty-one years of age or 5255
older. 5256

(D) Whoever violates division (C) of this section is guilty 5257
of a minor misdemeanor. 5258

Sec. 4506.12. (A) Commercial drivers' licenses shall be 5259
issued in the following classes and shall include any endorsements 5260
and restrictions that are applicable. Subject to any such 5261
endorsements and restrictions, the holder of a valid commercial 5262
driver's license may drive all commercial motor vehicles in the 5263
class for which that license is issued and all lesser classes of 5264
vehicles, except that the holder shall not operate a motorcycle 5265
unless the holder is licensed to do so under Chapter 4507. of the 5266
Revised Code. 5267

(B) The classes of commercial drivers' licenses and the 5268
commercial motor vehicles that they authorize the operation of are 5269
as follows: 5270

(1) Class A--any combination of vehicles with a combined 5271
gross vehicle weight rating of twenty-six thousand one pounds or 5272
more, if the gross vehicle weight rating of the vehicle or 5273
vehicles being towed is in excess of ten thousand pounds. 5274

(2) Class B--any single vehicle with a gross vehicle weight 5275
rating of twenty-six thousand one pounds or more or any such 5276
vehicle towing a vehicle having a gross vehicle weight rating that 5277
is not in excess of ten thousand pounds. 5278

(3) Class C--any single vehicle, or combination of vehicles, 5279
that is not a class A or class B vehicle, but that either is 5280
designed to transport sixteen or more passengers, including the 5281
driver, or is placarded for hazardous materials and any school bus 5282
with a gross vehicle weight rating of less than twenty-six 5283

thousand one pounds that is designed to transport fewer than	5284
sixteen passengers including the driver.	5285
(C) The following endorsements and restrictions apply to	5286
commercial drivers' licenses:	5287
(1) H--authorizes the driver to drive a vehicle transporting	5288
hazardous materials;	5289
(2) K--restricts the driver to only intrastate operation;	5290
(3) L--restricts the driver to vehicles not equipped with air	5291
brakes;	5292
(4) T--authorizes the driver to drive double and triple	5293
trailers;	5294
(5) P--authorizes the driver to drive vehicles carrying	5295
passengers;	5296
(6) P1--authorizes the driver to drive class A vehicles with	5297
fewer than fifteen passengers and all lesser classes of vehicles	5298
without restriction as to the number of passengers;	5299
(7) P2--authorizes the driver to drive class A or B vehicles	5300
with fewer than fifteen passengers and all lesser classes of	5301
vehicles without restriction as to the number of passengers;	5302
(8) P3--restricts the driver to driving class B school buses;	5303
(9) P4--Restricts the driver to driving class C school buses	5304
designed to transport fewer than sixteen passengers including the	5305
driver.	5306
(10) N--authorizes the driver to drive tank vehicles;	5307
(11) S--authorizes the driver to drive school buses;	5308
(12) X--authorizes the driver to drive tank vehicles	5309
transporting hazardous materials;	5310
(13) W--restricts the driver to the operation of commercial	5311
motor vehicles in accordance with a waiver for farm-related	5312

service industries issued under section 4506.24 of the Revised Code. 5313
5314

(D) In addition to any endorsement that otherwise may apply, 5315
a person who is engaged in the towing of a disabled or wrecked 5316
motor vehicle shall hold a commercial driver's license bearing any 5317
endorsement required to drive the towed vehicle except the driver 5318
is not required to have either of the following: 5319

(1) A passenger endorsement to tow an unoccupied passenger 5320
vehicle; 5321

(2) Any endorsement required for the wrecked or disabled 5322
vehicle when the driver initially removes a vehicle from the site 5323
of the emergency where the vehicle became wrecked or disabled to 5324
the nearest appropriate repair, disposal, or storage facility, as 5325
applicable. 5326

(E) No person shall drive any commercial motor vehicle for 5327
which an endorsement is required under this section unless the 5328
proper endorsement appears on the person's commercial driver's 5329
license. 5330

~~(E)~~(F) Whoever violates this section is guilty of a 5331
misdemeanor of the first degree. 5332

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 5333
a driver's license to every person licensed as an operator of 5334
motor vehicles other than commercial motor vehicles. No person 5335
licensed as a commercial motor vehicle driver under Chapter 4506. 5336
of the Revised Code need procure a driver's license, but no person 5337
shall drive any commercial motor vehicle unless licensed as a 5338
commercial motor vehicle driver. 5339

Every driver's license shall display on it the distinguishing 5340
number assigned to the licensee and shall display the licensee's 5341
name and date of birth; the licensee's residence address and 5342

county of residence; a color photograph of the licensee; a brief 5343
description of the licensee for the purpose of identification; a 5344
facsimile of the signature of the licensee as it appears on the 5345
application for the license; ~~a space marked "blood type" in which~~ 5346
~~a licensee may specify the licensee's blood type;~~ a notation, in a 5347
manner prescribed by the registrar, indicating any condition 5348
described in division (D)(3) of section 4507.08 of the Revised 5349
Code to which the licensee is subject; if the licensee has 5350
executed a durable power of attorney for health care or a 5351
declaration governing the use or continuation, or the withholding 5352
or withdrawal, of life-sustaining treatment and has specified that 5353
the licensee wishes the license to indicate that the licensee has 5354
executed either type of instrument, any symbol chosen by the 5355
registrar to indicate that the licensee has executed either type 5356
of instrument; and any additional information that the registrar 5357
requires by rule. No license shall display the licensee's social 5358
security number unless the licensee specifically requests that the 5359
licensee's social security number be displayed on the license. If 5360
federal law requires the licensee's social security number to be 5361
displayed on the license, the social security number shall be 5362
displayed on the license notwithstanding this section. 5363

The driver's license for licensees under twenty-one years of 5364
age shall have characteristics prescribed by the registrar 5365
distinguishing it from that issued to a licensee who is twenty-one 5366
years of age or older, except that a driver's license issued to a 5367
person who applies no more than thirty days before the applicant's 5368
twenty-first birthday shall have the characteristics of a license 5369
issued to a person who is twenty-one years of age or older. 5370

The driver's license issued to a temporary resident shall 5371
contain the word "nonrenewable" and shall have any additional 5372
characteristics prescribed by the registrar distinguishing it from 5373
a license issued to a resident. 5374

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

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

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

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

Sec. 4507.141. (A) Any hearing-impaired person may apply to the registrar of motor vehicles for an identification card identifying the person as hearing-impaired. The application for a hearing-impaired identification card shall be accompanied by a signed statement from the applicant's personal physician certifying that the applicant is hearing-impaired. Upon receipt of the application for the identification card and the signed statement from the applicant's personal physician, and upon

presentation by the applicant of ~~his~~ the applicant's driver's or 5406
commercial driver's license or motorcycle operator's license ~~and~~ 5407
~~payment of a fee of five dollars~~, the registrar shall issue the 5408
applicant an identification card. A hearing-impaired person may 5409
also apply for a hearing-impaired identification card at the time 5410
~~he~~ the person applies for a driver's or commercial driver's 5411
license or motorcycle operator's license or endorsement. Every 5412
hearing-impaired identification card shall expire on the same date 5413
that the cardholder's driver's or commercial driver's license or 5414
motorcycle operator's license expires. 5415

(B) The hearing-impaired identification card shall be 5416
rectangular in shape, approximately the same size as an average 5417
motor vehicle sun visor, as determined by the registrar, to enable 5418
the identification card to be attached to a sun visor in a motor 5419
vehicle. The identification card shall contain the heading 5420
"Identification Card for the Hearing-impaired Driver" in boldface 5421
type, the name and signature of the hearing-impaired person to 5422
whom it is issued, an identifying number, and instructions on the 5423
actions the hearing-impaired person should take and the actions 5424
the person should refrain from taking in the event ~~he~~ the person 5425
is stopped by a law enforcement officer while operating the motor 5426
vehicle. The registrar shall determine the preferred manner in 5427
which a hearing-impaired motorcycle operator should carry or 5428
display the hearing-impaired identification card, and the color 5429
and composition of, and any other information to be included on, 5430
the identification card. 5431

(C) As used in this section, "hearing-impaired" means a 5432
hearing loss of forty decibels or more in one or both ears. 5433

Sec. 4507.1614. The registrar shall suspend the person's 5434
license or permit under division (A) of section 4507.162 of the 5435
Revised Code regardless of whether the disposition of the case in 5436

juvenile court occurred after the person's eighteenth birthday. 5437

Sec. 4507.19. The registrar of motor vehicles may cancel any 5438
driver's or commercial driver's license or identification card 5439
that was obtained fraudulently or unlawfully, was issued in error, 5440
or has been altered or willfully destroyed. 5441

Sec. 4507.20. The registrar of motor vehicles, when the 5442
registrar has good cause to believe that the holder of a driver's 5443
or commercial driver's license is incompetent or otherwise not 5444
qualified to be licensed, shall ~~upon~~ send a written notice ~~of at~~ 5445
~~least thirty days sent~~ to the licensee's last known address, 5446
~~require~~ requiring the licensee to submit to a driver's license 5447
examination, a physical examination, or both, or a commercial 5448
driver's license examination within the time indicated on the 5449
notice. The physical examination may be conducted by any 5450
individual authorized by the Revised Code to do so, including a 5451
physician assistant, a clinical nurse specialist, a certified 5452
nurse practitioner, or a certified nurse-midwife. Any written 5453
documentation of the physical examination shall be completed by 5454
the individual who conducted the examination. 5455

Upon the conclusion of the examination, the registrar may 5456
suspend the license of the person, may permit the licensee to 5457
retain the license, or may issue the licensee a restricted 5458
license. Refusal or neglect of the licensee to submit to the 5459
examination is ground for suspension of the licensee's license. 5460

A physician licensed under Chapter 4731. of the Revised Code 5461
may submit a report to the registrar stating that in the 5462
physician's professional opinion the holder of a driver's or 5463
commercial driver's license may be incompetent or otherwise not 5464
qualified to operate safely a motor vehicle due to medical 5465
reasons. Any such report submitted to the registrar is 5466

confidential, is not a public record, and is not subject to 5467
disclosure under section 149.43 of the Revised Code. 5468

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 5469
registrar, upon receipt of an application filed in compliance with 5470
section 4507.51 of the Revised Code by any person who is a 5471
resident or a temporary resident of this state and, except as 5472
otherwise provided in this section, is not licensed as an operator 5473
of a motor vehicle in this state or another licensing 5474
jurisdiction, and, except as provided in division (B) of this 5475
section, upon receipt of a fee of three dollars and fifty cents, 5476
shall issue an identification card to that person. 5477

Any person who is a resident or temporary resident of this 5478
state whose Ohio driver's or commercial driver's license has been 5479
suspended or canceled, upon application in compliance with section 5480
4507.51 of the Revised Code and, except as provided in division 5481
(B) of this section, payment of a fee of three dollars and fifty 5482
cents, may be issued a temporary identification card. The 5483
temporary identification card shall be identical to an 5484
identification card, except that it shall be printed on its face 5485
with a statement that the card is valid during the effective dates 5486
of the suspension or cancellation of the cardholder's license, or 5487
until the birthday of the cardholder in the fourth year after the 5488
date on which it is issued, whichever is shorter. The cardholder 5489
shall surrender the identification card to the registrar or any 5490
deputy registrar before the cardholder's driver's or commercial 5491
driver's license is restored or reissued. 5492

Except as provided in division (B) of this section, the 5493
deputy registrar shall be allowed a fee of two dollars and 5494
seventy-five cents commencing on July 1, 2001, three dollars and 5495
twenty-five cents commencing on January 1, 2003, and three dollars 5496
and fifty cents commencing on January 1, 2004, for each 5497

identification card issued under this section. The fee allowed to 5498
the deputy registrar shall be in addition to the fee for issuing 5499
an identification card. 5500

Neither the registrar nor any deputy registrar shall charge a 5501
fee in excess of one dollar and fifty cents for laminating an 5502
identification card or temporary identification card. A deputy 5503
registrar laminating such a card shall retain the entire amount of 5504
the fee charged for lamination, less the actual cost to the 5505
registrar of the laminating materials used for that lamination, as 5506
specified in the contract executed by the bureau for the 5507
laminating materials and laminating equipment. The deputy 5508
registrar shall forward the amount of the cost of the laminating 5509
materials to the registrar for deposit as provided in this 5510
section. 5511

The fee collected for issuing an identification card under 5512
this section, except the fee allowed to the deputy registrar, 5513
shall be paid into the state treasury to the credit of the state 5514
bureau of motor vehicles fund created in section 4501.25 of the 5515
Revised Code. 5516

(B) A disabled veteran who has a service-connected disability 5517
rated at one hundred per cent by the veterans' administration may 5518
apply to the registrar or a deputy registrar for the issuance to 5519
that veteran of an identification card or a temporary 5520
identification card under this section without payment of any fee 5521
prescribed in division (A) of this section, including any 5522
lamination fee. 5523

~~If the identification card or temporary identification card 5524
of a disabled veteran described in this division is laminated by a 5525
deputy registrar who is acting as a deputy registrar pursuant to a 5526
contract with the registrar that is in effect on the effective 5527
date of this amendment, the disabled veteran shall pay the deputy 5528
registrar the lamination fee prescribed in division (A) of this 5529~~

~~section. If the identification card or temporary identification
card is laminated by a deputy registrar who is acting as a deputy
registrar pursuant to a contract with the registrar that is
executed after July 29, 1998, the disabled veteran is not required
to pay the deputy registrar the lamination fee prescribed in
division (A) of this section.~~

~~A disabled veteran whose identification card or temporary
identification card is laminated by the registrar is not required
to pay the registrar any lamination fee.~~

An application made under division ~~(A)~~(B) of this section
shall be accompanied by such documentary evidence of disability as
the registrar may require by rule.

Sec. 4507.51. (A)(1) Every application for an identification
card or duplicate shall be made on a form furnished by the
registrar of motor vehicles, shall be signed by the applicant, and
by the applicant's parent or guardian if the applicant is under
eighteen years of age, and shall contain the following information
pertaining to the applicant: name, date of birth, sex, general
description including the applicant's height, weight, hair color,
and eye color, address, and social security number, ~~and at the
option of the applicant, the applicant's the applicant's the
applicant's the applicant's blood type. The application form shall
state that an applicant is not required to furnish the applicant's
the applicant's blood type. The application also shall state
whether an applicant wishes to certify willingness to make an
anatomical gift under section 2108.04 of the Revised Code and
shall include information about the requirements of that section
that apply to persons who are less than eighteen years of age. The
statement regarding willingness to make such a donation shall be
given no consideration in the decision of whether to issue an
identification card. Each applicant shall be photographed in color~~

at the time of making application. 5561

(2) The application also shall state whether the applicant 5562
has executed a valid durable power of attorney for health care 5563
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 5564
executed a declaration governing the use or continuation, or the 5565
withholding or withdrawal, of life-sustaining treatment pursuant 5566
to sections 2133.01 to 2133.15 of the Revised Code and, if the 5567
applicant has executed either type of instrument, whether the 5568
applicant wishes the identification card issued to indicate that 5569
the applicant has executed the instrument. 5570

(3) The registrar or deputy registrar, in accordance with 5571
section 3503.11 of the Revised Code, shall register as an elector 5572
any person who applies for an identification card or duplicate if 5573
the applicant is eligible and wishes to be registered as an 5574
elector. The decision of an applicant whether to register as an 5575
elector shall be given no consideration in the decision of whether 5576
to issue the applicant an identification card or duplicate. 5577

(B) The application for an identification card or duplicate 5578
shall be filed in the office of the registrar or deputy registrar. 5579
Each applicant shall present documentary evidence as required by 5580
the registrar of the applicant's age and identity ~~or her or her~~, 5581
and the applicant shall swear that all information given is true. 5582

All applications for an identification card or duplicate 5583
shall be filed in duplicate, and if submitted to a deputy 5584
registrar, a copy shall be forwarded to the registrar. The 5585
registrar shall prescribe rules for the manner in which a deputy 5586
registrar is to file and maintain applications and other records. 5587
The registrar shall maintain a suitable, indexed record of all 5588
applications denied and cards issued or canceled. 5589

Sec. 4507.53. Digitalized photographic records of the 5590
department of public safety may be released only to state, local, 5591

or federal ~~law enforcement~~ governmental agencies for criminal 5592
justice purposes and to any court. 5593

Sec. 4507.99. ~~(A)~~ Unless another penalty is provided by the 5594
section that contains the provision violated or otherwise is 5595
provided by the laws of this state, whoever violates any provision 5596
of sections 4507.01 to 4507.081 or 4507.10 to 4507.37 of the 5597
Revised Code is guilty of a misdemeanor of the first degree. 5598

~~(B) Whenever a person is found guilty of a violation of a 5599
traffic offense specified in Traffic Rule 13(B) that requires the 5600
person's appearance in court, the court shall require the person 5601
to verify the existence at the time of the offense of proof of 5602
financial responsibility covering the person's operation of the 5603
motor vehicle, or the motor vehicle if registered in the person's 5604
name, and notify the registrar pursuant to division (D) of section 5605
4509.101 of the Revised Code if the person fails to verify the 5606
existence of such proof of financial responsibility. 5607~~

Sec. 4509.05. (A) Upon request, the registrar of motor 5608
vehicles shall search and furnish a certified abstract of the 5609
following information with respect to any person: 5610

~~(A)(1)~~ An enumeration of the motor vehicle accidents in which 5611
such person has been involved except accidents certified as 5612
described in division (D) of section 3937.41 of the Revised Code; 5613

~~(B)(2)~~ Such person's record of convictions for violation of 5614
the motor vehicle laws. 5615

(B) The registrar shall collect for each abstract a fee of 5616
two dollars. 5617

(C) The registrar may permit deputy registrars to perform a 5618
search and furnish a certified abstract under this section. A 5619
deputy registrar performing this function shall comply with 5620
section 4501.27 of the Revised Code concerning the disclosure of 5621

personal information, shall collect and transmit to the registrar 5622
the two dollar fee established under division (B) of this section, 5623
and may collect and retain a service fee of three dollars and 5624
twenty-five cents commencing on the effective date of this 5625
amendment. If the deputy registrar fees are increased on January 5626
1, 2004, in accordance with section 4503.034 of the Revised Code, 5627
the deputy registrar may collect and retain a service fee of three 5628
dollars and fifty cents, commencing on that date. 5629

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5630
operation of, a motor vehicle in this state, unless proof of 5631
financial responsibility is maintained continuously throughout the 5632
registration period with respect to that vehicle, or, in the case 5633
of a driver who is not the owner, with respect to that driver's 5634
operation of that vehicle. 5635

(2) Whoever violates division (A)(1) of this section shall be 5636
subject to the following civil penalties: 5637

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5638
class E suspension of the person's driver's license, commercial 5639
driver's license, temporary instruction permit, probationary 5640
license, or nonresident operating privilege for the period of time 5641
specified in division (B)(5) of section 4510.02 of the Revised 5642
Code and impoundment of the person's license. The court may grant 5643
limited driving privileges to the person only if the person 5644
presents proof of financial responsibility and has complied with 5645
division (A)(5) of this section. 5646

(b) If, within five years of the violation, the person's 5647
operating privileges are again suspended and the person's license 5648
again is impounded for a violation of division (A)(1) of this 5649
section, a class C suspension of the person's driver's license, 5650
commercial driver's license, temporary instruction permit, 5651
probationary license, or nonresident operating privilege for the 5652

period of time specified in division (B)(3) of section 4510.02 of 5653
the Revised Code. The court may grant limited driving privileges 5654
to the person only if the person presents proof of financial 5655
responsibility and has complied with division (A)(5) of this 5656
section, and no court may grant limited driving privileges for the 5657
first fifteen days of the suspension. 5658

(c) If, within five years of the violation, the person's 5659
operating privileges are suspended and the person's license is 5660
impounded two or more times for a violation of division (A)(1) of 5661
this section, a class B suspension of the person's driver's 5662
license, commercial driver's license, temporary instruction 5663
permit, probationary license, or nonresident operating privilege 5664
for the period of time specified in division (B)(2) of section 5665
4510.02 of the Revised Code. No court may grant limited driving 5666
privileges during the suspension. 5667

(d) In addition to the suspension of an owner's license under 5668
division (A)(2)(a), (b), or (c) of this section, the suspension of 5669
the rights of the owner to register the motor vehicle and the 5670
impoundment of the owner's certificate of registration and license 5671
plates until the owner complies with division (A)(5) of this 5672
section. 5673

(3) A person to whom this state has issued a certificate of 5674
registration for a motor vehicle or a license to operate a motor 5675
vehicle or who is determined to have operated any motor vehicle or 5676
permitted the operation in this state of a motor vehicle owned by 5677
the person shall be required to verify the existence of proof of 5678
financial responsibility covering the operation of the motor 5679
vehicle or the person's operation of the motor vehicle under any 5680
of the following circumstances: 5681

(a) The person or a motor vehicle owned by the person is 5682
involved in a traffic accident that requires the filing of an 5683
accident report under section 4509.06 of the Revised Code. 5684

(b) The person receives a traffic ticket indicating that 5685
proof of the maintenance of financial responsibility was not 5686
produced upon the request of a peace officer or state highway 5687
patrol trooper made in accordance with division (D)(2) of this 5688
section. 5689

(c) Whenever, in accordance with rules adopted by the 5690
registrar, the person is randomly selected by the registrar and 5691
requested to provide such verification. 5692

(4) An order of the registrar that suspends and impounds a 5693
license or registration, or both, shall state the date on or 5694
before which the person is required to surrender the person's 5695
license or certificate of registration and license plates. The 5696
person is deemed to have surrendered the license or certificate of 5697
registration and license plates, in compliance with the order, if 5698
the person does either of the following: 5699

(a) On or before the date specified in the order, personally 5700
delivers the license or certificate of registration and license 5701
plates, or causes the delivery of the items, to the registrar; 5702

(b) Mails the license or certificate of registration and 5703
license plates to the registrar in an envelope or container 5704
bearing a postmark showing a date no later than the date specified 5705
in the order. 5706

(5) Except as provided in division (A)(6) or (L) of this 5707
section, the registrar shall not restore any operating privileges 5708
or registration rights suspended under this section, return any 5709
license, certificate of registration, or license plates impounded 5710
under this section, or reissue license plates under section 5711
4503.232 of the Revised Code, if the registrar destroyed the 5712
impounded license plates under that section, or reissue a license 5713
under section 4510.52 of the Revised Code, if the registrar 5714
destroyed the suspended license under that section, unless the 5715

rights are not subject to suspension or revocation under any other 5716
law and unless the person, in addition to complying with all other 5717
conditions required by law for reinstatement of the operating 5718
privileges or registration rights, complies with all of the 5719
following: 5720

(a) Pays a financial responsibility reinstatement fee of 5721
seventy-five dollars for the first violation of division (A)(1) of 5722
this section, two hundred fifty dollars for a second violation of 5723
that division, and five hundred dollars for a third or subsequent 5724
violation of that division; 5725

(b) If the person has not voluntarily surrendered the 5726
license, certificate, or license plates in compliance with the 5727
order, pays a financial responsibility nonvoluntary compliance fee 5728
in an amount, not to exceed fifty dollars, determined by the 5729
registrar; 5730

(c) Files and continuously maintains proof of financial 5731
responsibility under sections 4509.44 to 4509.65 of the Revised 5732
Code. 5733

(6) If the registrar issues an order under division (A)(2) of 5734
this section resulting from the failure of a person to respond to 5735
a financial responsibility random verification request under 5736
division (A)(3)(c) of this section and the person successfully 5737
maintains an affirmative defense to a violation of section 4510.16 5738
of the Revised Code or is determined by the registrar or a deputy 5739
registrar to have been in compliance with division (A)(1) of this 5740
section at the time of the initial financial responsibility random 5741
verification request, the registrar shall do both of the 5742
following: 5743

(a) Terminate the order of suspension or impoundment; 5744

(b) Restore the operating privileges and registration rights 5745
of the person without payment of the fees established in divisions 5746

(A)(5)(a) and (b) of this section and without a requirement to 5747
file proof of financial responsibility. 5748

(B)(1) Every party required to file an accident report under 5749
section 4509.06 of the Revised Code also shall include with the 5750
report a document described in division (G)(1) of this section. 5751

If the registrar determines, within forty-five days after the 5752
report is filed, that an operator or owner has violated division 5753
(A)(1) of this section, the registrar shall do all of the 5754
following: 5755

(a) Order the impoundment, with respect to the motor vehicle 5756
involved, required under division (A)(2)(d) of this section, of 5757
the certificate of registration and license plates of any owner 5758
who has violated division (A)(1) of this section; 5759

(b) Order the suspension required under division (A)(2)(a), 5760
(b), or (c) of this section of the license of any operator or 5761
owner who has violated division (A)(1) of this section; 5762

(c) Record the name and address of the person whose 5763
certificate of registration and license plates have been impounded 5764
or are under an order of impoundment, or whose license has been 5765
suspended or is under an order of suspension; the serial number of 5766
the person's license; the serial numbers of the person's 5767
certificate of registration and license plates; and the person's 5768
social security account number, if assigned, or, where the motor 5769
vehicle is used for hire or principally in connection with any 5770
established business, the person's federal taxpayer identification 5771
number. The information shall be recorded in such a manner that it 5772
becomes a part of the person's permanent record, and assists the 5773
registrar in monitoring compliance with the orders of suspension 5774
or impoundment. 5775

(d) Send written notification to every person to whom the 5776
order pertains, at the person's last known address as shown on the 5777

records of the bureau. The person, within ten days after the date 5778
of the mailing of the notification, shall surrender to the 5779
registrar, in a manner set forth in division (A)(4) of this 5780
section, any certificate of registration and registration plates 5781
under an order of impoundment, or any license under an order of 5782
suspension. 5783

(2) The registrar shall issue any order under division (B)(1) 5784
of this section without a hearing. Any person adversely affected 5785
by the order, within ten days after the issuance of the order, may 5786
request an administrative hearing before the registrar, who shall 5787
provide the person with an opportunity for a hearing in accordance 5788
with this paragraph. A request for a hearing does not operate as a 5789
suspension of the order. The scope of the hearing shall be limited 5790
to whether the person in fact demonstrated to the registrar proof 5791
of financial responsibility in accordance with this section. The 5792
registrar shall determine the date, time, and place of any 5793
hearing, provided that the hearing shall be held, and an order 5794
issued or findings made, within thirty days after the registrar 5795
receives a request for a hearing. If requested by the person in 5796
writing, the registrar may designate as the place of hearing the 5797
county seat of the county in which the person resides or a place 5798
within fifty miles of the person's residence. The person shall pay 5799
the cost of the hearing before the registrar, if the registrar's 5800
order of suspension or impoundment is upheld. 5801

(C) Any order of suspension or impoundment issued under this 5802
section or division (B) of section 4509.37 of the Revised Code may 5803
be terminated at any time if the registrar determines upon a 5804
showing of proof of financial responsibility that the operator or 5805
owner of the motor vehicle was in compliance with division (A)(1) 5806
of this section at the time of the traffic offense, motor vehicle 5807
inspection, or accident that resulted in the order against the 5808
person. A determination may be made without a hearing. This 5809

division does not apply unless the person shows good cause for the 5810
person's failure to present satisfactory proof of financial 5811
responsibility to the registrar prior to the issuance of the 5812
order. 5813

(D)(1) For the purpose of enforcing this section, every peace 5814
officer is deemed an agent of the registrar. 5815

(a) Except as provided in division (D)(1)(b) of this section, 5816
any peace officer who, in the performance of the peace officer's 5817
duties as authorized by law, becomes aware of a person whose 5818
license is under an order of suspension, or whose certificate of 5819
registration and license plates are under an order of impoundment, 5820
pursuant to this section, may confiscate the license, certificate 5821
of registration, and license plates, and return them to the 5822
registrar. 5823

(b) Any peace officer who, in the performance of the peace 5824
officer's duties as authorized by law, becomes aware of a person 5825
whose license is under an order of suspension, or whose 5826
certificate of registration and license plates are under an order 5827
of impoundment resulting from failure to respond to a financial 5828
responsibility random verification, shall not, for that reason, 5829
arrest the owner or operator or seize the vehicle or license 5830
plates. Instead, the peace officer shall issue a citation for a 5831
violation of section 4510.16 of the Revised Code specifying the 5832
circumstances as failure to respond to a financial responsibility 5833
random verification. 5834

(2) A peace officer shall request the owner or operator of a 5835
motor vehicle to produce proof of financial responsibility in a 5836
manner described in division (G) of this section at the time the 5837
peace officer acts to enforce the traffic laws of this state and 5838
during motor vehicle inspections conducted pursuant to section 5839
4513.02 of the Revised Code. 5840

(3) A peace officer shall indicate on every traffic ticket 5841
whether the person receiving the traffic ticket produced proof of 5842
the maintenance of financial responsibility in response to the 5843
officer's request under division (D)(2) of this section. The peace 5844
officer shall inform every person who receives a traffic ticket 5845
and who has failed to produce proof of the maintenance of 5846
financial responsibility that the person must submit proof to the 5847
traffic violations bureau with any payment of a fine and costs for 5848
the ticketed violation or, if the person is to appear in court for 5849
the violation, the person must submit proof to the court. 5850

(4)(a) If a person who has failed to produce proof of the 5851
maintenance of financial responsibility appears in court for a 5852
ticketed violation, the court may permit the defendant to present 5853
evidence of proof of financial responsibility to the court at such 5854
time and in such manner as the court determines to be necessary or 5855
appropriate. ~~The~~ In a manner prescribed by the registrar, the 5856
clerk of courts shall provide the registrar with the identity of 5857
any person who fails to submit proof of the maintenance of 5858
financial responsibility pursuant to division (D)(3) of this 5859
section. 5860

(b) If a person who has failed to produce proof of the 5861
maintenance of financial responsibility also fails to submit that 5862
proof to the traffic violations bureau with payment of a fine and 5863
costs for the ticketed violation, the traffic violations bureau, 5864
in a manner prescribed by the registrar, shall notify the 5865
registrar of the identity of that person. 5866

(5)(a) Upon receiving notice from a clerk of courts or 5867
traffic violations bureau pursuant to division (D)(4) of this 5868
section, the registrar shall order the suspension of the license 5869
of the person required under division (A)(2)(a), (b), or (c) of 5870
this section and the impoundment of the person's certificate of 5871
registration and license plates required under division (A)(2)(d) 5872

of this section, effective thirty days after the date of the 5873
mailing of notification. The registrar also shall notify the 5874
person that the person must present the registrar with proof of 5875
financial responsibility in accordance with this section, 5876
surrender to the registrar the person's certificate of 5877
registration, license plates, and license, or submit a statement 5878
subject to section 2921.13 of the Revised Code that the person did 5879
not operate or permit the operation of the motor vehicle at the 5880
time of the offense. Notification shall be in writing and shall be 5881
sent to the person at the person's last known address as shown on 5882
the records of the bureau of motor vehicles. The person, within 5883
fifteen days after the date of the mailing of notification, shall 5884
present proof of financial responsibility, surrender the 5885
certificate of registration, license plates, and license to the 5886
registrar in a manner set forth in division (A)(4) of this 5887
section, or submit the statement required under this section 5888
together with other information the person considers appropriate. 5889

If the registrar does not receive proof or the person does 5890
not surrender the certificate of registration, license plates, and 5891
license, in accordance with this division, the registrar shall 5892
permit the order for the suspension of the license of the person 5893
and the impoundment of the person's certificate of registration 5894
and license plates to take effect. 5895

(b) In the case of a person who presents, within the 5896
fifteen-day period, documents to show proof of financial 5897
responsibility, the registrar shall terminate the order of 5898
suspension and the impoundment of the registration and license 5899
plates required under division (A)(2)(d) of this section and shall 5900
send written notification to the person, at the person's last 5901
known address as shown on the records of the bureau. 5902

(c) Any person adversely affected by the order of the 5903
registrar under division (D)(5)(a) or (b) of this section, within 5904

ten days after the issuance of the order, may request an 5905
administrative hearing before the registrar, who shall provide the 5906
person with an opportunity for a hearing in accordance with this 5907
paragraph. A request for a hearing does not operate as a 5908
suspension of the order. The scope of the hearing shall be limited 5909
to whether, at the time of the hearing, the person ~~in fact~~ 5910
~~demonstrated to the registrar~~ presents proof of financial 5911
responsibility covering the vehicle and whether the person is 5912
eligible for an exemption in accordance with this section or any 5913
rule adopted under it. The registrar shall determine the date, 5914
time, and place of any hearing; provided, that the hearing shall 5915
be held, and an order issued or findings made, within thirty days 5916
after the registrar receives a request for a hearing. If requested 5917
by the person in writing, the registrar may designate as the place 5918
of hearing the county seat of the county in which the person 5919
resides or a place within fifty miles of the person's residence. 5920
Such person shall pay the cost of the hearing before the 5921
registrar, if the registrar's order of suspension or impoundment 5922
under division (D)(5)(a) or (b) of this section is upheld. 5923

(6) A peace officer may charge an owner or operator of a 5924
motor vehicle with a violation of section 4510.16 of the Revised 5925
Code when the owner or operator fails to show proof of the 5926
maintenance of financial responsibility pursuant to a peace 5927
officer's request under division (D)(2) of this section, if a 5928
check of the owner or operator's driving record indicates that the 5929
owner or operator, at the time of the operation of the motor 5930
vehicle, is required to file and maintain proof of financial 5931
responsibility under section 4509.45 of the Revised Code for a 5932
previous violation of this chapter. 5933

(7) Any forms used by law enforcement agencies in 5934
administering this section shall be prescribed, supplied, and paid 5935
for by the registrar. 5936

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

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

(E) All fees, except court costs, collected under this section shall be paid into the state treasury to the credit of the financial responsibility compliance fund. The financial responsibility compliance fund shall be used exclusively to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.

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

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

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

demonstrated by use of a standard form prescribed by the 5968
registrar. If the use of a standard form is not required, a person 5969
may demonstrate proof of financial responsibility under this 5970
section by presenting to the traffic violations bureau, court, 5971
registrar, or peace officer any of the following documents or a 5972
copy of the documents: 5973

(a) A financial responsibility identification card as 5974
provided in section 4509.103 of the Revised Code; 5975

(b) A certificate of proof of financial responsibility on a 5976
form provided and approved by the registrar for the filing of an 5977
accident report required to be filed under section 4509.06 of the 5978
Revised Code; 5979

(c) A policy of liability insurance, a declaration page of a 5980
policy of liability insurance, or liability bond, if the policy or 5981
bond complies with section 4509.20 or sections 4509.49 to 4509.61 5982
of the Revised Code; 5983

(d) A bond or certification of the issuance of a bond as 5984
provided in section 4509.59 of the Revised Code; 5985

(e) A certificate of deposit of money or securities as 5986
provided in section 4509.62 of the Revised Code; 5987

(f) A certificate of self-insurance as provided in section 5988
4509.72 of the Revised Code. 5989

(2) If a person fails to demonstrate proof of financial 5990
responsibility in a manner described in division (G)(1) of this 5991
section, the person may demonstrate proof of financial 5992
responsibility under this section by any other method that the 5993
court or the bureau, by reason of circumstances in a particular 5994
case, may consider appropriate. 5995

(3) A motor carrier certificated by the interstate commerce 5996
commission or by the public utilities commission may demonstrate 5997

proof of financial responsibility by providing a statement 5998
designating the motor carrier's operating authority and averring 5999
that the insurance coverage required by the certificating 6000
authority is in full force and effect. 6001

(4)(a) A finding by the registrar or court that a person is 6002
covered by proof of financial responsibility in the form of an 6003
insurance policy or surety bond is not binding upon the named 6004
insurer or surety or any of its officers, employees, agents, or 6005
representatives and has no legal effect except for the purpose of 6006
administering this section. 6007

(b) The preparation and delivery of a financial 6008
responsibility identification card or any other document 6009
authorized to be used as proof of financial responsibility under 6010
this division does not do any of the following: 6011

(i) Create any liability or estoppel against an insurer or 6012
surety, or any of its officers, employees, agents, or 6013
representatives; 6014

(ii) Constitute an admission of the existence of, or of any 6015
liability or coverage under, any policy or bond; 6016

(iii) Waive any defenses or counterclaims available to an 6017
insurer, surety, agent, employee, or representative in an action 6018
commenced by an insured or third-party claimant upon a cause of 6019
action alleged to have arisen under an insurance policy or surety 6020
bond or by reason of the preparation and delivery of a document 6021
for use as proof of financial responsibility. 6022

(c) Whenever it is determined by a final judgment in a 6023
judicial proceeding that an insurer or surety, which has been 6024
named on a document accepted by a court or the registrar as proof 6025
of financial responsibility covering the operation of a motor 6026
vehicle at the time of an accident or offense, is not liable to 6027
pay a judgment for injuries or damages resulting from such 6028

operation, the registrar, notwithstanding any previous contrary 6029
finding, shall forthwith suspend the operating privileges and 6030
registration rights of the person against whom the judgment was 6031
rendered as provided in division (A)(2) of this section. 6032

(H) In order for any document described in division (G)(1)(b) 6033
of this section to be used for the demonstration of proof of 6034
financial responsibility under this section, the document shall 6035
state the name of the insured or obligor, the name of the insurer 6036
or surety company, and the effective and expiration dates of the 6037
financial responsibility, and designate by explicit description or 6038
by appropriate reference all motor vehicles covered which may 6039
include a reference to fleet insurance coverage. 6040

(I) For purposes of this section, "owner" does not include a 6041
licensed motor vehicle leasing dealer as defined in section 6042
4517.01 of the Revised Code, but does include a motor vehicle 6043
renting dealer as defined in section 4549.65 of the Revised Code. 6044
Nothing in this section or in section 4509.51 of the Revised Code 6045
shall be construed to prohibit a motor vehicle renting dealer from 6046
entering into a contractual agreement with a person whereby the 6047
person renting the motor vehicle agrees to be solely responsible 6048
for maintaining proof of financial responsibility, in accordance 6049
with this section, with respect to the operation, maintenance, or 6050
use of the motor vehicle during the period of the motor vehicle's 6051
rental. 6052

(J) The purpose of this section is to require the maintenance 6053
of proof of financial responsibility with respect to the operation 6054
of motor vehicles on the highways of this state, so as to minimize 6055
those situations in which persons are not compensated for injuries 6056
and damages sustained in motor vehicle accidents. The general 6057
assembly finds that this section contains reasonable civil 6058
penalties and procedures for achieving this purpose. 6059

(K) Nothing in this section shall be construed to be subject 6060

to section 4509.78 of the Revised Code. 6061

(L)(1) The registrar may terminate any suspension imposed 6062
under this section and not require the owner to comply with 6063
divisions (A)(5)(a), (b), and (c) of this section if the registrar 6064
with or without a hearing determines that the owner of the vehicle 6065
has established by clear and convincing evidence that all of the 6066
following apply: 6067

~~(1)(a)~~ The owner customarily maintains proof of financial 6068
responsibility. 6069

~~(2)(b)~~ Proof of financial responsibility was not in effect 6070
for the vehicle on the date in question for one of the following 6071
reasons: 6072

~~(a)(i)~~ The vehicle was inoperable. 6073

~~(b)(ii)~~ The vehicle is operated only seasonally, and the date 6074
in question was outside the season of operation. 6075

~~(c)(iii)~~ A person other than the vehicle owner or driver was 6076
at fault for the lapse of proof of financial responsibility 6077
through no fault of the owner or driver. 6078

~~(d)(iv)~~ The lapse of proof of financial responsibility was 6079
caused by excusable neglect under circumstances that are not 6080
likely to recur and do not suggest a purpose to evade the 6081
requirements of this chapter. 6082

~~(3)(2)~~ The registrar may grant an owner or driver relief for 6083
a reason specified in division (L)(1)(b)(i) or (ii) of this 6084
section whenever the owner or driver is randomly selected to 6085
verify the existence of proof of financial responsibility for such 6086
a vehicle. However, the registrar may grant an owner or driver 6087
relief for a reason specified in division (L)(1)(b)(iii) or (iv) 6088
of this section only if the owner or driver has not previously 6089
been granted relief under division (L)(1)(b)(iii) or (iv) of this 6090

section. 6091

(M) The registrar shall adopt rules in accordance with 6092
Chapter 119. of the Revised Code that are necessary to administer 6093
and enforce this section. The rules shall include procedures for 6094
the surrender of license plates upon failure to maintain proof of 6095
financial responsibility and provisions relating to reinstatement 6096
of registration rights, acceptable forms of proof of financial 6097
responsibility, and verification of the existence of financial 6098
responsibility during the period of registration. 6099

Sec. 4509.79. (A) As used in this section, "ridesharing 6100
arrangement" means the transportation of persons in a motor 6101
vehicle where such transportation is incidental to another purpose 6102
of a volunteer driver and includes ridesharing arrangements known 6103
as carpools, vanpools, and buspools. 6104

(B) Every owner registering as a passenger car a motor 6105
vehicle designed and used for carrying more than nine but not more 6106
than fifteen passengers or registering a bus under division 6107
~~(H)-(8)~~(G) of section 4503.04 of the Revised Code shall have in 6108
effect, whenever the motor vehicle is used in a ridesharing 6109
arrangement, a policy of liability insurance with respect to the 6110
motor vehicle in amounts and coverage no less than: 6111

(1) One hundred thousand dollars because of bodily injury to 6112
or death of one person in any one accident; 6113

(2) Three hundred thousand dollars because of bodily injury 6114
to or death of two or more persons in any one accident; 6115

(3) Fifty thousand dollars because of injury to property of 6116
others in any one accident. 6117

(C) Whoever violates this section shall be fined not more 6118
than five thousand dollars. 6119

Sec. 4510.10. (A) As used in this section, "reinstatement fees" means the fees that are required under section 4507.1612, 4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other provision of the Revised Code, or under a schedule established by the bureau of motor vehicles, in order to reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of an offender under a suspension.

(B) Reinstatement fees are those fees that compensate the bureau of motor vehicles for suspensions, cancellations, or disqualifications of a person's driving privileges and to compensate the bureau and other agencies in their administration of programs intended to reduce and eliminate threats to public safety through education, treatment, and other activities. The registrar of motor vehicles shall not reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of a person until the person has paid all reinstatement fees and has complied with all conditions for each suspension, cancellation, or disqualification incurred by that person.

(C) When a municipal court or county court determines in a pending case involving an offender that the offender cannot reasonably pay reinstatement fees due and owing by the offender relative to a suspension that has been or that will be imposed in the case, then the court, by order, may undertake either of the following, in order of preference:

(1) Establish a reasonable payment plan of not less than fifty dollars per month, to be paid by the offender to the bureau of motor vehicles in all succeeding months until all reinstatement fees required of the offender are paid in full;

(2) If the offender, but for the payment of the reinstatement fees, otherwise would be entitled to operate a vehicle in this state or to obtain reinstatement of the offender's operating

privileges, permit the offender to operate a motor vehicle, as 6151
authorized by the court, until a future date upon which date all 6152
reinstatement fees must be paid in full. A payment extension 6153
granted under this division shall not exceed one hundred eighty 6154
days, and any operating privileges granted under this division 6155
shall be solely for the purpose of permitting the offender 6156
occupational or "family necessity" privileges in order to enable 6157
the offender to reasonably acquire the delinquent reinstatement 6158
fees due and owing. 6159

~~(C)~~(D) If a municipal court or county court, by order, 6160
undertakes either activity described in division ~~(B)~~(C)(1) or (2) 6161
of this section, the court, at any time after the issuance of the 6162
order, may determine that a change of circumstances has occurred 6163
and may amend the order as justice requires, provided that the 6164
amended order also shall be an order that is permitted under 6165
division ~~(B)~~(C)(1) or (2) of this section. 6166

~~(D)~~(E) If a court enters an order of the type described in 6167
division ~~(B)~~(C)(1), ~~(B)~~(C)(2), or ~~(C)~~(D) of this section, during 6168
the pendency of the order, the offender in relation to whom it 6169
applies is not subject to prosecution for failing to pay the 6170
reinstatement fees covered by the order. 6171

(F) Reinstatement fees are debts that may be discharged in 6172
bankruptcy. 6173

Sec. 4510.22. (A) If a person who has a current valid Ohio 6174
driver's, commercial driver's license, or temporary instruction 6175
permit is charged with a violation of any provision in sections 6176
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 6177
4549.65 of the Revised Code that is classified as a misdemeanor of 6178
the first, second, third, or fourth degree or with a violation of 6179
any substantially equivalent municipal ordinance and if the person 6180
either fails to appear in court at the required time and place to 6181

answer the charge or pleads guilty to or is found guilty of the 6182
violation and fails within the time allowed by the court to pay 6183
the fine imposed by the court, the court shall declare the 6184
~~suspension~~ forfeiture of the person's license. Thirty days after 6185
the declaration of forfeiture, the court shall inform the 6186
registrar of motor vehicles of the ~~declaration~~ forfeiture by 6187
entering information relative to the ~~declaration~~ of forfeiture on 6188
a form approved and furnished by the registrar and sending the 6189
form to the registrar. The court also shall forward the person's 6190
license, if it is in the possession of the court, to the 6191
registrar. 6192

The registrar shall impose a class F suspension of the 6193
person's driver's or commercial driver's license, or temporary 6194
instruction permit for the period of time specified in division 6195
(B)(6) of section 4510.02 of the Revised Code on any person who is 6196
named in a declaration received by the registrar under this 6197
section. The registrar shall send written notification of the 6198
suspension to the person at the person's last known address and, 6199
if the person is in possession of the license, order the person to 6200
surrender the person's license or permit to the registrar within 6201
forty-eight hours. 6202

No valid driver's or commercial driver's license shall be 6203
granted to the person after the suspension, unless the court 6204
having jurisdiction of the offense that led to the suspension 6205
orders that the ~~suspension~~ forfeiture be terminated. The court 6206
shall order the termination of the ~~suspension~~ forfeiture if the 6207
person thereafter appears to answer the charge and pays any fine 6208
imposed by the court or pays the fine originally imposed by the 6209
court. The court shall inform the registrar of the termination of 6210
the ~~suspension~~ forfeiture by entering information relative to the 6211
termination on a form approved and furnished by the registrar and 6212
sending the form to the registrar. The person shall pay to the 6213

bureau of motor vehicles a fifteen-dollar ~~processing~~ reinstatement 6214
fee to cover the costs of the bureau in administering this 6215
section. The registrar shall deposit the fee into the state bureau 6216
of motor vehicles fund created by section 4501.25 of the Revised 6217
Code. 6218

(B) In addition to suspending the driver's or commercial 6219
driver's license or permit of the person named in a declaration of 6220
~~suspension~~ forfeiture, the registrar, upon receipt from the court 6221
of the copy of the declaration of ~~suspension~~ forfeiture, shall 6222
take any measures that may be necessary to ensure that neither the 6223
registrar nor any deputy registrar accepts any application for the 6224
registration or transfer of registration of any motor vehicle 6225
owned or leased by the person named in the declaration of of 6226
forfeiture. However, for a motor vehicle leased by a person named 6227
in a declaration of of forfeiture, the registrar shall not implement 6228
the preceding sentence until the registrar adopts procedures for 6229
that implementation under section 4503.39 of the Revised Code. The 6230
period of denial of registration or transfer shall continue until 6231
such time as the court having jurisdiction of the offense that led 6232
to the suspension orders the ~~suspension to~~ forfeiture be 6233
terminated. Upon receipt by the registrar of an order terminating 6234
the ~~suspension~~ forfeiture, the registrar also shall take any 6235
measures that may be necessary to permit the person to register a 6236
motor vehicle owned or leased by the person or to transfer the 6237
registration of such a motor vehicle, if the person later makes 6238
application to take such action and otherwise is eligible to 6239
register the motor vehicle or to transfer its registration. 6240

The registrar shall not be required to give effect to any 6241
declaration of ~~suspension~~ forfeiture or order terminating a 6242
~~suspension~~ forfeiture provided by a court under this section 6243
unless the information contained in the declaration or order is 6244
transmitted to the registrar by means of an electronic transfer 6245

system. The registrar shall not restore the person's driving or 6246
vehicle registration privileges until the person pays the 6247
reinstatement fee as provided in this section. 6248

The period of denial relating to the issuance or transfer of 6249
a certificate of registration for a motor vehicle imposed pursuant 6250
to this division remains in effect until the person pays any fine 6251
imposed by the court relative to the offense. 6252

Sec. 4510.31. (A)(1) Except as provided in division (C) of 6253
this section, the registrar of motor vehicles shall suspend the 6254
probationary driver's license, restricted license, or temporary 6255
instruction permit issued to any person when the person has been 6256
convicted of, pleaded guilty to, or been adjudicated in juvenile 6257
court of having committed, prior to the person's eighteenth 6258
birthday, any of the following: 6259

(a) Three separate violations of section 2903.06, 2903.08, 6260
2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.20, 4511.201, 6261
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 6262
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised 6263
Code, section 4510.14 of the Revised Code involving a suspension 6264
imposed under section 4511.191 or 4511.196 of the Revised Code, 6265
section 2903.04 of the Revised Code in a case in which the person 6266
would have been subject to the sanctions described in division (D) 6267
of that section had the person been convicted of the violation of 6268
that section, former section 2903.07 of the Revised Code, or any 6269
municipal ordinances similarly relating to the offenses referred 6270
to in those sections; 6271

(b) One violation of section 4511.19 of the Revised Code or a 6272
substantially similar municipal ordinance; 6273

(c) Two separate violations of any of the Revised Code 6274
sections referred to in division (A)(1)(a) of this section, or any 6275
municipal ordinance that is substantially similar to any of those 6276

sections. 6277

(2) Any person whose license or permit is suspended under 6278
division (A)(1)(a), (b), or (c) of this section shall mail or 6279
deliver the person's probationary driver's license, restricted 6280
license, or temporary instruction permit to the registrar within 6281
fourteen days of notification of the suspension. The registrar 6282
shall retain the license or permit during the period of the 6283
suspension. A suspension pursuant to division (A)(1)(a) of this 6284
section shall be a class C suspension, a suspension pursuant to 6285
division (A)(1)(b) of this section shall be a class D suspension, 6286
and a suspension pursuant to division (A)(1)(c) of this section 6287
shall be a class E suspension, all for the periods of time 6288
specified in division (B) of section 4510.02 of the Revised Code. 6289
If the person's probationary driver's license, restricted license, 6290
or temporary instruction permit is under suspension on the date 6291
the court imposes sentence upon the person for a violation 6292
described in division (A)(1)(b) of this section, the suspension 6293
shall take effect on the next day immediately following the end of 6294
that period of suspension. If the person is sixteen years of age 6295
or older and pleads guilty to or is convicted of a violation 6296
described in division (A)(1)(b) of this section and the person 6297
does not have a current, valid probationary driver's license, 6298
restricted license, or temporary instruction permit, the registrar 6299
shall deny the issuance to the person of a probationary driver's 6300
license, restricted license, driver's license, commercial driver's 6301
license, or temporary instruction permit, as the case may be, for 6302
six months beginning on the date the court imposes sentence upon 6303
the person for the violation. If the person has not attained the 6304
age of sixteen years on the date the court imposes sentence upon 6305
the person for the violation, the period of denial shall commence 6306
on the date the person attains the age of sixteen years. 6307

(3) The registrar shall suspend the person's license or 6308

permit under division (A) of this section regardless of whether 6309
the disposition of the case in juvenile court occurred after the 6310
person's eighteenth birthday. 6311

(B) The registrar also shall impose a class D suspension for 6312
the period of time specified in division (B)(4) of section 4510.02 6313
of the Revised Code of the temporary instruction permit or 6314
probationary driver's license of any person under the age of 6315
eighteen who has been adjudicated an unruly child, delinquent 6316
child, or juvenile traffic offender for having committed any act 6317
that if committed by an adult would be a drug abuse offense or a 6318
violation of division (B) of section 2917.11 of the Revised Code. 6319
The registrar, in the registrar's discretion, may terminate the 6320
suspension if the child, at the discretion of the court, attends 6321
and satisfactorily completes a drug abuse or alcohol abuse 6322
education, intervention, or treatment program specified by the 6323
court. Any person whose temporary instruction permit or 6324
probationary driver's license is suspended under this division 6325
shall mail or deliver the person's permit or license to the 6326
registrar within fourteen days of notification of the suspension. 6327
The registrar shall retain the permit or license during the period 6328
of the suspension. 6329

(C)(1) Except as provided in division (C)(3) of this section, 6330
for any person who is convicted of, pleads guilty to, or is 6331
adjudicated in juvenile court of having committed a second or 6332
third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 6333
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 6334
4511.75 of the Revised Code or any similar municipal ordinances 6335
and whose license or permit is suspended under division (A)(1)(a) 6336
or (c) of this section, the court in which the second or third 6337
conviction, finding, plea, or adjudication resulting in the 6338
suspension was made, upon petition of the person, may grant the 6339
person limited driving privileges during the period during which 6340

the suspension otherwise would be imposed under division (A)(1)(a) 6341
or (c) of this section if the court finds reasonable cause to 6342
believe that the suspension will seriously affect the person's 6343
ability to continue in employment, educational training, 6344
vocational training, or treatment. In granting the limited driving 6345
privileges, the court shall specify the purposes, times, and 6346
places of the privileges and may impose any other conditions upon 6347
the person's driving a motor vehicle that the court considers 6348
reasonable and necessary. 6349

A court that grants limited driving privileges to a person 6350
under this division shall retain the person's probationary 6351
driver's license, restricted license, or temporary instruction 6352
permit during the period the license or permit is suspended and 6353
also during the period for which limited driving privileges are 6354
granted, and shall deliver to the person a permit card, in a form 6355
to be prescribed by the court, setting forth the date on which the 6356
limited driving privileges will become effective, the purposes for 6357
which the person may drive, the times and places at which the 6358
person may drive, and any other conditions imposed upon the 6359
person's use of a motor vehicle. 6360

The court immediately shall notify the registrar, in writing, 6361
of a grant of limited driving privileges under this division. The 6362
notification shall specify the date on which the limited driving 6363
privileges will become effective, the purposes for which the 6364
person may drive, the times and places at which the person may 6365
drive, and any other conditions imposed upon the person's use of a 6366
motor vehicle. The registrar shall not suspend the probationary 6367
driver's license, restricted license, or temporary instruction 6368
permit of any person pursuant to division (A) of this section 6369
during any period for which the person has been granted limited 6370
driving privileges as provided in this division, if the registrar 6371
has received the notification described in this division from the 6372

court. 6373

(2) Except as provided in division (C)(3) of this section, in 6374
any case in which the temporary instruction permit or probationary 6375
driver's license of a person under eighteen years of age has been 6376
suspended under division (A) or (B) of this section or any other 6377
provision of law, the court may grant the person limited driving 6378
privileges for the purpose of the person's practicing of driving 6379
with the person's parent, guardian, or other custodian during the 6380
period of the suspension. Any grant of limited driving privileges 6381
under this division shall comply with division (D) of section 6382
4510.021 of the Revised Code. 6383

(3) A court shall not grant limited driving privileges to a 6384
person identified in division (C)(1) or (2) of this section if the 6385
person, within the preceding six years, has been convicted of, 6386
pleaded guilty to, or adjudicated in juvenile court of having 6387
committed three or more violations of one or more of the divisions 6388
or sections set forth in divisions (G)(2)(b) to (g) of section 6389
2919.22 of the Revised Code. 6390

(D) If a person who has been granted limited driving 6391
privileges under division (C) of this section is convicted of, 6392
pleads guilty to, or is adjudicated in juvenile court of having 6393
committed, a violation of Chapter 4510. of the Revised Code, or a 6394
subsequent violation of any of the sections of the Revised Code 6395
listed in division (A)(1)(a) of this section or any similar 6396
municipal ordinance during the period for which the person was 6397
granted limited driving privileges, the court that granted the 6398
limited driving privileges shall suspend the person's permit card. 6399
The court or the clerk of the court immediately shall forward the 6400
person's probationary driver's license, restricted license, or 6401
temporary instruction permit together with written notification of 6402
the court's action to the registrar. Upon receipt of the license 6403
or permit and notification, the registrar shall impose a class C 6404

suspension of the person's probationary driver's license, 6405
restricted license, or temporary instruction permit for the period 6406
of time specified in division (B)(3) of section 4510.02 of the 6407
Revised Code. The registrar shall retain the license or permit 6408
during the period of suspension, and no further limited driving 6409
privileges shall be granted during that period. 6410

(E) No application for a driver's or commercial driver's 6411
license shall be received from any person whose probationary 6412
driver's license, restricted license, or temporary instruction 6413
permit has been suspended under this section until each of the 6414
following has occurred: 6415

(1) The suspension period has expired; 6416

(2) A temporary instruction permit or commercial driver's 6417
license temporary instruction permit has been issued; 6418

(3) The person successfully completes a juvenile driver 6419
improvement program approved by the registrar under section 6420
4510.311 of the Revised Code; 6421

(4) The applicant has submitted to the examination for a 6422
driver's license as provided for in section 4507.11 or a 6423
commercial driver's license as provided in Chapter 4506. of the 6424
Revised Code. 6425

Sec. 4510.43. (A)(1) The director of public safety, upon 6426
consultation with the director of health and in accordance with 6427
Chapter 119. of the Revised Code, shall certify immobilizing and 6428
disabling devices and shall publish and make available to the 6429
courts, without charge, a list of approved devices together with 6430
information about the manufacturers of the devices and where they 6431
may be obtained. The manufacturer of an immobilizing or disabling 6432
device shall pay the cost of obtaining the certification of the 6433
device to the director of public safety, and the director shall 6434

deposit the payment in the drivers' treatment and intervention 6435
fund established by sections 4511.19 and 4511.191 of the Revised 6436
Code. 6437

(2) The director of public safety, in accordance with Chapter 6438
119. of the Revised Code, shall adopt and publish rules setting 6439
forth the requirements for obtaining the certification of an 6440
immobilizing or disabling device. The director of public safety 6441
shall not certify an immobilizing or disabling device under this 6442
section unless it meets the requirements specified and published 6443
by the director in the rules adopted pursuant to this division. A 6444
certified device may consist of an ignition interlock device, an 6445
ignition blocking device initiated by time or magnetic or 6446
electronic encoding, an activity monitor, or any other device that 6447
reasonably assures compliance with an order granting limited 6448
driving privileges. 6449

The requirements for an immobilizing or disabling device that 6450
is an ignition interlock device shall include provisions for 6451
setting a minimum and maximum calibration range and shall include, 6452
but shall not be limited to, specifications that the device 6453
complies with all of the following: 6454

(a) It does not impede the safe operation of the vehicle. 6455

(b) It has features that make circumvention difficult and 6456
that do not interfere with the normal use of the vehicle. 6457

(c) It correlates well with established measures of alcohol 6458
impairment. 6459

(d) It works accurately and reliably in an unsupervised 6460
environment. 6461

(e) It is resistant to tampering and shows evidence of 6462
tampering if tampering is attempted. 6463

(f) It is difficult to circumvent and requires premeditation 6464

to do so. 6465

(g) It minimizes inconvenience to a sober user. 6466

(h) It requires a proper, deep-lung breath sample or other 6467
accurate measure of the concentration by weight of alcohol in the 6468
breath. 6469

(i) It operates reliably over the range of automobile 6470
environments. 6471

(j) It is made by a manufacturer who is covered by product 6472
liability insurance. 6473

(3) The director of public safety may adopt, in whole or in 6474
part, the guidelines, rules, regulations, studies, or independent 6475
laboratory tests performed and relied upon by other states, or 6476
their agencies or commissions, in the certification or approval of 6477
immobilizing or disabling devices. 6478

(4) The director of public safety shall adopt rules in 6479
accordance with Chapter 119. of the Revised Code for the design of 6480
a warning label that shall be affixed to each immobilizing or 6481
disabling device upon installation. The label shall contain a 6482
warning that any person tampering, circumventing, or otherwise 6483
misusing the device is subject to a fine, imprisonment, or both 6484
and may be subject to civil liability. 6485

(B) A court considering the use of a prototype device in a 6486
pilot program shall advise the director of public safety, thirty 6487
days before the use, of the prototype device and its protocol, 6488
methodology, manufacturer, and licensor, lessor, other agent, or 6489
owner, and the length of the court's pilot program. A prototype 6490
device shall not be used for a violation of section 4510.14 or 6491
4511.19 of the Revised Code, a violation of a municipal OVI 6492
ordinance, or in relation to a suspension imposed under section 6493
4511.191 of the Revised Code. A court that uses a prototype device 6494
in a pilot program, periodically during the existence of the 6495

program and within fourteen days after termination of the program, 6496
shall report in writing to the director of public safety regarding 6497
the effectiveness of the prototype device and the program. 6498

(C) If a person has been granted limited driving privileges 6499
with a condition of the privileges being that the motor vehicle 6500
that is operated under the privileges must be equipped with an 6501
immobilizing or disabling device, ~~all of the following apply:~~ 6502

~~(1) If the person may operate a motor vehicle to be driven 6503
under the limited driving privileges that is owned by the person's 6504
employer and only if the person is required to operate that motor 6505
vehicle in the course and scope of the offender's employment, the 6506
Such a person may operate that vehicle without the installation of 6507
an immobilizing or disabling device, provided that the employer 6508
has been notified that the person has limited driving privileges 6509
and of the nature of the restriction and further provided that the 6510
person has proof of the employer's notification in the person's 6511
possession while operating the employer's vehicle for normal 6512
business duties. A motor vehicle owned by a business that is 6513
partly or entirely owned or controlled by a person with limited 6514
driving privileges is not a motor vehicle owned by an employer, 6515
for purposes of this division. 6516~~

~~(2) If the motor vehicle to be driven under the limited 6517
driving privileges is registered in a state other than this state, 6518
instead of installing on that vehicle an immobilizing or disabling 6519
device, the person with the limited driving privileges shall 6520
display on the vehicle a decal, as prescribed by the registrar of 6521
motor vehicles, that states that the vehicle is subject to limited 6522
driving privileges in this state and that describes the 6523
restriction. The decal shall be displayed on the bottom left 6524
corner of the back window of the vehicle or, if there is no back 6525
window, on the bottom left corner of the windshield of the 6526
vehicle. 6527~~

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 6528
the Revised Code: 6529

(A) "Vehicle" means every device, including a motorized 6530
bicycle, in, upon, or by which any person or property may be 6531
transported or drawn upon a highway, except that "vehicle" does 6532
not include any motorized wheelchair, any electric personal 6533
assistive mobility ~~devices~~ device, any device that is moved by 6534
power collected from overhead electric trolley wires or that is 6535
used exclusively upon stationary rails or tracks, or any device, 6536
other than a bicycle, that is moved by human power. 6537

(B) "Motor vehicle" means every vehicle propelled or drawn by 6538
power other than muscular power or power collected from overhead 6539
electric trolley wires, except motorized bicycles, road rollers, 6540
traction engines, power shovels, power cranes, and other equipment 6541
used in construction work and not designed for or employed in 6542
general highway transportation, hole-digging machinery, 6543
well-drilling machinery, ditch-digging machinery, farm machinery, 6544
trailers used to transport agricultural produce or agricultural 6545
production materials between a local place of storage or supply 6546
and the farm when drawn or towed on a street or highway at a speed 6547
of twenty-five miles per hour or less, threshing machinery, 6548
hay-baling machinery, agricultural tractors and machinery used in 6549
the production of horticultural, floricultural, agricultural, and 6550
vegetable products, and trailers designed and used exclusively to 6551
transport a boat between a place of storage and a marina, or in 6552
and around a marina, when drawn or towed on a street or highway 6553
for a distance of no more than ten miles and at a speed of 6554
twenty-five miles per hour or less. 6555

(C) "Motorcycle" means every motor vehicle, other than a 6556
tractor, having a saddle for the use of the operator and designed 6557
to travel on not more than three wheels in contact with the 6558

ground, including, but not limited to, motor vehicles known as 6559
"motor-driven cycle," "motor scooter," or "motorcycle" without 6560
regard to weight or brake horsepower. 6561

(D) "Emergency vehicle" means emergency vehicles of 6562
municipal, township, or county departments or public utility 6563
corporations when identified as such as required by law, the 6564
director of public safety, or local authorities, and motor 6565
vehicles when commandeered by a police officer. 6566

(E) "Public safety vehicle" means any of the following: 6567

(1) Ambulances, including private ambulance companies under 6568
contract to a municipal corporation, township, or county, and 6569
private ambulances and nontransport vehicles bearing license 6570
plates issued under section 4503.49 of the Revised Code; 6571

(2) Motor vehicles used by public law enforcement officers or 6572
other persons sworn to enforce the criminal and traffic laws of 6573
the state; 6574

(3) Any motor vehicle when properly identified as required by 6575
the director of public safety, when used in response to fire 6576
emergency calls or to provide emergency medical service to ill or 6577
injured persons, and when operated by a duly qualified person who 6578
is a member of a volunteer rescue service or a volunteer fire 6579
department, and who is on duty pursuant to the rules or directives 6580
of that service. The state fire marshal shall be designated by the 6581
director of public safety as the certifying agency for all public 6582
safety vehicles described in division (E)(3) of this section. 6583

(4) Vehicles used by fire departments, including motor 6584
vehicles when used by volunteer fire fighters responding to 6585
emergency calls in the fire department service when identified as 6586
required by the director of public safety. 6587

Any vehicle used to transport or provide emergency medical 6588
service to an ill or injured person, when certified as a public 6589

safety vehicle, shall be considered a public safety vehicle when 6590
transporting an ill or injured person to a hospital regardless of 6591
whether such vehicle has already passed a hospital. 6592

(5) Vehicles used by the ~~commercial motor vehicle safety~~ 6593
carrier enforcement unit for the enforcement of orders and rules 6594
of the public utilities commission as specified in section 5503.34 6595
of the Revised Code. 6596

(F) "School bus" means every bus designed for carrying more 6597
than nine passengers that is owned by a public, private, or 6598
governmental agency or institution of learning and operated for 6599
the transportation of children to or from a school session or a 6600
school function, or owned by a private person and operated for 6601
compensation for the transportation of children to or from a 6602
school session or a school function, provided "school bus" does 6603
not include a bus operated by a municipally owned transportation 6604
system, a mass transit company operating exclusively within the 6605
territorial limits of a municipal corporation, or within such 6606
limits and the territorial limits of municipal corporations 6607
immediately contiguous to such municipal corporation, nor a common 6608
passenger carrier certified by the public utilities commission 6609
unless such bus is devoted exclusively to the transportation of 6610
children to and from a school session or a school function, and 6611
"school bus" does not include a van or bus used by a licensed 6612
child day-care center or type A family day-care home to transport 6613
children from the child day-care center or type A family day-care 6614
home to a school if the van or bus does not have more than fifteen 6615
children in the van or bus at any time. 6616

(G) "Bicycle" means every device, other than a tricycle 6617
designed solely for use as a play vehicle by a child, propelled 6618
solely by human power upon which any person may ride having either 6619
two tandem wheels, or one wheel in the front and two wheels in the 6620
rear, any of which is more than fourteen inches in diameter. 6621

(H) "Motorized bicycle" means any vehicle having either two 6622
tandem wheels or one wheel in the front and two wheels in the 6623
rear, that is capable of being pedaled and is equipped with a 6624
helper motor of not more than fifty cubic centimeters piston 6625
displacement that produces no more than one brake horsepower and 6626
is capable of propelling the vehicle at a speed of no greater than 6627
twenty miles per hour on a level surface. 6628

(I) "Commercial tractor" means every motor vehicle having 6629
motive power designed or used for drawing other vehicles and not 6630
so constructed as to carry any load thereon, or designed or used 6631
for drawing other vehicles while carrying a portion of such other 6632
vehicles, or load thereon, or both. 6633

(J) "Agricultural tractor" means every self-propelling 6634
vehicle designed or used for drawing other vehicles or wheeled 6635
machinery but having no provision for carrying loads independently 6636
of such other vehicles, and used principally for agricultural 6637
purposes. 6638

(K) "Truck" means every motor vehicle, except trailers and 6639
semitrailers, designed and used to carry property. 6640

(L) "Bus" means every motor vehicle designed for carrying 6641
more than nine passengers and used for the transportation of 6642
persons other than in a ridesharing arrangement, and every motor 6643
vehicle, automobile for hire, or funeral car, other than a taxicab 6644
or motor vehicle used in a ridesharing arrangement, designed and 6645
used for the transportation of persons for compensation. 6646

(M) "Trailer" means every vehicle designed or used for 6647
carrying persons or property wholly on its own structure and for 6648
being drawn by a motor vehicle, including any such vehicle when 6649
formed by or operated as a combination of a "semitrailer" and a 6650
vehicle of the dolly type, such as that commonly known as a 6651
"trailer dolly," a vehicle used to transport agricultural produce 6652

or agricultural production materials between a local place of 6653
storage or supply and the farm when drawn or towed on a street or 6654
highway at a speed greater than twenty-five miles per hour, and a 6655
vehicle designed and used exclusively to transport a boat between 6656
a place of storage and a marina, or in and around a marina, when 6657
drawn or towed on a street or highway for a distance of more than 6658
ten miles or at a speed of more than twenty-five miles per hour. 6659

(N) "Semitrailer" means every vehicle designed or used for 6660
carrying persons or property with another and separate motor 6661
vehicle so that in operation a part of its own weight or that of 6662
its load, or both, rests upon and is carried by another vehicle. 6663

(O) "Pole trailer" means every trailer or semitrailer 6664
attached to the towing vehicle by means of a reach, pole, or by 6665
being boomed or otherwise secured to the towing vehicle, and 6666
ordinarily used for transporting long or irregular shaped loads 6667
such as poles, pipes, or structural members capable, generally, of 6668
sustaining themselves as beams between the supporting connections. 6669

(P) "Railroad" means a carrier of persons or property 6670
operating upon rails placed principally on a private right-of-way. 6671

(Q) "Railroad train" means a steam engine or an electric or 6672
other motor, with or without cars coupled thereto, operated by a 6673
railroad. 6674

(R) "Streetcar" means a car, other than a railroad train, for 6675
transporting persons or property, operated upon rails principally 6676
within a street or highway. 6677

(S) "Trackless trolley" means every car that collects its 6678
power from overhead electric trolley wires and that is not 6679
operated upon rails or tracks. 6680

(T) "Explosives" means any chemical compound or mechanical 6681
mixture that is intended for the purpose of producing an explosion 6682
that contains any oxidizing and combustible units or other 6683

ingredients in such proportions, quantities, or packing that an 6684
ignition by fire, by friction, by concussion, by percussion, or by 6685
a detonator of any part of the compound or mixture may cause such 6686
a sudden generation of highly heated gases that the resultant 6687
gaseous pressures are capable of producing destructive effects on 6688
contiguous objects, or of destroying life or limb. Manufactured 6689
articles shall not be held to be explosives when the individual 6690
units contain explosives in such limited quantities, of such 6691
nature, or in such packing, that it is impossible to procure a 6692
simultaneous or a destructive explosion of such units, to the 6693
injury of life, limb, or property by fire, by friction, by 6694
concussion, by percussion, or by a detonator, such as fixed 6695
ammunition for small arms, firecrackers, or safety fuse matches. 6696

(U) "Flammable liquid" means any liquid that has a flash 6697
point of seventy degrees Fahrenheit, or less, as determined by a 6698
tagliabue or equivalent closed cup test device. 6699

(V) "Gross weight" means the weight of a vehicle plus the 6700
weight of any load thereon. 6701

(W) "Person" means every natural person, firm, 6702
co-partnership, association, or corporation. 6703

(X) "Pedestrian" means any natural person afoot. 6704

(Y) "Driver or operator" means every person who drives or is 6705
in actual physical control of a vehicle, trackless trolley, or 6706
streetcar. 6707

(Z) "Police officer" means every officer authorized to direct 6708
or regulate traffic, or to make arrests for violations of traffic 6709
regulations. 6710

(AA) "Local authorities" means every county, municipal, and 6711
other local board or body having authority to adopt police 6712
regulations under the constitution and laws of this state. 6713

(BB) "Street" or "highway" means the entire width between the 6714
boundary lines of every way open to the use of the public as a 6715
thoroughfare for purposes of vehicular travel. 6716

(CC) "Controlled-access highway" means every street or 6717
highway in respect to which owners or occupants of abutting lands 6718
and other persons have no legal right of access to or from the 6719
same except at such points only and in such manner as may be 6720
determined by the public authority having jurisdiction over such 6721
street or highway. 6722

(DD) "Private road or driveway" means every way or place in 6723
private ownership used for vehicular travel by the owner and those 6724
having express or implied permission from the owner but not by 6725
other persons. 6726

(EE) "Roadway" means that portion of a highway improved, 6727
designed, or ordinarily used for vehicular travel, except the berm 6728
or shoulder. If a highway includes two or more separate roadways 6729
the term "roadway" means any such roadway separately but not all 6730
such roadways collectively. 6731

(FF) "Sidewalk" means that portion of a street between the 6732
curb lines, or the lateral lines of a roadway, and the adjacent 6733
property lines, intended for the use of pedestrians. 6734

(GG) "Laned highway" means a highway the roadway of which is 6735
divided into two or more clearly marked lanes for vehicular 6736
traffic. 6737

(HH) "Through highway" means every street or highway as 6738
provided in section 4511.65 of the Revised Code. 6739

(II) "State highway" means a highway under the jurisdiction 6740
of the department of transportation, outside the limits of 6741
municipal corporations, provided that the authority conferred upon 6742
the director of transportation in section 5511.01 of the Revised 6743

Code to erect state highway route markers and signs directing 6744
traffic shall not be modified by sections 4511.01 to 4511.79 and 6745
4511.99 of the Revised Code. 6746

(JJ) "State route" means every highway that is designated 6747
with an official state route number and so marked. 6748

(KK) "Intersection" means: 6749

(1) The area embraced within the prolongation or connection 6750
of the lateral curb lines, or, if none, then the lateral boundary 6751
lines of the roadways of two highways which join one another at, 6752
or approximately at, right angles, or the area within which 6753
vehicles traveling upon different highways joining at any other 6754
angle may come in conflict. 6755

(2) Where a highway includes two roadways thirty feet or more 6756
apart, then every crossing of each roadway of such divided highway 6757
by an intersecting highway shall be regarded as a separate 6758
intersection. If an intersecting highway also includes two 6759
roadways thirty feet or more apart, then every crossing of two 6760
roadways of such highways shall be regarded as a separate 6761
intersection. 6762

(3) The junction of an alley with a street or highway, or 6763
with another alley, shall not constitute an intersection. 6764

(LL) "Crosswalk" means: 6765

(1) That part of a roadway at intersections ordinarily 6766
included within the real or projected prolongation of property 6767
lines and curb lines or, in the absence of curbs, the edges of the 6768
traversable roadway; 6769

(2) Any portion of a roadway at an intersection or elsewhere, 6770
distinctly indicated for pedestrian crossing by lines or other 6771
markings on the surface; 6772

(3) Notwithstanding divisions (LL)(1) and (2) of this 6773

section, there shall not be a crosswalk where local authorities 6774
have placed signs indicating no crossing. 6775

(MM) "Safety zone" means the area or space officially set 6776
apart within a roadway for the exclusive use of pedestrians and 6777
protected or marked or indicated by adequate signs as to be 6778
plainly visible at all times. 6779

(NN) "Business district" means the territory fronting upon a 6780
street or highway, including the street or highway, between 6781
successive intersections within municipal corporations where fifty 6782
per cent or more of the frontage between such successive 6783
intersections is occupied by buildings in use for business, or 6784
within or outside municipal corporations where fifty per cent or 6785
more of the frontage for a distance of three hundred feet or more 6786
is occupied by buildings in use for business, and the character of 6787
such territory is indicated by official traffic control devices. 6788

(OO) "Residence district" means the territory, not comprising 6789
a business district, fronting on a street or highway, including 6790
the street or highway, where, for a distance of three hundred feet 6791
or more, the frontage is improved with residences or residences 6792
and buildings in use for business. 6793

(PP) "Urban district" means the territory contiguous to and 6794
including any street or highway which is built up with structures 6795
devoted to business, industry, or dwelling houses situated at 6796
intervals of less than one hundred feet for a distance of a 6797
quarter of a mile or more, and the character of such territory is 6798
indicated by official traffic control devices. 6799

(QQ) "Traffic control devices" means all flaggers, signs, 6800
signals, markings, and devices placed or erected by authority of a 6801
public body or official having jurisdiction, for the purpose of 6802
regulating, warning, or guiding traffic, including signs denoting 6803
names of streets and highways. 6804

(RR) "Traffic control signal" means any device, whether 6805
manually, electrically, or mechanically operated, by which traffic 6806
is alternately directed to stop, to proceed, to change direction, 6807
or not to change direction. 6808

(SS) "Railroad sign or signal" means any sign, signal, or 6809
device erected by authority of a public body or official or by a 6810
railroad and intended to give notice of the presence of railroad 6811
tracks or the approach of a railroad train. 6812

(TT) "Traffic" means pedestrians, ridden or herded animals, 6813
vehicles, streetcars, trackless trolleys, and other devices, 6814
either singly or together, while using any highway for purposes of 6815
travel. 6816

(UU) "Right-of-way" means either of the following, as the 6817
context requires: 6818

(1) The right of a vehicle, streetcar, trackless trolley, or 6819
pedestrian to proceed uninterruptedly in a lawful manner in the 6820
direction in which it or the individual is moving in preference to 6821
another vehicle, streetcar, trackless trolley, or pedestrian 6822
approaching from a different direction into its or the 6823
individual's path; 6824

(2) A general term denoting land, property, or the interest 6825
therein, usually in the configuration of a strip, acquired for or 6826
devoted to transportation purposes. When used in this context, 6827
right-of-way includes the roadway, shoulders or berm, ditch, and 6828
slopes extending to the right-of-way limits under the control of 6829
the state or local authority. 6830

(VV) "Rural mail delivery vehicle" means every vehicle used 6831
to deliver United States mail on a rural mail delivery route. 6832

(WW) "Funeral escort vehicle" means any motor vehicle, 6833
including a funeral hearse, while used to facilitate the movement 6834

of a funeral procession. 6835

(XX) "Alley" means a street or highway intended to provide 6836
access to the rear or side of lots or buildings in urban districts 6837
and not intended for the purpose of through vehicular traffic, and 6838
includes any street or highway that has been declared an "alley" 6839
by the legislative authority of the municipal corporation in which 6840
such street or highway is located. 6841

(YY) "Freeway" means a divided multi-lane highway for through 6842
traffic with all crossroads separated in grade and with full 6843
control of access. 6844

(ZZ) "Expressway" means a divided arterial highway for 6845
through traffic with full or partial control of access with an 6846
excess of fifty per cent of all crossroads separated in grade. 6847

(AAA) "Thruway" means a through highway whose entire roadway 6848
is reserved for through traffic and on which roadway parking is 6849
prohibited. 6850

(BBB) "Stop intersection" means any intersection at one or 6851
more entrances of which stop signs are erected. 6852

(CCC) "Arterial street" means any United States or state 6853
numbered route, controlled access highway, or other major radial 6854
or circumferential street or highway designated by local 6855
authorities within their respective jurisdictions as part of a 6856
major arterial system of streets or highways. 6857

(DDD) "Ridesharing arrangement" means the transportation of 6858
persons in a motor vehicle where such transportation is incidental 6859
to another purpose of a volunteer driver and includes ridesharing 6860
arrangements known as carpools, vanpools, and buspools. 6861

(EEE) "Motorized wheelchair" means any self-propelled vehicle 6862
designed for, and used by, a handicapped person and that is 6863
incapable of a speed in excess of eight miles per hour. 6864

(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 6865
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes. 6868
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(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley on any public or private property used by the public for purposes of vehicular travel or parking. 6874
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(III) "Predicate motor vehicle or traffic offense" means any of the following: 6878
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(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 6880
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(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code; 6891
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(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is 6894
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provided in the section that contains the provision violated; 6896

(4) A violation of a municipal ordinance that is 6897
substantially similar to any section or provision set forth or 6898
described in division (III)(1), (2), or (3) of this section. 6899

Sec. 4511.121. (A)(1) Except as provided in division (B) of 6900
this section, any operator of a commercial motor vehicle, upon 6901
approaching a scale location established for the purpose of 6902
determining the weight of the vehicle and its load, shall comply 6903
with any traffic control device or the order of a peace officer 6904
directing the vehicle to proceed to be weighed or otherwise 6905
inspected. 6906

(2) Any operator of a commercial motor vehicle, upon 6907
bypassing a scale location in accordance with division (B) of this 6908
section, shall comply with an order of a peace officer to stop the 6909
vehicle to verify the use and operation of an electronic clearance 6910
device. 6911

(B) Any operator of a commercial motor vehicle that is 6912
equipped with an electronic clearance device authorized by the 6913
superintendent of the state highway patrol under section 4549.081 6914
of the Revised Code may bypass a scale location, regardless of the 6915
instruction of a traffic control device to enter the scale 6916
facility, if either of the following apply: 6917

(1) The in-cab transponder displays a green light or other 6918
affirmative visual signal and also sounds an affirmative audible 6919
signal; 6920

(2) Any other criterion established by the superintendent by 6921
rule is met. 6922

(C) Any peace officer may order the operator of a commercial 6923
motor vehicle that bypasses a scale location to stop the vehicle 6924
to verify the use and operation of an electronic clearance device. 6925

(D) Whoever violates division (A) of this section is guilty 6926
of a minor misdemeanor. If, within one year of the offense, the 6927
offender previously has been convicted of or pleaded guilty to a 6928
violation of division (A) of this section, whoever violates that 6929
division is guilty of a misdemeanor of the fourth degree. If, 6930
within one year of the offense, the offender previously has been 6931
convicted of or pleaded guilty to two or more violations of 6932
division (A) of this section, whoever violates division (A) is 6933
guilty of a misdemeanor of the third degree. 6934

(E) As used in this section and in section 4549.081 of the 6935
Revised Code, "commercial motor vehicle" means any combination of 6936
vehicles with a gross vehicle weight rating or an actual gross 6937
vehicle weight of more than ten thousand pounds if the vehicle is 6938
used in interstate or intrastate commerce to transport property 6939
and also means any vehicle that is transporting hazardous 6940
materials for which placarding is required pursuant to 49 C.F.R. 6941
Parts 100 to 180. 6942

Sec. 4513.61. The sheriff of a county or chief of police of a 6943
municipal corporation, township, or township police district, 6944
within the sheriff's or chief's respective territorial 6945
jurisdiction, or a state highway patrol trooper, upon notification 6946
to the sheriff or chief of police of such action and of the 6947
location of the place of storage, may order into storage any motor 6948
vehicle, including an abandoned junk motor vehicle as defined in 6949
section 4513.63 of the Revised Code, that has come into the 6950
possession of the sheriff, chief of police, or state highway 6951
patrol trooper as a result of the performance of the sheriff's, 6952
chief's, or trooper's duties or that has been left on a public 6953
street or other property open to the public for purposes of 6954
vehicular travel, or upon or within the right-of-way of any road 6955
or highway, for forty-eight hours or longer without notification 6956

to the sheriff or chief of police of the reasons for leaving the 6957
motor vehicle in such place, except that when such a motor vehicle 6958
constitutes an obstruction to traffic it may be ordered into 6959
storage immediately. The sheriff or chief of police shall 6960
designate the place of storage of any motor vehicle so ordered 6961
removed. 6962

The sheriff or chief of police immediately shall cause a 6963
search to be made of the records of the bureau of motor vehicles 6964
to ascertain the owner and any lienholder of a motor vehicle 6965
ordered into storage by the sheriff or chief of police, or by a 6966
state highway patrol trooper, and, if known, shall send or cause 6967
to be sent notice to the owner or lienholder at the owner's or 6968
lienholder's last known address by certified mail with return 6969
receipt requested, that the motor vehicle will be declared a 6970
nuisance and disposed of if not claimed within ten days of the 6971
date of mailing of the notice. The owner or lienholder of the 6972
motor vehicle may reclaim it upon payment of any expenses or 6973
charges incurred in its removal and storage, and presentation of 6974
proof of ownership, which may be evidenced by a certificate of 6975
title or memorandum certificate of title to the motor vehicle. If 6976
the owner or lienholder of the motor vehicle reclaims it after a 6977
search of the records of the bureau has been conducted and after 6978
notice has been sent to the owner or lienholder as described in 6979
this section, and the search was conducted by the owner of the 6980
place of storage or the owner's employee, and the notice was sent 6981
to the motor vehicle owner by the owner of the place of storage or 6982
the owner's employee, the owner or lienholder shall pay to the 6983
place of storage a processing fee of twenty-five dollars, in 6984
addition to any expenses or charges incurred in the removal and 6985
storage of the vehicle. 6986

If the owner or lienholder makes no claim to the motor 6987
vehicle within ten days of the date of mailing of the notice, and 6988

if the vehicle is to be disposed of at public auction as provided 6989
in section 4513.62 of the Revised Code, the sheriff or chief of 6990
police shall file with the clerk of courts of the county in which 6991
the place of storage is located an affidavit showing compliance 6992
with the requirements of this section. Upon presentation of the 6993
affidavit, the clerk, without charge, shall issue a salvage 6994
certificate of title, free and clear of all liens and 6995
encumbrances, to the sheriff or chief of police. If the vehicle is 6996
to be disposed of to a motor vehicle salvage dealer or other 6997
facility as provided in section 4513.62 of the Revised Code, the 6998
sheriff or chief of police shall execute in triplicate an 6999
affidavit, as prescribed by the registrar of motor vehicles, 7000
describing the motor vehicle and the manner in which it was 7001
disposed of, and that all requirements of this section have been 7002
complied with. The sheriff or chief of police shall retain the 7003
original of the affidavit for the sheriff's or chief's records, 7004
and shall furnish two copies to the motor vehicle salvage dealer 7005
or other facility. Upon presentation of a copy of the affidavit by 7006
the motor vehicle salvage dealer, the clerk of courts, within 7007
thirty days of the presentation, shall issue to such owner a 7008
salvage certificate of title, free and clear of all liens and 7009
encumbrances. 7010

Whenever a motor vehiclesalvage dealer or other facility 7011
receives an affidavit for the disposal of a motor vehicle as 7012
provided in this section, the dealer or facility shall not be 7013
required to obtain an Ohio certificate of title to the motor 7014
vehicle in the dealer's or facility's own name if the vehicle is 7015
dismantled or destroyed and both copies of the affidavit are 7016
delivered to the clerk of courts. 7017

Sec. 4513.63. "Abandoned junk motor vehicle" means any motor 7018
vehicle meeting all of the following requirements: 7019

(A) Left on private property for forty-eight hours or longer 7020
without the permission of the person having the right to the 7021
possession of the property, on a public street or other property 7022
open to the public for purposes of vehicular travel or parking, or 7023
upon or within the right-of-way of any road or highway, for 7024
forty-eight hours or longer; 7025

(B) Three years old, or older; 7026

(C) Extensively damaged, such damage including but not 7027
limited to any of the following: missing wheels, tires, motor, or 7028
transmission; 7029

(D) Apparently inoperable; 7030

(E) Having a fair market value of one thousand five hundred 7031
dollars or less. 7032

The sheriff of a county or chief of police of a municipal 7033
corporation, township, or township police district, within the 7034
sheriff's or chief's respective territorial jurisdiction, or a 7035
state highway patrol trooper, upon notification to the sheriff or 7036
chief of police of such action, shall order any abandoned junk 7037
motor vehicle to be photographed by a law enforcement officer. The 7038
officer shall record the make of motor vehicle, the serial number 7039
when available, and shall also detail the damage or missing 7040
equipment to substantiate the value of one thousand five hundred 7041
dollars or less. The sheriff or chief of police shall thereupon 7042
immediately dispose of the abandoned junk motor vehicle to a motor 7043
vehicle salvage dealer as defined in section 4738.01 of the 7044
Revised Code or a scrap metal processing facility as defined in 7045
section 4737.05 of the Revised Code which is under contract to the 7046
county, township, or municipal corporation, or to any other 7047
facility owned by or under contract with the county, township, or 7048
municipal corporation for the destruction of such motor vehicles. 7049
The records and photograph relating to the abandoned junk motor 7050

vehicle shall be retained by the law enforcement agency ordering 7051
the disposition of such vehicle for a period of at least two 7052
years. The law enforcement agency shall execute in quadruplicate 7053
an affidavit, as prescribed by the registrar of motor vehicles, 7054
describing the motor vehicle and the manner in which it was 7055
disposed of, and that all requirements of this section have been 7056
complied with, and, within thirty days of disposing of the 7057
vehicle, shall sign and file the ~~same~~ affidavit with the clerk of 7058
courts of the county in which the motor vehicle was abandoned. The 7059
clerk of courts shall retain the original of the affidavit for the 7060
clerk's files, shall furnish one copy thereof to the registrar, 7061
one copy to the motor vehicle salvage dealer or other facility 7062
handling the disposal of the vehicle, and one copy to the law 7063
enforcement agency ordering the disposal, who shall file such copy 7064
with the records and photograph relating to the disposal. Any 7065
moneys arising from the disposal of an abandoned junk motor 7066
vehicle shall be deposited in the general fund of the county, 7067
township, or the municipal corporation, as the case may be. 7068

Notwithstanding section 4513.61 of the Revised Code, any 7069
motor vehicle meeting the requirements of divisions (C), (D), and 7070
(E) of this section which has remained unclaimed by the owner or 7071
lienholder for a period of ten days or longer following 7072
notification as provided in section 4513.61 of the Revised Code 7073
may be disposed of as provided in this section. 7074

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 7075
Revised Code: 7076

(A) "Persons" includes individuals, firms, partnerships, 7077
associations, joint stock companies, corporations, and any 7078
combinations of individuals. 7079

(B) "Motor vehicle" means motor vehicle as defined in section 7080
4501.01 of the Revised Code and also includes "all-purpose 7081

vehicle" and "off-highway motorcycle" as those terms are defined 7082
in section 4519.01 of the Revised Code and manufactured and mobile 7083
homes. 7084

(C) "New motor vehicle" means a motor vehicle, the legal 7085
title to which has never been transferred by a manufacturer, 7086
remanufacturer, distributor, or dealer to an ultimate purchaser. 7087

(D) "Ultimate purchaser" means, with respect to any new motor 7088
vehicle, the first person, other than a dealer purchasing in the 7089
capacity of a dealer, who in good faith purchases such new motor 7090
vehicle for purposes other than resale. 7091

(E) "Business" includes any activities engaged in by any 7092
person for the object of gain, benefit, or advantage either direct 7093
or indirect. 7094

(F) "Engaging in business" means commencing, conducting, or 7095
continuing in business, or liquidating a business when the 7096
liquidator thereof holds self out to be conducting such business; 7097
making a casual sale or otherwise making transfers in the ordinary 7098
course of business when the transfers are made in connection with 7099
the disposition of all or substantially all of the transferor's 7100
assets is not engaging in business. 7101

(G) "Retail sale" or "sale at retail" means the act or 7102
attempted act of selling, bartering, exchanging, or otherwise 7103
disposing of a motor vehicle to an ultimate purchaser for use as a 7104
consumer. 7105

(H) "Retail installment contract" includes any contract in 7106
the form of a note, chattel mortgage, conditional sales contract, 7107
lease, agreement, or other instrument payable in one or more 7108
installments over a period of time and arising out of the retail 7109
sale of a motor vehicle. 7110

(I) "Farm machinery" means all machines and tools used in the 7111
production, harvesting, and care of farm products. 7112

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or

deal in motor vehicles for a commission, compensation, or other 7144
valuable consideration, but does not mean any public officer 7145
performing official duties. 7146

(O) "Casual sale" means any transfer of a motor vehicle by a 7147
person other than a new motor vehicle dealer, used motor vehicle 7148
dealer, motor vehicle salvage dealer, as defined in division (A) 7149
of section 4738.01 of the Revised Code, salesperson, motor vehicle 7150
auction owner, manufacturer, or distributor acting in the capacity 7151
of a dealer, salesperson, auction owner, manufacturer, or 7152
distributor, to a person who purchases the motor vehicle for use 7153
as a consumer. 7154

(P) "Motor vehicle show" means a display of current models of 7155
motor vehicles whereby the primary purpose is the exhibition of 7156
competitive makes and models in order to provide the general 7157
public the opportunity to review and inspect various makes and 7158
models of motor vehicles at a single location. 7159

(Q) "Motor vehicle auction owner" means any person who is 7160
engaged wholly or in part in the business of auctioning motor 7161
vehicles. 7162

(R) "Manufacturer" means a person who manufactures, 7163
assembles, or imports motor vehicles, including motor homes, but 7164
does not mean a person who only assembles or installs a body, 7165
special equipment unit, finishing trim, or accessories on a motor 7166
vehicle chassis supplied by a manufacturer or distributor. 7167

(S) "Tent-type fold-out camping trailer" means any vehicle 7168
intended to be used, when stationary, as a temporary shelter with 7169
living and sleeping facilities, and ~~which~~ that is subject to the 7170
following properties and limitations: 7171

(1) A minimum of twenty-five per cent of the fold-out portion 7172
of the top and sidewalls combined must be constructed of canvas, 7173
vinyl, or other fabric, and form an integral part of the shelter. 7174

(2) When folded, the unit must not exceed:	7175
(a) Fifteen feet in length, exclusive of bumper and tongue;	7176
(b) Sixty inches in height from the point of contact with the ground;	7177 7178
(c) Eight feet in width;	7179
(d) One ton gross weight at time of sale.	7180
(T) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.	7181 7182 7183 7184 7185 7186
(U) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.	7187 7188 7189 7190
(V) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer, which that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.	7191 7192 7193 7194 7195
(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.	7196 7197 7198 7199
(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.	7200 7201 7202
(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of	7203 7204

new motor vehicle dealers. 7205

(Z) "Factory representative" means a representative employed 7206
by a manufacturer, remanufacturer, or by a factory branch 7207
primarily for the purpose of promoting the sale of its motor 7208
vehicles, parts, or accessories to dealers or for supervising or 7209
contacting its dealers or prospective dealers. 7210

(AA) "Administrative or executive management" means those 7211
individuals who are not subject to federal wage and hour laws. 7212

(BB) "Good faith" means honesty in the conduct or transaction 7213
concerned and the observance of reasonable commercial standards of 7214
fair dealing in the trade as is defined in division (S) of section 7215
1301.01 of the Revised Code, including, but not limited to, the 7216
duty to act in a fair and equitable manner so as to guarantee 7217
freedom from coercion, intimidation, or threats of coercion or 7218
intimidation; provided however, that recommendation, endorsement, 7219
exposition, persuasion, urging, or argument shall not be 7220
considered to constitute a lack of good faith. 7221

(CC) "Coerce" means to compel or attempt to compel by failing 7222
to act in good faith or by threat of economic harm, breach of 7223
contract, or other adverse consequences. Coerce does not mean to 7224
argue, urge, recommend, or persuade. 7225

(DD) "Relevant market area" means any area within a radius of 7226
ten miles from the site of a potential new dealership, except that 7227
for manufactured home or recreational vehicle dealerships the 7228
radius shall be twenty-five miles. The ten-mile radius shall be 7229
measured from the dealer's established place of business that is 7230
used exclusively for the purpose of selling, displaying, offering 7231
for sale, or dealing in motor vehicles. 7232

(EE) "Wholesale" or "at wholesale" means the act or attempted 7233
act of selling, bartering, exchanging, or otherwise disposing of a 7234
motor vehicle to a transferee for the purpose of resale and not 7235

for ultimate consumption by that transferee. 7236

(FF) "Motor vehicle wholesaler" means any person licensed as 7237
a dealer under the laws of another state and engaged in the 7238
business of selling, displaying, or offering for sale used motor 7239
vehicles, at wholesale, but does not mean any motor vehicle dealer 7240
as defined in this section. 7241

(GG)(1) "Remanufacturer" means a person who assembles or 7242
installs passenger seating, walls, a roof elevation, or a body 7243
extension on a conversion van with the motor vehicle chassis 7244
supplied by a manufacturer or distributor, a person who modifies a 7245
truck chassis supplied by a manufacturer or distributor for use as 7246
a public safety or public service vehicle, a person who modifies a 7247
motor vehicle chassis supplied by a manufacturer or distributor 7248
for use as a limousine or hearse, or a person who modifies an 7249
incomplete motor vehicle cab and chassis supplied by a new motor 7250
vehicle dealer or distributor for use as a tow truck, but does not 7251
mean either of the following: 7252

(a) A person who assembles or installs passenger seating, 7253
walls, a roof elevation, or a body extension on a manufactured 7254
home as defined in division (C)(4) of section 3781.06 of the 7255
Revised Code, a mobile home as defined in division (O) and 7256
referred to in division (B) of section 4501.01 of the Revised 7257
Code, or a recreational vehicle as defined in division (Q) and 7258
referred to in division (B) of section 4501.01 of the Revised 7259
Code; 7260

(b) A person who assembles or installs special equipment or 7261
accessories for handicapped persons, as defined in section 4503.44 7262
of the Revised Code, upon a motor vehicle chassis supplied by a 7263
manufacturer or distributor. 7264

(2) For the purposes of division (GG)(1) of this section, 7265
"public safety vehicle or public service vehicle" means a fire 7266

truck, ambulance, school bus, street sweeper, garbage packing 7267
truck, or cement mixer, or a mobile self-contained facility 7268
vehicle. 7269

(3) For the purposes of division (GG)(1) of this section, 7270
"limousine" means a motor vehicle, designed only for the purpose 7271
of carrying nine or fewer passengers, that a person modifies by 7272
cutting the original chassis, lengthening the wheelbase by forty 7273
inches or more, and reinforcing the chassis in such a way that all 7274
modifications comply with all applicable federal motor vehicle 7275
safety standards. No person shall qualify as or be deemed to be a 7276
remanufacturer who produces limousines unless the person has a 7277
written agreement with the manufacturer of the chassis the person 7278
utilizes to produce the limousines to complete properly the 7279
remanufacture of the chassis into limousines. 7280

(4) For the purposes of division (GG)(1) of this section, 7281
"hearse" means a motor vehicle, designed only for the purpose of 7282
transporting a single casket, that is equipped with a compartment 7283
designed specifically to carry a single casket that a person 7284
modifies by cutting the original chassis, lengthening the 7285
wheelbase by ten inches or more, and reinforcing the chassis in 7286
such a way that all modifications comply with all applicable 7287
federal motor vehicle safety standards. No person shall qualify as 7288
or be deemed to be a remanufacturer who produces hearses unless 7289
the person has a written agreement with the manufacturer of the 7290
chassis the person utilizes to produce the hearses to complete 7291
properly the remanufacture of the chassis into hearses. 7292

(5) For the purposes of division (GG)(1) of this section, 7293
"mobile self-contained facility vehicle" means a mobile classroom 7294
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 7295
testing laboratory, and mobile display vehicle, each of which is 7296
designed for purposes other than for passenger transportation and 7297
other than the transportation or displacement of cargo, freight, 7298

materials, or merchandise. A vehicle is remanufactured into a 7299
mobile self-contained facility vehicle in part by the addition of 7300
insulation to the body shell, and installation of all of the 7301
following: a generator, electrical wiring, plumbing, holding 7302
tanks, doors, windows, cabinets, shelving, and heating, 7303
ventilating, and air conditioning systems. 7304

(6) For the purposes of division (GG)(1) of this section, 7305
"tow truck" means both of the following: 7306

(a) An incomplete cab and chassis that are purchased by a 7307
remanufacturer from a new motor vehicle dealer or distributor of 7308
the cab and chassis and on which the remanufacturer then installs 7309
in a permanent manner a wrecker body it purchases from a 7310
manufacturer or distributor of wrecker bodies, installs an 7311
emergency flashing light pylon and emergency lights upon the mast 7312
of the wrecker body or rooftop, and installs such other related 7313
accessories and equipment, including push bumpers, front grille 7314
guards with pads and other custom-ordered items such as painting, 7315
special lettering, and safety striping so as to create a complete 7316
motor vehicle capable of lifting and towing another motor vehicle. 7317

(b) An incomplete cab and chassis that are purchased by a 7318
remanufacturer from a new motor vehicle dealer or distributor of 7319
the cab and chassis and on which the remanufacturer then installs 7320
in a permanent manner a car carrier body it purchases from a 7321
manufacturer or distributor of car carrier bodies, installs an 7322
emergency flashing light pylon and emergency lights upon the 7323
rooftop, and installs such other related accessories and 7324
equipment, including push bumpers, front grille guards with pads 7325
and other custom-ordered items such as painting, special 7326
lettering, and safety striping. 7327

As used in division ~~(G)~~(GG)(6)(b) of this section, "car 7328
carrier body" means a mechanical or hydraulic apparatus capable of 7329
lifting and holding a motor vehicle on a flat level surface so 7330

that one or more motor vehicles can be transported, once the car 7331
carrier is permanently installed upon an incomplete cab and 7332
chassis. 7333

(HH) "Operating as a new motor vehicle dealership" means 7334
engaging in activities such as displaying, offering for sale, and 7335
selling new motor vehicles at retail, operating a service facility 7336
to perform repairs and maintenance on motor vehicles, offering for 7337
sale and selling motor vehicle parts at retail, and conducting all 7338
other acts that are usual and customary to the operation of a new 7339
motor vehicle dealership. For the purposes of this chapter only, 7340
possession of either a valid new motor vehicle dealer franchise 7341
agreement or a new motor vehicle dealers license, or both of these 7342
items, is not evidence that a person is operating as a new motor 7343
vehicle dealership. 7344

(II) "Manufactured home broker" means any person acting as a 7345
selling agent on behalf of an owner of a manufactured or mobile 7346
home that is subject to taxation under section 4503.06 of the 7347
Revised Code. 7348

(JJ) "Outdoor power equipment" means garden and small utility 7349
tractors, walk-behind and riding mowers, chainsaws, and tillers. 7350

(KK) "Remote service facility" means premises that are 7351
separate from a licensed new motor vehicle dealer's sales facility 7352
by not more than one mile and that are used by the dealer to 7353
perform repairs, warranty work, recall work, and maintenance on 7354
motor vehicles pursuant to a franchise agreement entered into with 7355
a manufacturer of motor vehicles. A remote service facility shall 7356
be deemed to be part of the franchise agreement and is subject to 7357
all the rights, duties, obligations, and requirements of Chapter 7358
4517. of the Revised Code that relate to the performance of motor 7359
vehicle repairs, warranty work, recall work, and maintenance work 7360
by new motor vehicle dealers. 7361

Sec. 4517.03. (A) A place of business that is used for 7362
selling, displaying, offering for sale, or dealing in motor 7363
vehicles shall be considered as used exclusively for those 7364
purposes even though snowmobiles, farm machinery, outdoor power 7365
equipment, watercraft and related products, or products 7366
manufactured or distributed by a motor vehicle manufacturer with 7367
which the motor vehicle dealer has a franchise agreement are sold 7368
or displayed there, or if repair, accessory, gasoline and oil, 7369
storage, parts, service, or paint departments are maintained 7370
there, or such products or services are provided there, if the 7371
departments are operated or the products or services are provided 7372
for the business of selling, displaying, offering for sale, or 7373
dealing in motor vehicles. Places of business or departments in a 7374
place of business used to dismantle, salvage, or rebuild motor 7375
vehicles by means of using used parts, are not considered as being 7376
maintained for the purpose of assisting or furthering the selling, 7377
displaying, offering for sale, or dealing in motor vehicles. A 7378
place of business shall be considered as used exclusively for 7379
selling, displaying, offering for sale, or dealing in motor 7380
vehicles even though a business owned by a motor vehicle leasing 7381
dealer or a motor vehicle renting dealer is located at the place 7382
of business. 7383

(B)(1) No new motor vehicle dealer shall sell, display, offer 7384
for sale, or deal in motor vehicles at any place except an 7385
established place of business that is used exclusively for the 7386
purpose of selling, displaying, offering for sale, or dealing in 7387
motor vehicles. The place of business shall have space, under 7388
roof, for the display of at least one new motor vehicle ~~and~~. The 7389
established place of business or, if the dealer operates a remote 7390
service facility, the dealer's remote service facility shall have 7391
facilities and space ~~therewith~~ for the inspection, servicing, and 7392
repair of at least one motor vehicle; ~~except that~~. However a new 7393

motor vehicle dealer selling manufactured or mobile homes is 7394
exempt from the requirement that a place of business have space, 7395
under roof, for the display of at least one new motor vehicle and 7396
facilities and space for the inspection, servicing, and repair of 7397
at least one motor vehicle. 7398

(2) A licensed new motor vehicle dealer may operate a remote 7399
service facility with the consent of the manufacturer and only to 7400
perform repairs, warranty work, recall work, and maintenance on 7401
motor vehicles as part of the dealer's franchised and licensed new 7402
motor vehicle dealership. The remote service facility shall be 7403
included on the new motor vehicle dealer's license and be deemed 7404
to be part of the dealer's licensed location. 7405

(3) No person shall use a remote service facility for 7406
selling, displaying, or offering for sale motor vehicles. 7407

(4) Nothing in Chapter 4517. of the Revised Code shall be 7408
construed as prohibiting the sale of a new or used manufactured or 7409
mobile home located in a manufactured home park by a licensed new 7410
or used motor vehicle dealer. 7411

(C) No used motor vehicle dealer shall sell, display, offer 7412
for sale, or deal in motor vehicles at any place except an 7413
established place of business that is used exclusively for the 7414
purpose of selling, displaying, offering for sale, or dealing in 7415
motor vehicles. 7416

(D) No motor vehicle leasing dealer shall make a motor 7417
vehicle available for use by another, in the manner described in 7418
division (M) of section 4517.01 of the Revised Code, at any place 7419
except an established place of business that is used for leasing 7420
motor vehicles; except that a motor vehicle leasing dealer who is 7421
also a new motor vehicle dealer or used motor vehicle dealer may 7422
lease motor vehicles at the same place of business at which the 7423
dealer sells, offers for sale, or deals in new or used motor 7424

vehicles. 7425

(E) No motor vehicle leasing dealer or motor vehicle renting 7426
dealer shall sell a motor vehicle within ninety days after a 7427
certificate of title to the motor vehicle is issued to the dealer, 7428
except when a salvage certificate of title is issued to replace 7429
the original certificate of title and except when a motor vehicle 7430
leasing dealer sells a motor vehicle to another motor vehicle 7431
leasing dealer at the end of a sublease pursuant to that sublease. 7432

(F) No distributor shall distribute new motor vehicles to new 7433
motor vehicle dealers at any place except an established place of 7434
business that is used exclusively for the purpose of distributing 7435
new motor vehicles to new motor vehicle dealers; except that a 7436
distributor who is also a new motor vehicle dealer may distribute 7437
new motor vehicles at the same place of business at which the 7438
distributor sells, displays, offers for sale, or deals in new 7439
motor vehicles. 7440

(G) No person, firm, or corporation that sells, displays, or 7441
offers for sale tent-type fold-out camping trailers is subject to 7442
the requirement that the person's, firm's, or corporation's place 7443
of business be used exclusively for the purpose of selling, 7444
displaying, offering for sale, or dealing in motor vehicles. No 7445
person, firm, or corporation that sells, displays, or offers for 7446
sale tent-type fold-out camping trailers, trailers, semitrailers, 7447
or park trailers is subject to the requirement that the place of 7448
business have space, under roof, for the display of at least one 7449
new motor vehicle and facilities and space for the inspection, 7450
servicing, and repair of at least one motor vehicle. 7451

(H) No manufactured or mobile home broker shall engage in the 7452
business of brokering manufactured or mobile homes at any place 7453
except an established place of business that is used exclusively 7454
for the purpose of brokering manufactured or mobile homes. 7455

(I) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls. 7456
7457

(J) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 7458
7459

(K) As used in this section: 7460

(1) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code. 7461
7462

(2) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 7463
7464

(3) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code. 7465
7466

Sec. 4517.10. At the time the registrar of motor vehicles grants the application of any person for a license as motor vehicle dealer, motor vehicle leasing dealer, manufactured home broker, distributor, motor vehicle auction owner, or motor vehicle salesperson, the registrar shall issue to the person a license. The registrar shall prescribe different forms for the licenses of motor vehicle dealers, motor vehicle leasing dealers, manufactured home brokers, distributors, motor vehicle auction owners, and motor vehicle salespersons, and all licenses shall include the name and post-office address of the person licensed. 7467
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The fee for a dealer's license, a motor vehicle leasing dealer's license, and a manufactured home broker's license shall be ~~twenty-five~~ fifty dollars, and the fee for a salesperson's license shall be ~~five~~ ten dollars. The fee for a motor vehicle auction owner's license shall be ~~fifty~~ one hundred dollars for each location. The fee for a distributor's license shall be ~~fifty~~ one hundred dollars for each distributorship. In all cases, the fee shall accompany the application for license. 7477
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The registrar may require each applicant for a license issued 7485

under this chapter to pay an additional fee, which shall be used 7486
by the registrar to pay the costs of obtaining a record of any 7487
arrests and convictions of the applicant from the Ohio bureau of 7488
identification and investigation. The amount of the fee shall be 7489
equal to that paid by the registrar to obtain such record. 7490

If a dealer, a motor vehicle leasing dealer, or a 7491
manufactured home broker, has more than one place of business in 7492
the county, the dealer or the broker shall make application, in 7493
such form as the registrar prescribes, for a certified copy of the 7494
license issued to the dealer or manufactured home broker for each 7495
place of business operated. In the event of the loss, mutilation, 7496
or destruction of a license issued under sections 4517.01 to 7497
4517.65 of the Revised Code, any licensee may make application to 7498
the registrar, in such form as the registrar prescribes, for a 7499
duplicate copy thereof. The fee for a certified or duplicate copy 7500
of a dealer's, motor vehicle leasing dealer's, manufactured home 7501
broker's, distributor's, or auction owner's license, is two 7502
dollars, and the fee for a duplicate copy of a salesperson's 7503
license is one dollar. All fees for such copies shall accompany 7504
the applications. 7505

~~All Beginning on the effective date of this amendment, all~~ 7506
dealers' licenses, motor vehicle leasing dealers' licenses, 7507
manufactured home broker's licenses, distributors' licenses, ~~and~~ 7508
auction owners' licenses ~~issued or renewed each year shall expire~~ 7509
~~on the last day of March,~~ and all salespersons' licenses issued or 7510
renewed ~~each year~~ shall expire biennially on the last a day of 7511
June next following the date of their issuance within the two-year 7512
cycle that is prescribed by the registrar, unless sooner suspended 7513
or revoked. ~~Each~~ Before the first day after the day prescribed by 7514
the registrar in the year that the license expires, each licensed 7515
dealer, motor vehicle leasing dealer, manufactured home broker, 7516
distributor, and auction owner ~~licensed during any year shall,~~ 7517

~~before the first day of April each year thereafter and each~~ 7518
~~licensed salesperson licensed during any year shall, before the~~ 7519
~~first day of July each in the year thereafter in which the license~~ 7520
~~will expire, shall~~ file an application, in such form as the 7521
registrar prescribes, for the renewal of such license. The fee 7522
provided in this section for the original license shall accompany 7523
the application. 7524

Any salesperson's license shall be suspended upon the 7525
termination, suspension, or revocation of the license of the motor 7526
vehicle dealer or manufactured home broker for whom the 7527
salesperson is acting, or upon the salesperson leaving the service 7528
of the motor vehicle dealer or manufactured home broker; provided 7529
that upon the termination, suspension, or revocation of the 7530
license of the motor vehicle dealer or manufactured home broker 7531
for whom the salesperson is acting, or upon the salesperson 7532
leaving the service of a licensed motor vehicle dealer or 7533
manufactured home broker, the licensed salesperson, upon entering 7534
the service of any other licensed motor vehicle dealer or 7535
manufactured home broker, shall make application to the registrar, 7536
in such form as the registrar prescribes, to have the 7537
salesperson's license reinstated, transferred, and registered as a 7538
salesperson for the other dealer or broker. If the information 7539
contained in the application is satisfactory to the registrar, the 7540
registrar shall have the salesperson's license reinstated, 7541
transferred, and registered as a salesperson for the other dealer 7542
or broker. The fee for the reinstatement and transfer of license 7543
shall be two dollars. No license issued to a dealer, motor vehicle 7544
leasing dealer, auction owner, manufactured home broker, or 7545
salesperson, under sections 4517.01 to 4517.65 of the Revised Code 7546
shall be transferable to any other person. 7547

Each dealer, motor vehicle leasing dealer, manufactured home 7548
broker, distributor, and auction owner shall keep the license or a 7549

certified copy thereof and, in the case of a dealer or broker, a 7550
current list of the dealer's or the broker's licensed 7551
salespersons, showing the names, addresses, and serial numbers of 7552
their licenses, posted in a conspicuous place in each place of 7553
business. Each salesperson shall carry the salesperson's license 7554
or a certified copy thereof and shall exhibit such license or copy 7555
upon demand to any inspector of the bureau of motor vehicles, 7556
state highway patrol trooper, police officer, or person with whom 7557
the salesperson seeks to transact business as a motor vehicle 7558
salesperson. 7559

~~If a dealer's, motor vehicle leasing dealer's, manufactured 7560
home broker's, distributor's, auction owner's, or salesperson's 7561
license, is not granted, the fee shall be returned to the 7562
applicant at the time of notification that the application has 7563
been refused.~~ The notice of refusal to grant a license shall 7564
disclose the reason for refusal. 7565

Sec. 4517.14. The registrar of motor vehicles shall deny the 7566
application of any person for a license as a salesperson and 7567
refuse to issue the license if the registrar finds that the 7568
applicant: 7569

(A) Has made any false statement of a material fact in the 7570
application; 7571

(B) Has not complied with sections 4517.01 to 4517.45 of the 7572
Revised Code; 7573

(C) Is of bad business repute or has habitually defaulted on 7574
financial obligations; 7575

(D) Has been guilty of a fraudulent act in connection with 7576
selling or otherwise dealing in motor vehicles; 7577

(E) Has not been designated to act as salesperson for a motor 7578
vehicle dealer or manufactured home broker licensed to do business 7579

in this state under section 4517.10 of the Revised Code, or 7580
intends to act as salesperson for more than one licensed motor 7581
vehicle dealer or manufactured home broker at the same time, 7582
except that a licensed salesperson may act as a salesperson at any 7583
licensed dealership owned or operated by the same corporation, 7584
regardless of the county in which the dealership's facility is 7585
located; 7586

(F) Holds a current motor vehicle dealer's or manufactured 7587
home broker's license issued under section 4517.10 of the Revised 7588
Code, and intends to act as salesperson for another licensed motor 7589
vehicle dealer or manufactured home broker; 7590

(G) Has, less than twelve months prior to making application, 7591
been denied a salesperson's license or had a salesperson's license 7592
revoked. 7593

The registrar may refuse to issue a salesperson's license to 7594
an applicant who was salesperson for, or in the employ of, a motor 7595
vehicle dealer or manufactured home broker at the time the 7596
dealer's or broker's license was revoked. The registrar's finding 7597
may be based upon any statement contained in the application or 7598
upon any facts within the registrar's knowledge, and, immediately 7599
upon refusing to issue a salesperson's license, the registrar 7600
shall enter a final order and shall certify the final order 7601
together with his findings to the motor vehicle dealers board. 7602

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 7603
motorcycle, and all-purpose vehicle required to be registered 7604
under section 4519.02 of the Revised Code shall file an 7605
application for registration with the registrar of motor vehicles 7606
or a deputy registrar, on blanks furnished by the registrar for 7607
that purpose and containing all of the following information: 7608

(1) A brief description of the snowmobile, off-highway 7609
motorcycle, or all-purpose vehicle, including the ~~name of the~~ 7610

~~manufacturer, the factory or year, make, model number,~~ and the 7611
vehicle identification number; 7612

(2) The name, residence, and business address of the owner; 7613

(3) A statement that the snowmobile, off-highway motorcycle, 7614
or all-purpose vehicle is equipped as required by section 4519.20 7615
of the Revised Code and any rule adopted under that section. The 7616
statement shall include a check list of the required equipment 7617
items in the form the registrar shall prescribe. 7618

The application shall be signed by the owner of the 7619
snowmobile, off-highway motorcycle, or all-purpose vehicle and 7620
shall be accompanied by a fee as provided in division (C) of 7621
section 4519.04 of the Revised Code. 7622

If the application is not in proper form, or if the vehicle 7623
for which registration is sought does not appear to be equipped as 7624
required by section 4519.20 of the Revised Code or any rule 7625
adopted under that section, the registration shall be refused, and 7626
no registration sticker shall be issued. 7627

(B) On and after July 1, 1999, no certificate of registration 7628
or renewal of a certificate of registration shall be issued for an 7629
off-highway motorcycle or all-purpose vehicle required to be 7630
registered under section 4519.02 of the Revised Code, and no 7631
certificate of registration issued under this chapter for an 7632
off-highway motorcycle or all-purpose vehicle that is sold or 7633
otherwise transferred shall be transferred to the new owner of the 7634
off-highway motorcycle or all-purpose vehicle as permitted by 7635
division (B) of section 4519.05 of the Revised Code, unless a 7636
certificate of title has been issued under this chapter for the 7637
motorcycle or vehicle, and the owner or new owner, as the case may 7638
be, presents a physical certificate of title or memorandum 7639
certificate of title for inspection at the time the owner or new 7640
owner first submits a registration application, registration 7641

renewal application, or registration transfer application for the 7642
motorcycle or vehicle on or after July 1, 1999, if a physical 7643
certificate of title or memorandum certificate has been issued by 7644
a clerk of a court of common pleas. If, under sections 4519.512 7645
and 4519.58 of the Revised Code, a clerk instead has issued an 7646
electronic certificate of title for the applicant's off-highway 7647
motorcycle or all-purpose vehicle, that certificate may be 7648
presented for inspection at the time of first registration in a 7649
manner prescribed by rules adopted by the registrar. 7650

(C) When the owner of an off-highway motorcycle or 7651
all-purpose vehicle first registers it in the owner's name, and a 7652
certificate of title has been issued for the motorcycle or 7653
vehicle, the owner shall present for inspection a physical 7654
certificate of title or memorandum certificate of title showing 7655
title to the off-highway motorcycle or all-purpose vehicle in the 7656
name of the owner if a physical certificate of title or memorandum 7657
certificate has been issued by a clerk of a court of common pleas. 7658
If, under sections 4519.512 and 4519.58 of the Revised Code, a 7659
clerk instead has issued an electronic certificate of title for 7660
the applicant's off-highway motorcycle or all-purpose vehicle, 7661
that certificate may be presented for inspection at the time of 7662
first registration in a manner prescribed by rules adopted by the 7663
registrar. If, when the owner of such an off-highway motorcycle or 7664
all-purpose vehicle first makes application to register it in the 7665
owner's name, the application is not in proper form or the 7666
certificate of title or memorandum certificate of title does not 7667
accompany the registration or, in the case of an electronic 7668
certificate of title, is not presented in a manner prescribed by 7669
the registrar, the registration shall be refused, and neither a 7670
certificate of registration nor a registration sticker shall be 7671
issued. When a certificate of registration and registration 7672
sticker are issued upon the first registration of an off-highway 7673
motorcycle or all-purpose vehicle by or on behalf of the owner, 7674

the official issuing them shall indicate the issuance with a stamp 7675
on the certificate of title or memorandum certificate of title or, 7676
in the case of an electronic certificate of title, an electronic 7677
stamp or other notation as specified in rules adopted by the 7678
registrar. 7679

(D) Each deputy registrar shall be allowed a fee of two 7680
dollars and seventy-five cents commencing on July 1, 2001, three 7681
dollars and twenty-five cents commencing on January 1, 2003, and 7682
three dollars and fifty cents commencing on January 1, 2004, for 7683
each application or renewal application received by the deputy 7684
registrar, which shall be for the purpose of compensating the 7685
deputy registrar for services, and office and rental expense, as 7686
may be necessary for the proper discharge of the deputy 7687
registrar's duties in the receiving of applications and the 7688
issuing of certificates of registration. 7689

Each deputy registrar, upon receipt of any application for 7690
registration, together with the registration fee, shall transmit 7691
the fee, together with the original and duplicate copy of the 7692
application, to the registrar in the manner and at the times the 7693
registrar, subject to the approval of the director of public 7694
safety and the treasurer of state, shall prescribe by rule. 7695

Sec. 4519.05. (A) Whenever a registered snowmobile, 7696
off-highway motorcycle, or all-purpose vehicle is destroyed or 7697
similarly disposed of, the owner shall surrender the certificate 7698
of registration to the registrar of motor vehicles or a deputy 7699
registrar within fifteen days following the destruction or 7700
disposal. The registrar thereupon shall cancel the certificate and 7701
enter that fact in the registrar's records. 7702

In the case of an off-highway motorcycle or all-purpose 7703
vehicle for which a certificate of title has been issued, the 7704
owner also shall surrender the certificate of title to the clerk 7705

of the court of common pleas who issued it and the clerk, with the 7706
consent of any lienholders noted thereon, shall enter a 7707
cancellation upon the clerk's records and shall notify the 7708
registrar of the cancellation. Upon the cancellation of a 7709
certificate of title in the manner prescribed by this division, 7710
the clerk and the registrar may cancel and destroy all 7711
certificates of title and memorandum certificates of title in that 7712
chain of title. 7713

(B) Subject to division (B) of section 4519.03 of the Revised 7714
Code, whenever the ownership of a registered snowmobile, 7715
off-highway motorcycle, or all-purpose vehicle is transferred by 7716
sale or otherwise, the new owner, within fifteen days following 7717
the transfer, shall make application to the registrar or a deputy 7718
registrar for the transfer of the certificate of registration. 7719
Upon receipt of the application and a fee of one dollar, the 7720
registrar shall transfer the certificate to the new owner and 7721
shall enter the new owner's name and address in the registrar's 7722
records. 7723

(C) Whenever the owner of a registered snowmobile, 7724
off-highway motorcycle, or all-purpose vehicle changes address, 7725
the owner shall surrender the certificate of registration to the 7726
registrar or a deputy registrar within fifteen days following the 7727
address change. Upon receipt of the certificate, the registrar 7728
shall enter the new address thereon and shall make the appropriate 7729
change in the registrar's records. In a case where the owner's 7730
change of address involves a move outside of the state, the 7731
registrar shall cancel the certificate of registration for that 7732
snowmobile, off-highway motorcycle, or all-purpose vehicle. 7733

(D) Whenever a certificate of registration for a snowmobile, 7734
off-highway motorcycle, or all-purpose vehicle is lost, mutilated, 7735
or destroyed, the owner may obtain a duplicate certificate, which 7736
shall be identified as such, upon application and the payment of a 7737

fee of one dollar. 7738

(E) The registrar and each deputy registrar may collect and 7739
retain an additional fee of two dollars and seventy-five cents 7740
commencing on July 1, 2001, three dollars and twenty-five cents 7741
commencing on January 1, 2003, and three dollars and fifty cents 7742
commencing on January 1, 2004, for each application for the 7743
transfer of a certificate of registration or duplicate certificate 7744
of registration received by the registrar or deputy registrar. 7745

(F) Whoever violates division (A), (B), or (C) of this 7746
section shall be fined not more than twenty-five dollars for a 7747
first offense; for each subsequent offense, the offender shall be 7748
fined not less than twenty-five nor more than fifty dollars. 7749

Sec. 4519.56. (A) An application for a certificate of title 7750
shall be sworn to before a notary public or other officer 7751
empowered to administer oaths by the lawful owner or purchaser of 7752
the off-highway motorcycle or all-purpose vehicle and shall 7753
contain at least the following information in a form and together 7754
with any other information the registrar of motor vehicles may 7755
require: 7756

(1) Name, address, and social security number or employer's 7757
tax identification number of the applicant; 7758

(2) Statement of how the off-highway motorcycle or 7759
all-purpose vehicle was acquired; 7760

(3) Name and address of the previous owner; 7761

(4) A statement of all liens, mortgages, or other 7762
encumbrances on the off-highway motorcycle or all-purpose vehicle, 7763
and the name and address of each holder thereof; 7764

(5) If there are no outstanding liens, mortgages, or other 7765
encumbrances, a statement of that fact; 7766

(6) A description of the off-highway motorcycle or 7767

all-purpose vehicle, including the make, year, series or model, if 7768
any, body type, and manufacturer's vehicle identification number. 7769

If the off-highway motorcycle or all-purpose vehicle contains 7770
a permanent identification number placed thereon by the 7771
manufacturer, this number shall be used as the vehicle 7772
identification number. Except as provided in division (B) of this 7773
section, if the application for a certificate of title refers to 7774
an off-highway motorcycle or all-purpose vehicle that contains 7775
such a permanent identification number, but for which no 7776
certificate of title has been issued previously by this state, the 7777
application shall be accompanied by a physical inspection 7778
certificate as described in that division. 7779

If there is no manufacturer's vehicle identification number 7780
or if the manufacturer's vehicle identification number has been 7781
removed or obliterated, the registrar, upon receipt of a 7782
prescribed application and proof of ownership, but prior to 7783
issuance of a certificate of title, shall assign a vehicle 7784
identification number for the off-highway motorcycle or 7785
all-purpose vehicle. This assigned vehicle identification number 7786
shall be permanently affixed to or imprinted upon the off-highway 7787
motorcycle or all-purpose vehicle by the state highway patrol. The 7788
state highway patrol shall assess a fee of fifty dollars for 7789
affixing the number to the off-highway motorcycle or all-purpose 7790
vehicle and shall deposit each such fee in the state highway 7791
safety fund established by section 4501.06 of the Revised Code. 7792

(B) Except in the case of a new off-highway motorcycle or 7793
all-purpose vehicle sold by a dealer ~~licensed under Chapter 4517.~~ 7794
~~of the Revised Code~~ title to which is evidenced by a 7795
manufacturer's or importer's certificate, if the application for a 7796
certificate of title refers to an off-highway motorcycle or 7797
all-purpose vehicle that contains a permanent identification 7798
number placed thereon by the manufacturer, but for which no 7799

certificate of title previously has been issued by this state, the 7800
application shall be accompanied by a physical inspection 7801
certificate issued by the department of public safety verifying 7802
the make, year, series or model, if any, body type, and 7803
manufacturer's vehicle identification number of the off-highway 7804
motorcycle or all-purpose vehicle for which the certificate of 7805
title is desired. The physical inspection certificate shall be in 7806
such form as is designated by the registrar. The physical 7807
inspection shall be made at a deputy registrar's office or at an 7808
established place of business operated by a licensed motor vehicle 7809
dealer. The deputy registrar or motor vehicle dealer may charge a 7810
maximum fee of two dollars and seventy-five cents commencing on 7811
July 1, 2001, three dollars and twenty-five cents commencing on 7812
January 1, 2003, and three dollars and fifty cents commencing on 7813
January 1, 2004, for conducting the physical inspection. 7814

The clerk of the court of common pleas shall charge a fee of 7815
one dollar and fifty cents for the processing of each physical 7816
inspection certificate. The clerk shall retain fifty cents of the 7817
one dollar and fifty cents so charged and shall pay the remaining 7818
one dollar to the registrar by monthly returns, which shall be 7819
forwarded to the registrar not later than the fifth day of the 7820
month next succeeding that in which the certificate is received by 7821
the clerk. The registrar shall pay such remaining sums into the 7822
state bureau of motor vehicles fund established by section 4501.25 7823
of the Revised Code. 7824

Sec. 4519.57. (A) When the clerk of a court of common pleas 7825
issues a physical certificate of title for an off-highway 7826
motorcycle or all-purpose vehicle, the clerk shall issue it over 7827
the clerk's official seal. The front side of each physical 7828
certificate of title shall contain the information required in the 7829
application for it as prescribed by section 4519.56 of the Revised 7830
Code, spaces for the dates of notation and cancellation of two 7831

liens, mortgages, or encumbrances, and any other pertinent 7832
information as may be required by the registrar of motor vehicles, 7833
but shall contain neither the social security number nor taxpayer 7834
identification number of the applicant. The reverse side of each 7835
physical certificate of title shall contain all of the information 7836
specified in division (F) of section 4505.07 of the Revised Code. 7837
An assignment of certificate of title before a notary public or 7838
other officer empowered to administer oaths shall appear on the 7839
reverse side of each physical certificate of title in the form to 7840
be prescribed by the registrar. The assignment form shall include 7841
a warranty that the signer is the owner of the off-highway 7842
motorcycle or all-purpose vehicle and that there are no mortgages, 7843
liens, or encumbrances on the off-highway motorcycle or 7844
all-purpose vehicle except as are noted on the face of the 7845
certificate of title. 7846

Physical certificates of title also shall bear a statement 7847
that liens applicable to the off-highway motorcycle or all-purpose 7848
vehicle other than the two for which there are spaces on the 7849
certificates may exist and, if so, are entered into the automated 7850
title processing system. 7851

(B) An electronic certificate of title is an electronic 7852
record stored in the automated title processing system that 7853
establishes ownership of an off-highway motorcycle or all-purpose 7854
vehicle, as well as any security interests that exist in that 7855
off-highway motorcycle or all-purpose vehicle. 7856

Sec. 4519.58. (A) When the clerk of a court of common pleas 7857
issues a physical certificate of title, the clerk shall issue the 7858
certificate of title on a form and in duplicate. One copy shall be 7859
retained and filed a manner prescribed by the registrar of motor 7860
vehicles. The clerk shall file a copy of the physical evidence for 7861
the creation of the certificate of title in the clerk's office, 7862

~~and a manner prescribed by the information contained in it~~ 7863
~~registrar. A clerk may retain digital images of documents used as~~ 7864
~~evidence for issuance of a certificate of title. Certified~~ 7865
~~printouts of documents retained as digital images shall have the~~ 7866
~~same evidentiary value as the original physical documents. The~~ 7867
~~record of the issuance of the certificate of title shall be~~ 7868
~~transmitted to the registrar of motor vehicles on~~ maintained in 7869
~~the day it is issued~~ automated title processing system. The clerk 7870
shall sign and affix the clerk's seal to the original certificate 7871
of title and, if there are no liens on the off-highway motorcycle 7872
or all-purpose vehicle, shall deliver the certificate to the 7873
applicant or the selling dealer. Except as otherwise provided in 7874
this section, if there are one or more liens on the off-highway 7875
motorcycle or all-purpose vehicle, the certificate of title shall 7876
be delivered to the holder of the first lien. If the certificate 7877
of title is obtained by a dealer on behalf of the applicant and 7878
there are one or more liens on the off-highway motorcycle or 7879
all-purpose vehicle, the clerk shall issue a certificate of title 7880
and may issue a memorandum certificate of title. The certificate 7881
of title and memorandum certificate of title, if issued, shall be 7882
delivered to the holder of the first lien or the selling dealer, 7883
who shall deliver the certificate of title to the holder of the 7884
first lien and the memorandum certificate of title to the 7885
applicant. The selling dealer also may make arrangements with the 7886
clerk to have the clerk deliver the memorandum certificate of 7887
title to the applicant. 7888

(B) The registrar shall prescribe a uniform method of 7889
numbering certificates of title. The numbering shall be in such 7890
manner that the county of issuance is indicated. Numbers shall be 7891
assigned to certificates of title in the manner prescribed by the 7892
registrar. The clerk shall file all certificates of title 7893
according to the rules to be prescribed by the registrar, and the 7894
clerk shall maintain in the clerk's office indexes for the 7895

certificates of title. 7896

The clerk need not retain on file any current certificates of 7897
title, current duplicate certificates of title, current memorandum 7898
certificates of title, or current salvage certificates of title, 7899
or supporting evidence of them, ~~including the electronic record~~ 7900
~~described in section 4519.55 of the Revised Code,~~ covering any 7901
off-highway motorcycle or all-purpose vehicle for a period longer 7902
than seven years after the date of their filing; thereafter, the 7903
documents and supporting evidence may be destroyed. The clerk need 7904
not retain on file any inactive records, including certificates of 7905
title, duplicate certificates of title, or memorandum certificates 7906
of title, or supporting evidence of them, including the electronic 7907
record described in section 4519.55 of the Revised Code, covering 7908
any off-highway motorcycle or all-purpose vehicle for a period 7909
longer than five years after the date of their filing; thereafter, 7910
the documents and supporting evidence may be destroyed. 7911

The automated title processing system shall contain all 7912
active records and an index of the active records, and shall 7913
contain a record and index of all inactive titles for ten years, 7914
and a record and index of all inactive titles for manufactured and 7915
mobile homes for thirty years. If the clerk provides a written 7916
copy of any information contained in the database, the copy shall 7917
be considered the original for purposes of the clerk certifying 7918
the record of such information for use in any legal proceedings. 7919

(C) The clerk shall issue a physical certificate of title to 7920
an applicant unless the applicant specifically requests the clerk 7921
not to issue a physical certificate of title and instead to issue 7922
an electronic certificate of title. The fact that a physical 7923
certificate of title is not issued for an off-highway motorcycle 7924
or all-purpose vehicle does not affect ownership of the motorcycle 7925
or vehicle. In that case, when the clerk completes the process of 7926
entering certificate of title application information into the 7927

automated title processing system, the effect of the completion of 7928
the process is the same as if the clerk actually issued a physical 7929
certificate of title for the motorcycle or vehicle. 7930

(D) An electronic dealer who applies for a certificate of 7931
title on behalf of a customer who purchases an off-highway 7932
motorcycle or all-purpose vehicle from the dealer may print a 7933
non-negotiable evidence of ownership for the customer if the 7934
customer so requests. The authorization to print the 7935
non-negotiable evidence of ownership shall come from the clerk 7936
with whom the dealer makes application for the certificate of 7937
title for the customer, but the printing by the dealer does not 7938
create an agency relationship of any kind between the dealer and 7939
the clerk. 7940

~~(E) If an electronic certificate of title previously has been~~ 7941
~~issued for an off-highway motorcycle or all-purpose vehicle, the~~ 7942
The owner of the off-highway motorcycle or all-purpose vehicle may 7943
apply at any time to a clerk of a court of common pleas for a 7944
non-negotiable evidence of ownership for the off-highway 7945
motorcycle or all-purpose vehicle. 7946

Sec. 4519.61. (A) Each owner of an off-highway motorcycle or 7947
all-purpose vehicle and each person mentioned as owner in the last 7948
certificate of title, when the off-highway motorcycle or 7949
all-purpose vehicle is dismantled, destroyed, or changed in such 7950
manner that it loses its character as an off-highway motorcycle or 7951
all-purpose vehicle, or changed in such manner that it is not the 7952
off-highway motorcycle or all-purpose vehicle described in the 7953
certificate of title, shall surrender the certificate of title to 7954
a clerk of a court of common pleas, and the clerk, with the 7955
consent of the holders of any liens noted on the certificate of 7956
title, then shall enter a cancellation upon the clerk's records 7957
and shall notify the registrar of motor vehicles of the 7958

cancellation. 7959

Upon the cancellation of a certificate of title in the manner 7960
prescribed by this section, any clerk and the registrar may cancel 7961
and destroy all certificates and all memorandum certificates in 7962
that chain of title. 7963

(B) If an Ohio certificate of title or salvage certificate of 7964
title to an off-highway motorcycle or all-purpose vehicle is 7965
assigned to a salvage dealer, the dealer shall not be required to 7966
obtain an Ohio certificate of title or a salvage certificate of 7967
title to the off-highway motorcycle or all-purpose vehicle in the 7968
dealer's own name if the dealer dismantles or destroys the 7969
off-highway motorcycle or all-purpose vehicle, completes the 7970
assignment on the certificate of title or salvage certificate of 7971
title, indicates the number of the dealer's motor vehicle salvage 7972
dealer's license on it, marks "FOR DESTRUCTION" across the face of 7973
the certificate of title or salvage certificate of title, and 7974
surrenders the certificate of title or salvage certificate of 7975
title to a clerk of a court of common pleas as provided in 7976
division (A) of this section. If the salvage dealer retains the 7977
off-highway motorcycle or all-purpose vehicle for resale, the 7978
salvage dealer shall make application for a salvage certificate of 7979
title to the off-highway motorcycle or all-purpose vehicle in the 7980
salvage dealer's own name as provided in division (C)(1) of this 7981
section. 7982

(C)(1) When an insurance company declares it economically 7983
impractical to repair the off-highway motorcycle or all-purpose 7984
vehicle and has paid an agreed price for the purchase of the 7985
off-highway motorcycle or all-purpose vehicle to any insured or 7986
claimant owner, the insurance company shall receive the 7987
certificate of title and off-highway motorcycle or all-purpose 7988
vehicle and proceed as follows. Within thirty days, the insurance 7989
company shall deliver the certificate of title to a clerk of a 7990

court of common pleas and shall make application for a salvage 7991
certificate of title. The clerk shall issue the salvage 7992
certificate of title on a form, prescribed by the registrar, that 7993
shall be easily distinguishable from the original certificate of 7994
title and shall bear the same ~~number and~~ information as the 7995
original certificate of title except that it may bear a different 7996
number from that of the original certificate of title. Except as 7997
provided in division (C)(2) of this section, the salvage 7998
certificate of title shall be assigned by the insurance company to 7999
a salvage dealer or any other person for use as evidence of 8000
ownership upon the sale or other disposition of the off-highway 8001
motorcycle or all-purpose vehicle, and the salvage certificate of 8002
title shall be transferable to any other person. The clerk of the 8003
court of common pleas shall charge a fee of four dollars for the 8004
cost of processing each salvage certificate of title. 8005

(2) If an insurance company considers an off-highway 8006
motorcycle or all-purpose vehicle as described in division (C)(1) 8007
of this section to be impossible to restore to normal operation, 8008
the insurance company may assign the certificate of title to the 8009
off-highway motorcycle or all-purpose vehicle to a salvage dealer 8010
or scrap metal processing facility and send the assigned 8011
certificate of title to the clerk of the court of common pleas of 8012
the ~~any~~ county in which the salvage dealer or scrap metal 8013
~~processing facility is located~~. The insurance company shall mark 8014
the face of the certificate of title "FOR DESTRUCTION" and shall 8015
deliver a photocopy of the certificate of title to the salvage 8016
dealer or scrap metal processing facility for its records. 8017

(3) If an insurance company declares it economically 8018
impractical to repair an off-highway motorcycle or all-purpose 8019
vehicle, agrees to pay to the insured or claimant owner an amount 8020
in settlement of a claim against a policy of motor vehicle 8021
insurance covering the off-highway motorcycle or all-purpose 8022

vehicle, and agrees to permit the insured or claimant owner to 8023
retain possession of the off-highway motorcycle or all-purpose 8024
vehicle, the insurance company shall not pay the insured or 8025
claimant owner any amount in settlement of the insurance claim 8026
until the owner obtains a salvage certificate of title to the 8027
vehicle and furnishes a copy of the salvage certificate of title 8028
to the insurance company. 8029

(D) When a self-insured organization, rental or leasing 8030
company, or secured creditor becomes the owner of an off-highway 8031
motorcycle or all-purpose vehicle that is burned, damaged, or 8032
dismantled and is determined to be economically impractical to 8033
repair, the self-insured organization, rental or leasing company, 8034
or secured creditor shall do one of the following: 8035

(1) Mark the face of the certificate of title to the 8036
off-highway motorcycle or all-purpose vehicle "FOR DESTRUCTION" 8037
and surrender the certificate of title to a clerk of a court of 8038
common pleas for cancellation as described in division (A) of this 8039
section. The self-insured organization, rental or leasing company, 8040
or secured creditor then shall deliver the off-highway motorcycle 8041
or all-purpose vehicle, together with a photocopy of the 8042
certificate of title, to a salvage dealer or scrap metal 8043
processing facility and shall cause the off-highway motorcycle or 8044
all-purpose vehicle to be dismantled, flattened, crushed, or 8045
destroyed. 8046

(2) Obtain a salvage certificate of title to the off-highway 8047
motorcycle or all-purpose vehicle in the name of the self-insured 8048
organization, rental or leasing company, or secured creditor, as 8049
provided in division (C)(1) of this section, and then sell or 8050
otherwise dispose of the off-highway motorcycle or all-purpose 8051
vehicle. If the off-highway motorcycle or all-purpose vehicle is 8052
sold, the self-insured organization, rental or leasing company, or 8053
secured creditor shall obtain a salvage certificate of title to 8054

the off-highway motorcycle or all-purpose vehicle in the name of 8055
the purchaser from a clerk of a court of common pleas. 8056

(E) If an off-highway motorcycle or all-purpose vehicle 8057
titled with a salvage certificate of title is restored for 8058
operation, application shall be made to a clerk of a court of 8059
common pleas for a certificate of title after inspection by the 8060
state highway patrol. The inspection shall include establishing 8061
proof of ownership and an inspection of the motor number and 8062
vehicle identification number of the off-highway motorcycle or 8063
all-purpose vehicle and of documentation or receipts for the 8064
materials used in restoration by the owner of the off-highway 8065
motorcycle or all-purpose vehicle being inspected, which 8066
documentation or receipts shall be presented at the time of 8067
inspection. Upon successful completion of the inspection, the 8068
state highway patrol shall issue to the owner a completed 8069
inspection form. The clerk, upon submission of the completed 8070
inspection form and surrender of the salvage certificate of title, 8071
shall issue a certificate of title for a fee prescribed by the 8072
registrar. The certificate of title shall be in the same form as 8073
the original certificate of title, ~~shall bear the same number as~~ 8074
~~the salvage certificate of title and the original certificate of~~ 8075
~~title,~~ and shall bear the words "REBUILT SALVAGE" in black 8076
boldface letters on its face. Every subsequent certificate of 8077
title, memorandum certificate of title, or certified copy of a 8078
certificate of title or memorandum certificate of title issued for 8079
the off-highway motorcycle or all-purpose vehicle also shall bear 8080
the words "REBUILT SALVAGE" in black boldface letters on its face. 8081
The exact location on the face of the certificate of title of the 8082
words "REBUILT SALVAGE" shall be determined by the registrar, who 8083
shall develop an automated procedure within the automated title 8084
processing system to comply with this division. The clerk shall 8085
use reasonable care in performing the duties imposed on the clerk 8086
by this division in issuing a certificate of title pursuant to 8087

this division, but the clerk is not liable for errors or omissions 8088
of the clerk of courts, the clerk's deputies, or the automated 8089
title processing system in the performance of such duties. A fee 8090
of fifty dollars shall be assessed by the state highway patrol for 8091
each inspection made pursuant to this division. 8092

(F) No off-highway motorcycle or all-purpose vehicle the 8093
certificate of title to which has been marked "FOR DESTRUCTION" 8094
and surrendered to a clerk of a court of common pleas shall be 8095
used for anything except parts and scrap metal. 8096

Sec. 4519.631. The registrar of motor vehicles shall enable 8097
the public to access off-highway motorcycle and all-purpose 8098
vehicle title information via electronic means. No fee shall be 8099
charged for this access. The title information that must be so 8100
accessible is only the title information that is in an electronic 8101
format at the time a person requests this access. 8102

The registrar, shall establish procedures governing this 8103
access. The procedures may be established by rule in accordance 8104
with Chapter 119. of the Revised Code, ~~shall adopt rules governing~~ 8105
~~this access.~~ In adopting the rules, the registrar shall confer 8106
with the clerks of the courts of common pleas. 8107

Access by the public to off-highway motorcycle and 8108
all-purpose vehicle title information under this section shall 8109
comply with all restrictions contained in the Revised Code and 8110
federal law that govern the disclosure of that information. 8111

Sec. 4519.68. (A)(1) Chapter 1309. of the Revised Code does 8112
not permit or require the deposit, filing, or other record of a 8113
security interest covering an off-highway motorcycle or 8114
all-purpose vehicle, except as provided in division (A)(2) of this 8115
section. 8116

(2) Chapter 1309. of the Revised Code applies to a security 8117

interest in an off-highway motorcycle or all-purpose vehicle held 8118
as inventory, as defined in section 1309.102 of the Revised Code, 8119
for sale by a dealer. The security interest has priority over 8120
creditors of the dealer as provided in Chapter 1309. of the 8121
Revised Code without notation of the security interest on a 8122
certificate of title, without entry of a notation of the security 8123
interest into the automated title processing system if a physical 8124
certificate of title has not been issued, or without the retention 8125
of a manufacturer's or importer's certificate. 8126

(B) Subject to division (A) of this section, any security 8127
agreement covering a security interest in an off-highway 8128
motorcycle or all-purpose vehicle, if a notation of the agreement 8129
has been made by a clerk of a court of common pleas on the face of 8130
the certificate of title or if the clerk has entered a notation of 8131
the agreement into the automated title processing system if a 8132
physical certificate of title has not been issued, is valid as 8133
against the creditors of the debtor, whether armed with process or 8134
not, and against subsequent purchasers, secured parties, and other 8135
lienholders or claimants. All security interests, liens, 8136
mortgages, and encumbrances entered into the automated title 8137
processing system in relation to a particular certificate of 8138
title, regardless of whether a physical certificate of title is 8139
issued, take priority according to the order of time in which they 8140
are entered into the automated title processing system by the 8141
clerk. Exposure for sale of any off-highway motorcycle or 8142
all-purpose vehicle by its owner, with the knowledge or with the 8143
knowledge and consent of the holder of any security interest, 8144
lien, mortgage, or encumbrance on it, does not render the security 8145
interest, lien, mortgage, or encumbrance ineffective as against 8146
the creditors of the owner, or against holders of subsequent 8147
security interests, liens, mortgages, or encumbrances upon the 8148
off-highway motorcycle or all-purpose vehicle. 8149

The secured party, upon presentation of evidence of a security interest to a clerk of a court of common pleas, together with the certificate of title if a physical certificate of title for the off-highway motorcycle or all-purpose vehicle exists, and the fee prescribed by section 4519.59 of the Revised Code, may have a notation of the security interest made ~~on the face of the certificate of title, and, if such a notation is made, another notation of the security interest shall be entered into the automated title processing system.~~ Unless the secured party specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title, the clerk, over the clerk's signature and seal of office, shall issue a new original certificate of title from the automated title processing system that indicates the security interest and the date of the security interest.

If a security interest is fully discharged as a result of its holder's receipt of good funds in the correct amount and if the holder of the security interest holds a physical certificate of title, the holder of the security interest shall note its the discharge of the security interest over the holder's signature on the face of the certificate of title, or over the holder's signature on a form prescribed by the registrar of motor vehicles when there is no space for the discharge on the face of the certificate of title. ~~Prior~~ Except as otherwise provided in this section, prior to delivering the certificate of title to the owner, the holder or the holder's agent shall ~~present it and any additional information a clerk requires to a clerk to have the clerk note the cancellation of the security interest on the face of~~ convey the certificate of title ~~and upon the records of the or~~ a separate sworn statement of the discharge of the security interest to a clerk. The conveyance shall occur not more than seven business days after the date good funds in the correct

amount to discharge fully the security interest have been credited 8182
to an account of the holder, provided the holder has been provided 8183
accurate information concerning the off-highway motorcycle or 8184
all-purpose vehicle. Conveyance of the certificate of title or 8185
separate sworn statement of the discharge within the required 8186
seven business days may be indicated by postmark or receipt by a 8187
clerk within that period. If the discharge of the security 8188
interest appears to be genuine, the clerk shall note the 8189
cancellation of the security interest on the face of the 8190
certificate of title, if it was so conveyed, and also shall note 8191
~~the cancellation on the clerk's records and notify the registrar,~~ 8192
~~who shall note the cancellation. If a security interest that is~~ 8193
~~discharged does not appear on the face of the certificate of~~ 8194
~~title, but instead was entered into the automated title processing~~ 8195
~~system, the clerk shall enter the cancellation into it in the~~ 8196
automated title processing system ~~and also shall note the~~ 8197
~~cancellation on a form prescribed by the registrar.~~ 8198

If a security interest is fully discharged as a result of its 8199
holder's receipt of good funds in the correct amount and the 8200
holder does not hold a physical certificate of title, when the 8201
holder notifies a clerk of the discharge of its security interest, 8202
the holder at that time also may request the clerk to issue a 8203
physical certificate of title to the off-highway motorcycle or 8204
all-purpose vehicle. The request shall specify whether the clerk 8205
is to send the certificate of title directly to the owner or to 8206
the holder or the holder's agent for transmission to the owner. If 8207
such a request is made, the clerk shall issue a physical 8208
certificate of title and send it to the specified person. 8209

The clerk shall not honor such a request for a physical 8210
certificate of title if it is not made by the holder at the same 8211
time as the holder's notification to the clerk of the discharge of 8212
its security interest. 8213

(C) In all cases, a secured party may choose to present a clerk with evidence of a security interest via electronic means, and the clerk shall enter the security interest into the automated title processing system. A secured party also may choose to notify a clerk of the discharge of its security interest via electronic means, and the clerk shall enter the cancellation into the automated title processing system. 8214
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(D) If a physical certificate of title has not been issued for an off-highway motorcycle or all-purpose vehicle and all the security interests relating to that motorcycle or vehicle have been discharged, the owner of the motorcycle or vehicle may obtain a physical certificate of title from the clerk of any court of common pleas upon payment of the fee specified in section 4519.59 of the Revised Code. 8221
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~~(D)~~(E) If a clerk of a court of common pleas, other than the clerk of the court of common pleas of the county in which the owner of an off-highway motorcycle or all-purpose vehicle resides, enters a notation of the existence of, or the cancellation of, a security interest relating to the off-highway motorcycle or all-purpose vehicle, the clerk shall transmit the data relating to the notation to the automated title processing system. 8228
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Sec. 4549.081. (A) The superintendent of the state highway patrol shall adopt rules governing the use of an electronic clearance device that enables an operator of a commercial motor vehicle, in accordance with division (B) of section 4511.121 of the Revised Code, to bypass a scale location established for the purpose of determining the weight of the vehicle and its load. The superintendent shall establish the acceptable types and features of such devices. The rules of the superintendent also shall establish a method for a peace officer to determine that the device and its use are in compliance with this section and the 8235
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rules of the superintendent. 8245

(B) No person shall use an electronic clearance device if the 8246
device or its use is not in compliance with rules of the 8247
superintendent. 8248

(C) Whoever violates division (B) of this section is guilty 8249
of a misdemeanor of the fourth degree on a first offense and a 8250
misdemeanor of the third degree on each subsequent offense. 8251

Sec. 4738.05. At the time the registrar of motor vehicles 8252
grants the application of any person for a license under this 8253
chapter, ~~he~~ the registrar shall issue to the person a license that 8254
shall have provisional status for a period of one hundred eighty 8255
days from the date of issuance. At the end of that period and 8256
subject to the results of the inspection described in section 8257
4738.071 of the Revised Code of the place of business of the 8258
license holder, the license either shall be revoked or shall 8259
remain valid and no longer have provisional status. The registrar 8260
shall prescribe forms for licenses, and all licenses shall include 8261
the name and post office address of the person licensed. 8262

The fee for a motor vehicle salvage dealer's license, a 8263
salvage motor vehicle auction license, or a salvage motor vehicle 8264
pool license shall be ~~fifty~~ one hundred dollars. In all cases the 8265
fee shall accompany the application for license. 8266

If a licensee has more than one place of business in the 8267
county, ~~he~~ the licensee shall make application, in a form as the 8268
registrar prescribes, for a certified copy of the license issued 8269
to the person for each place of business operated. In the event of 8270
the loss, mutilation, or destruction of a license issued under 8271
sections 4738.01 to 4738.16 of the Revised Code, any licensee may 8272
make application to the registrar, in a form as the registrar 8273
prescribes, for a duplicate copy thereof. The fee for a certified 8274
or duplicate copy of a license is one dollar. All fees for copies 8275

shall accompany the applications. 8276

All Beginning on the effective date of this amendment, all 8277
licenses issued or renewed ~~each year~~ shall expire biennially on 8278
the last day of July of each two-year license cycle unless sooner 8279
suspended or revoked, and each motor vehicle salvage dealer, 8280
salvage motor vehicle auction, or salvage motor vehicle pool 8281
licensed ~~during any year~~ shall, before the first day of August 8282
~~each~~ in the year in which the license will expire, file an 8283
application, in a form as the registrar prescribes, for the 8284
renewal of the license. The fee provided in this section for the 8285
original license shall accompany the application. 8286

Sec. 4738.18. (A) Any person licensed under division (A) of 8287
section 4738.03 of the Revised Code who wishes to purchase salvage 8288
motor vehicles at salvage motor vehicle auctions or salvage motor 8289
vehicle pools shall make application to the registrar of motor 8290
vehicles for a buyer's identification card. The application shall 8291
be on a form prescribed by the registrar and shall contain the 8292
applicant's name, principal business address, the license number 8293
under which the applicant will be making purchases, and such other 8294
information as the registrar requires. In lieu of directly 8295
obtaining a buyer's identification card or in addition thereto, 8296
any person licensed under division (A) of section 4738.03 of the 8297
Revised Code may designate up to two employees to act as buyers 8298
for the licensee. The licensee shall make application for a 8299
buyer's identification card for each employee in the same manner 8300
as for a card for the licensee. 8301

(B) The fee for each buyer's identification card shall be ~~ten~~ 8302
thirty-five dollars. 8303

(C) Beginning on the effective date of this amendment, each 8304
buyer's identification card shall expire biennially on a day 8305
within the two-year cycle that is prescribed by the registrar, 8306

unless sooner suspended or revoked. Before the first day after the 8307
day prescribed by the registrar in the year that the card expires, 8308
each cardholder shall file an application for renewal of the card, 8309
in a form that the registrar prescribes. A buyer's identification 8310
card is nontransferable. If the holder of a card no longer 8311
possesses a valid salvage motor vehicle dealer's license, or if an 8312
employee of the licensee leaves the employment of the licensee, 8313
the buyer's identification card of that person is invalid and the 8314
holder shall return the card to the registrar. 8315

(D) Any person who holds a valid salvage motor vehicle 8316
dealer's license from another state that imposes qualifications 8317
and requirements with respect to the license that are equivalent 8318
to those required by Chapter 4738. of the Revised Code may make 8319
application and receive a buyer's identification card. The person 8320
shall make application to the registrar who shall, based upon ~~his~~ 8321
the registrar's investigation, issue a buyer's identification card 8322
to those applicants who the registrar determines are qualified. 8323

(E) All applicants for a buyer's identification card must be 8324
of good financial repute and not have been convicted of a felony 8325
as verified by a report from a law enforcement agency and credit 8326
report furnished to the registrar by the applicant. 8327

(F) The registrar may revoke or suspend the license of any 8328
salvage motor vehicle dealer who allows ~~his~~ the dealer's card or 8329
the card of any employee to be used by any unauthorized person. 8330

Sec. 4738.19. The state, through the registrar of motor 8331
vehicles, in accordance with this chapter, is the sole regulator 8332
for the registration, licensing, and regulation of motor vehicle 8333
salvage dealers. 8334

This section does not preempt the enforcement by local 8335
authorities of local zoning, health, or safety codes or laws. 8336

Sec. 4749.02. The ~~department~~ director of ~~commerce public~~ 8337
safety shall administer this chapter ~~through the division of real~~ 8338
~~estate and professional licensing~~, and for that purpose, ~~the~~ 8339
~~superintendent of real estate and professional licensing~~ may 8340
appoint ~~such~~ employees and adopt ~~such~~ rules ~~as~~ that the 8341
~~superintendent~~ director considers necessary. 8342

Sec. 4749.021. (A) There is hereby created the Ohio private 8343
investigation and security services commission, consisting of the 8344
director of public safety or the director's designee, who shall be 8345
a nonvoting member; the superintendent of the highway patrol or 8346
the superintendent's designee, who shall be a voting member; and 8347
twelve members appointed by the governor with the advice and 8348
consent of the senate, not more than six of whom shall be members 8349
of the same political party, as follows: 8350

(1) Three members shall be owners or operators of a business 8351
that maintains a class A license and shall have at least five 8352
years' experience in this state in the business of private 8353
investigation or security services. 8354

(2) One member shall be an owner or operator of a business 8355
that maintains a class B license and shall have at least five 8356
years' experience in this state in the business of private 8357
investigation or security services. 8358

(3) One member shall be an owner or operator of a business 8359
that maintains a class C license and shall have at least five 8360
years' experience in this state in the business of private 8361
investigation or security services. 8362

(4) Two members shall be owners or operators of a business 8363
that maintains a class A, B, or C license and shall have at least 8364
five years' experience in this state in the business of private 8365
investigation or security services. 8366

- (5) One member shall be an incumbent chief of police. 8367
- (6) One member shall be an active law enforcement officer, 8368
not above the rank of lieutenant. 8369
- (7) One member shall be an incumbent sheriff. 8370
- (8) Two members shall be representatives of the general 8371
public who have never had a direct employment relationship with 8372
any class A, B, or C licensee. 8373
- (B)(1) The governor shall make initial appointments to the 8374
commission by January 1, 2005, and the commission shall hold its 8375
first meeting, at the call of the director of public safety, in 8376
January 2005. Of the initial appointments made to the commission, 8377
three shall be for a term ending December 31, 2005, three shall be 8378
for a term ending December 31, 2006, three shall be for a term 8379
ending December 31, 2007, and three shall be for a term ending 8380
December 31, 2008. Thereafter, terms of office shall be for five 8381
years, with each term ending on the same day of the same month as 8382
did the term that it succeeds. Each member shall hold office from 8383
the date of appointment until the end of the term for which the 8384
member was appointed. Members may be reappointed, but may serve 8385
not more than two complete consecutive five-year terms. Vacancies 8386
shall be filled in the manner provided for original appointments. 8387
Any member appointed to fill a vacancy occurring before the 8388
expiration date of the term for which the member's predecessor was 8389
appointed shall hold office as a member for the remainder of that 8390
term. A member shall continue in office subsequent to the 8391
expiration of the member's term until the member's successor takes 8392
office or until a period of sixty days has elapsed, whichever 8393
occurs first. The governor, after notice and the opportunity for a 8394
hearing, may remove any appointed member for misfeasance, 8395
malfeasance, or nonfeasance. 8396
- (2) Ninety days before the expiration of a member's term, or 8397

in the event of a vacancy, the Ohio association of security and 8398
investigation services may submit names to the governor for 8399
consideration of appointment to the commission. 8400

(C) The commission shall advise the director of public safety 8401
on all matters related to the regulation of private investigation 8402
and the business of security services and on all matters related 8403
to this chapter. The commission shall advise the director on the 8404
format, content, and all other aspects of all private 8405
investigation and security services licensure examinations. 8406

(D) In accordance with Chapter 119. of the Revised Code, the 8407
department may establish rules on behalf of the commission. 8408

(E) The commission shall meet not less than four times each 8409
year. It also shall meet upon the call of the chairperson, upon 8410
the request of five members, or at the request of the director of 8411
public safety or the director's designee. 8412

(F) At the first regular meeting of each year, which shall be 8413
called by the chairperson, the members shall elect a chairperson 8414
and a vice-chairperson by a majority vote, and also shall 8415
establish its meeting schedule for the remainder of the year. The 8416
chairperson and vice-chairperson shall serve until their 8417
successors are elected. No member may serve as chairperson more 8418
than three times during a five-year term. The chairperson shall 8419
preside over the commission's meetings, shall set the meeting 8420
agenda, and shall serve as the commission's chief spokesperson and 8421
liaison to the department of public safety. The chairperson or 8422
vice-chairperson shall approve all vouchers of the commission. 8423
Subject to the commission's approval, the chairperson may appoint 8424
committees to assist the commission. Committee members may be 8425
members of the commission. The vice-chairperson shall exercise the 8426
duties of the chairperson when the chairperson is not available. 8427

(G) A quorum of seven appointed members is necessary for a 8428

meeting to convene or continue. All actions of the commission 8429
shall be by a majority of the members present. Members may not 8430
participate or vote by proxy. In accordance with Chapter 121. of 8431
the Revised Code, at least fourteen days before a regular meeting 8432
and twenty-four hours before a special meeting, the chairperson 8433
shall notify all members of the commission in writing of the 8434
agenda. Upon a timely request, any member of the commission may 8435
have an item added to the commission's agenda. 8436

(H) Each member of the commission shall receive the member's 8437
necessary expenses incurred in the performance of official duties, 8438
including travel, hotel, and other necessary expenses. Members of 8439
any special committee, which may be appointed by the commission to 8440
assist it, who are not members of the commission also may receive 8441
necessary expenses. 8442

(I) The department of public safety shall provide the 8443
commission with suitable office and meeting space and necessary 8444
technical, clerical, and administrative support. The department 8445
shall serve as the official repository of the commission's 8446
records. Expenses of the commission shall be paid from the private 8447
investigator and security guard provider fund created in section 8448
4749.07 of the Revised Code. 8449

(J) In the absence of fraud or bad faith, the commission, a 8450
current or former commission member, or an agent, representative, 8451
or employee of the commission is not liable in damages to any 8452
person because of any act, omission, proceeding, or decision 8453
related to official duties. 8454

Sec. 4749.03. (A)(1) Any individual, including a partner in a 8455
partnership, may be licensed as a private investigator under a 8456
class B license, or as a security guard provider under a class C 8457
license, or as a private investigator and a security guard 8458
provider under a class A license, if the individual meets all of 8459

the following requirements: 8460

(a) Has a good reputation for integrity, has not been 8461
convicted of a felony within the last twenty years or any offense 8462
involving moral turpitude, and has not been adjudicated 8463
incompetent for the purpose of holding the license, as provided in 8464
section 5122.301 of the Revised Code, without having been restored 8465
to legal capacity for that purpose. 8466

(b) Depending upon the class of license for which application 8467
is made, for a continuous period of at least two years immediately 8468
preceding application for a license, has been engaged in 8469
investigatory or security services work for a law enforcement or 8470
other public agency engaged in investigatory activities, or for a 8471
private investigator or security guard provider, or engaged in the 8472
practice of law, or has acquired equivalent experience as 8473
determined by rule of the director of ~~commerce~~ public safety. 8474

(c) Demonstrates competency as a private investigator or 8475
security guard provider by passing an examination devised for this 8476
purpose by the director, except that any individually licensed 8477
person who qualifies a corporation for licensure shall not be 8478
required to be reexamined if the person qualifies the corporation 8479
in the same capacity that the person was individually licensed. 8480

(d) Submits evidence of comprehensive general liability 8481
insurance coverage, or other equivalent guarantee approved by the 8482
director in such form and in principal amounts satisfactory to the 8483
director, but not less than one hundred thousand dollars for each 8484
person and three hundred thousand dollars for each occurrence for 8485
bodily injury liability, and one hundred thousand dollars for 8486
property damage liability. 8487

(e) Pays the requisite examination and license fees. 8488

(2) A corporation may be licensed as a private investigator 8489
under a class B license, or as a security guard provider under a 8490

class C license, or as a private investigator and a security guard 8491
provider under a class A license, if an application for licensure 8492
is filed by an officer of the corporation and the officer, another 8493
officer, or the qualifying agent of the corporation satisfies the 8494
requirements of divisions (A)(1) and (F)(1) of this section. 8495
Officers and the statutory agent of a corporation shall be 8496
determined in accordance with Chapter 1701. of the Revised Code. 8497

(3) At least one partner in a partnership shall be licensed 8498
as a private investigator, or as a security guard provider, or as 8499
a private investigator and a security guard provider. Partners in 8500
a partnership shall be determined as provided for in Chapter 1775. 8501
of the Revised Code. 8502

(B) Application for a class A, B, or C license shall be in 8503
writing, under oath, to the director. In the case of an 8504
individual, the application shall state the applicant's name, 8505
birth date, citizenship, physical description, current residence, 8506
residences for the preceding ten years, current employment, 8507
employment for the preceding seven years, experience 8508
qualifications, the location of each of the applicant's offices in 8509
this state, and any other information that is necessary in order 8510
for the director to comply with the requirements of this chapter. 8511
In the case of a corporation, the application shall state the name 8512
of the officer or qualifying agent filing the application; the 8513
state in which the corporation is incorporated and the date of 8514
incorporation; the states in which the corporation is authorized 8515
to transact business; the name of its qualifying agent; the name 8516
of the officer or qualifying agent of the corporation who 8517
satisfies the requirements of divisions (A)(1) and (F)(1) of this 8518
section and the birth date, citizenship, physical description, 8519
current residence, residences for the preceding ten years, current 8520
employment, employment for the preceding seven years, and 8521
experience qualifications of that officer or qualifying agent; and 8522

other information that the director requires. A corporation may 8523
specify in its application information relative to one or more 8524
individuals who satisfy the requirements of divisions (A)(1) and 8525
(F)(1) of this section. 8526

The application described in this division shall be 8527
accompanied by all of the following: 8528

(1) One recent full-face photograph of the applicant or, in 8529
the case of a corporation, of each officer or qualifying agent 8530
specified in the application as satisfying the requirements of 8531
divisions (A)(1) and (F)(1) of this section; 8532

(2) One complete set of the applicant's fingerprints or, in 8533
the case of a corporation, of the fingerprints of each officer or 8534
qualifying agent specified in the application as satisfying the 8535
requirements of divisions (A)(1) and (F)(1) of this section; 8536

(3) Character references from at least five reputable 8537
citizens for the applicant or, in the case of a corporation, for 8538
each officer or qualifying agent specified in the application as 8539
satisfying the requirements of divisions (A)(1) and (F)(1) of this 8540
section, each of whom has known the applicant, officer, or 8541
qualifying agent for at least five years preceding the 8542
application, and none of whom are connected with the applicant, 8543
officer, or qualifying agent by blood or marriage; 8544

(4) An examination fee of twenty-five dollars for the 8545
applicant or, in the case of a corporation, for each officer or 8546
qualifying agent specified in the application as satisfying the 8547
requirements of divisions (A)(1) and (F)(1) of this section, and a 8548
license fee of two hundred fifty dollars. The license fee shall be 8549
refunded if a license is not issued. 8550

(C) Upon receipt of the application and accompanying matter 8551
described in division (B) of this section, the director shall 8552
forward to the bureau of criminal identification and investigation 8553

a request that it make an investigation of the applicant or, in 8554
the case of a corporation, each officer or qualifying agent 8555
specified in the application as satisfying the requirements of 8556
divisions (A)(1) and (F)(1) of this section, to determine whether 8557
the applicant, officer, or qualifying agent meets the requirements 8558
of division (A)(1)(a) of this section. If the director determines 8559
that the applicant, officer, or qualifying agent meets the 8560
requirements of divisions (A)(1)(a), (b), and (d) of this section 8561
and that an officer or qualifying agent meets the requirement of 8562
division (F)(1) of this section, the director shall notify the 8563
applicant, officer, or agent of the time and place for the 8564
examination. If the director determines that an applicant does not 8565
meet the requirements of divisions (A)(1)(a), (b), and (d) of this 8566
section, the director shall notify the applicant that the 8567
applicant's application is refused and refund the license fee. If 8568
the director determines that none of the individuals specified in 8569
the application of a corporation as satisfying the requirements of 8570
divisions (A)(1) and (F)(1) of this section meet the requirements 8571
of divisions (A)(1)(a), (b), and (d) and (F)(1) of this section, 8572
the director shall notify the corporation that its application is 8573
refused and refund the license fee. If the director requests an 8574
investigation of any applicant, officer, or qualifying agent and 8575
if the bureau assesses the director a fee for the investigation, 8576
the director, in addition to any other fee assessed pursuant to 8577
this chapter, may assess the applicant, officer, or qualifying 8578
agent, as appropriate, a fee that is equal to the fee assessed by 8579
the bureau. 8580

(D) If upon application, investigation, and examination, the 8581
director finds that the applicant or, in the case of a 8582
corporation, any officer or qualifying agent specified in the 8583
application as satisfying the requirements of divisions (A)(1) and 8584
(F)(1) of this section, meets the applicable requirements, the 8585
director shall issue the applicant or the corporation a class A, 8586

B, or C license. The director also shall issue an identification 8587
card to an applicant, but not an officer or qualifying agent of a 8588
corporation, who meets the applicable requirements ~~an~~ 8589
~~identification card~~. The license and identification card shall 8590
state the licensee's name, the classification of the license, the 8591
location of the licensee's principal place of business in this 8592
state, and the expiration date of the license, and, in the case of 8593
a corporation, it also shall state the name of each officer or 8594
qualifying agent who satisfied the requirements of divisions 8595
(A)(1) and (F)(1) of this section. 8596

Licenses expire on the first day of March following the date 8597
of initial issue, and on the first day of March of each year 8598
thereafter. Renewals shall be according to the standard renewal 8599
procedures contained in Chapter 4745. of the Revised Code, upon 8600
payment of a renewal fee of two hundred fifty dollars. No license 8601
shall be renewed if the licensee or, in the case of a corporation, 8602
each officer or qualifying agent who qualified the corporation for 8603
licensure no longer meets the applicable requirements of this 8604
section. No license shall be renewed unless the licensee provides 8605
evidence of workers' compensation risk coverage and unemployment 8606
compensation insurance coverage, other than for clerical employees 8607
and excepting sole proprietors who are exempted therefrom, as 8608
provided for in Chapters 4123. and 4141. of the Revised Code, 8609
respectively, as well as the licensee's state tax identification 8610
number. No reexamination shall be required for renewal of a 8611
current license. 8612

For purposes of this chapter, a class A, B, or C license 8613
issued to a corporation shall be considered as also having 8614
licensed the individuals who qualified the corporation for 8615
licensure, for as long as they are associated with the 8616
corporation. 8617

For purposes of this division, "sole proprietor" means an 8618

individual licensed under this chapter who does not employ any 8619
other individual. 8620

(E) The director may issue a duplicate copy of a license 8621
issued under this section for the purpose of replacement of a 8622
lost, spoliated, or destroyed license, upon payment of a fee fixed 8623
by the director, not exceeding twenty-five dollars. Any change in 8624
license classification requires new application and application 8625
fees. 8626

(F)(1) In order to qualify a corporation for a class A, B, or 8627
C license, an officer or qualifying agent may qualify another 8628
corporation for similar licensure, provided that the officer or 8629
qualifying agent is actively engaged in the business of both 8630
corporations. 8631

(2) Each officer or qualifying agent who qualifies a 8632
corporation for class A, B, or C licensure shall surrender any 8633
personal license of a similar nature that the officer or 8634
qualifying agent possesses. 8635

(3) Upon written notification to the director, completion of 8636
an application similar to that for original licensure, surrender 8637
of the corporation's current license, and payment of a twenty-five 8638
dollar fee, a corporation's class A, B, or C license may be 8639
transferred to another corporation. 8640

(4) Upon written notification to the director, completion of 8641
an application similar to that for an individual seeking class A, 8642
B, or C licensure, payment of a twenty-five dollar fee, and, if 8643
the individual was the only individual that qualified a 8644
corporation for licensure, surrender of the corporation's license, 8645
any officer or qualifying agent who qualified a corporation for 8646
licensure under this chapter may obtain a similar license in the 8647
individual's own name without reexamination. A request by an 8648
officer or qualifying agent for an individual license shall not 8649

affect a corporation's license unless the individual is the only 8650
individual that qualified the corporation for licensure or all the 8651
other individuals who qualified the corporation for licensure 8652
submit such requests. 8653

(G) If a corporation is for any reason no longer associated 8654
with an individual who qualified it for licensure under this 8655
chapter, an officer of the corporation shall notify the director 8656
of that fact by certified mail, return receipt requested, within 8657
ten days after the association terminates. If the notification is 8658
so given, the individual was the only individual that qualified 8659
the corporation for licensure, and the corporation submits the 8660
name of another officer or qualifying agent to qualify the 8661
corporation for the license within thirty days after the 8662
association terminates, the corporation may continue to operate in 8663
the business of private investigation, the business of security 8664
services, or both businesses in this state under that license for 8665
ninety days after the association terminates. If the officer or 8666
qualifying agent whose name is ~~se~~ submitted satisfies the 8667
requirements of divisions (A)(1) and (F)(1) of this section, the 8668
director shall issue a new license to the corporation within that 8669
ninety-day period. The names of more than one individual may be ~~se~~ 8670
submitted. 8671

Sec. 4749.04. (A) The director of ~~commerce~~ public safety may 8672
revoke, suspend, or refuse to renew, when a renewal form has been 8673
submitted, the license of any private investigator or security 8674
guard provider, or the registration of any employee of a private 8675
investigator or security guard provider, for any of the following: 8676

(1) Violation of any of the provisions of division (B) or (C) 8677
of section 4749.13 of the Revised Code; 8678

(2) Conviction of a felony or a crime involving moral 8679
turpitude; 8680

(3) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services; 8681
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(4) Testifying falsely under oath, or suborning perjury, in any judicial proceeding; 8684
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(5) Failure to satisfy the requirements specified in division (D) of section 4749.03 of the Revised Code. 8686
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Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code. 8688
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(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director ~~of commerce~~ may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services. 8691
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Sec. 4749.05. (A) Each class A, B, or C licensee shall report the location of branch offices to the department of ~~commerce~~ public safety, and to the sheriff of the county and the police chief of any municipal corporation in which the office is located, and shall post a branch office license conspicuously in that office. Application for a branch office license shall be made on a form prescribed by the director of ~~commerce~~ public safety, and a license shall be issued upon receipt of the form and payment of a fee fixed by the director, not exceeding one hundred dollars. If a licensee moves an office, ~~he~~ the licensee shall notify, in 8701
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writing, the department of ~~commerce~~ public safety and any affected 8711
sheriff and chief of police within forty-eight hours of the 8712
change. 8713

This division does not apply to a licensed private 8714
investigator who is engaging in the business of private 8715
investigation as a registered employee of a licensed private 8716
investigator. 8717

(B) ~~No Pursuant to Chapter 119. of the Revised Code, the~~ 8718
~~director of public safety shall adopt rules regarding when a class~~ 8719
A, B, or C licensee, or any of ~~his~~ such a licensee's employees, 8720
~~shall engage in the business of private investigation or the~~ 8721
~~business of security services unless, within twelve hours of his~~ 8722
~~arrival, he reports his~~ is required to report the licensee's or 8723
employee's presence and length of stay to the sheriff and police 8724
chief of any county or municipal corporation in which ~~he~~ the 8725
licensee or employee operates. The rules shall include reporting 8726
requirements for licenses or employees conducting fraud 8727
investigations or physical surveillance. 8728

Sec. 4749.06. (A) Each class A, B, or C licensee shall 8729
register the licensee's investigator or security guard employees, 8730
with the department of ~~commerce~~ public safety, which shall 8731
maintain a record of each licensee and registered employee and 8732
make it available, upon request, to any law enforcement agency. 8733
The class A, B, or C licensee shall file an application to 8734
register a new employee no sooner than three days nor later than 8735
seven calendar days after the date on which the employee is hired. 8736

(B)(1) Each employee's registration application shall be 8737
accompanied by one complete set of the employee's fingerprints, 8738
one recent photograph of the employee, the employee's physical 8739
description, and an eighteen-dollar registration fee. 8740

(2) If the director of public safety requests the bureau of 8741

criminal identification and investigation to conduct an 8742
investigation of a licensee's employee and if the bureau assesses 8743
the director a fee for the investigation, the director, in 8744
addition to any other fee assessed pursuant to this chapter, may 8745
assess the licensee a fee that is equal to the fee assessed by the 8746
bureau. If, after investigation, the bureau finds that the 8747
employee has not been convicted of a felony within the last twenty 8748
years, the director shall issue to the employee an identification 8749
card bearing the license number and signature of the licensee, 8750
which in the case of a corporation shall be the signature of its 8751
president or its qualifying agent, and containing the employee's 8752
name, address, age, physical description, and right thumb print or 8753
other identifying mark as the director prescribes, a recent 8754
photograph of the employee, and the employee's signature. The 8755
director may issue a duplicate of a lost, spoliated, or destroyed 8756
identification card issued under this section, upon payment of a 8757
fee fixed by the director, not exceeding five dollars. 8758

(C) Except as provided in division (E) of this section, no 8759
class A, B, or C licensee shall permit an employee, other than an 8760
individual who qualified a corporation for licensure, to engage in 8761
the business of private investigation, the business of security 8762
services, or both businesses until the employee receives an 8763
identification card from the department, except that pending the 8764
issuance of an identification card, a class A, B, or C licensee 8765
may offer for hire security guard or investigator employees 8766
provided the licensee obtains a waiver from the person who 8767
receives, for hire, security guard or investigative services, 8768
acknowledging that the person is aware the employees have not 8769
completed their registration and agreeing to their employment. 8770

(D) If a class A, B, or C licensee, or a registered employee 8771
of a class A, B, or C licensee, intends to carry a firearm, as 8772
defined in section 2923.11 of the Revised Code, in the course of 8773

engaging in the business or employment, the licensee or registered 8774
employee shall satisfactorily complete a firearms basic training 8775
program that includes twenty hours of handgun training and five 8776
hours of training in the use of other firearms, if any other 8777
firearm is to be used, or equivalency training, if authorized, or 8778
shall be a former peace officer who previously had successfully 8779
completed a firearms training course, shall receive a certificate 8780
of satisfactory completion of that program or written evidence of 8781
approval of the equivalency training, shall file an application 8782
for registration, shall receive a firearm-bearer notation on the 8783
licensee's or registered employee's identification card, and shall 8784
annually requalify on a firearms range, all as described in 8785
division (A) of section 4749.10 of the Revised Code. A private 8786
investigator, security guard provider, or employee is authorized 8787
to carry a firearm only in accordance with that division. 8788

(E) This section does not apply to commissioned peace 8789
officers, as defined in division (B) of section 2935.01 of the 8790
Revised Code, working for, either as an employee or independent 8791
contractor, a class A, B, or C licensee. For purposes of this 8792
chapter, a commissioned peace officer is an employee exempt from 8793
registration. 8794

Sec. 4749.07. (A) After refund of any license fees as 8795
required by section 4749.03 of the Revised Code, the department of 8796
~~commerce~~ public safety shall pay all fees received pursuant to 8797
this chapter to the treasurer of state, to be credited to the 8798
private investigator and security guard provider fund, which is 8799
hereby created. 8800

(B) Moneys received in payment of fines levied pursuant to 8801
section 4749.99 of the Revised Code shall be distributed as 8802
follows: 8803

(1) One-third to the general fund of the municipal 8804

corporation or township in which the prosecution occurs; 8805

(2) One-third to the general fund of the county in which the 8806
prosecution occurs; 8807

(3) One-third to the private investigator and security guard 8808
provider fund. 8809

Sec. 4749.08. (A) No class A, B, or C licensee, or registered 8810
employee of a class A, B, or C licensee shall be considered, 8811
because of licensure or registration under this chapter, a law 8812
enforcement officer for any purpose. Nothing in this chapter shall 8813
be construed as granting the right to carry a concealed weapon. 8814
8815

(B) The rules of the department of ~~commerce~~ public safety 8816
adopted for the administration of this chapter shall include 8817
provisions to assure that any uniform or identification card shall 8818
be so designed as to avoid confusion of a private investigator, 8819
security guard provider, or registered employee with any law 8820
enforcement officer in this state. 8821

Sec. 4749.10. (A) No class A, B, or C licensee and no 8822
registered employee of a class A, B, or C licensee shall carry a 8823
firearm, as defined in section 2923.11 of the Revised Code, in the 8824
course of engaging in the business of private investigation, the 8825
business of security services, or both businesses, unless all of 8826
the following apply: 8827

(1) The licensee or employee either has successfully 8828
completed a basic firearm training program at a training school 8829
approved by the Ohio peace officer training commission, which 8830
program includes twenty hours of training in handgun use and, if 8831
any firearm other than a handgun is to be used, five hours of 8832
training in the use of other firearms, and has received a 8833
certificate of satisfactory completion of that program from the 8834

executive director of the commission; the licensee or employee 8835
has, within three years prior to November 27, 1985, satisfactorily 8836
completed firearms training that has been approved by the 8837
commission as being equivalent to such a program and has received 8838
written evidence of approval of that training from the executive 8839
director of the commission; or the licensee or employee is a 8840
former peace officer, as defined in section 109.71 of the Revised 8841
Code, who previously had successfully completed a firearms 8842
training course at a training school approved by the Ohio peace 8843
officer training commission and has received a certificate or 8844
other evidence of satisfactory completion of that course from the 8845
executive director of the commission. 8846

(2) The licensee or employee submits an application to the 8847
director of ~~commerce~~ public safety, on a form prescribed by the 8848
director, in which the licensee or employee requests registration 8849
as a class A, B, or C licensee or employee who may carry a 8850
firearm. The application shall be accompanied by a copy of the 8851
certificate or the written evidence or other evidence described in 8852
division (A)(1) of this section, the identification card issued 8853
pursuant to section 4749.03 or 4749.06 of the Revised Code if one 8854
has previously been issued, a statement of the duties that will be 8855
performed while the licensee or employee is armed, and a fee of 8856
ten dollars. In the case of a registered employee, the statement 8857
shall be prepared by the employing class A, B, or C licensee. 8858

(3) The licensee or employee receives a notation on the 8859
licensee's or employee's identification card that the licensee or 8860
employee is a firearm-bearer and carries the identification card 8861
whenever the licensee or employee carries a firearm in the course 8862
of engaging in the business of private investigation, the business 8863
of security services, or both businesses. 8864

(4) At any time within the immediately preceding twelve-month 8865
period, the licensee or employee has requalified in firearms use 8866

on a firearms training range at a firearms requalification program 8867
certified by the Ohio peace officer training commission or on a 8868
firearms training range under the supervision of an instructor 8869
certified by the commission and has received a certificate of 8870
satisfactory requalification from the certified program or 8871
certified instructor, provided that this division does not apply 8872
to any licensee or employee prior to the expiration of eighteen 8873
months after the licensee's or employee's completion of the 8874
program described in division (A)(1) of this section. A 8875
certificate of satisfactory requalification is valid and remains 8876
in effect for twelve months from the date of the requalification. 8877

(5) If division (A)(4) of this section applies to the 8878
licensee or employee, the licensee or employee carries the 8879
certificate of satisfactory requalification that then is in effect 8880
or any other evidence of requalification issued or provided by the 8881
director. 8882

(B)(1) The director of ~~commerce~~ public safety shall register 8883
an applicant under division (A) of this section who satisfies 8884
divisions (A)(1) and (2) of this section, and place a notation on 8885
the applicant's identification card indicating that the applicant 8886
is a firearm-bearer and the date on which the applicant completed 8887
the program described in division (A)(1) of this section. 8888

(2) A firearms requalification training program or instructor 8889
certified by the commission for the annual requalification of 8890
class A, B, or C licensees or employees who are authorized to 8891
carry a firearm under section 4749.10 of the Revised Code shall 8892
award a certificate of satisfactory requalification to each class 8893
A, B, or C licensee or registered employee of a class A, B, or C 8894
licensee who satisfactorily requalifies in firearms training. The 8895
certificate shall identify the licensee or employee and indicate 8896
the date of the requalification. A licensee or employee who 8897
receives such a certificate shall submit a copy of it to the 8898

director of ~~commerce~~ public safety. A licensee shall submit the 8899
copy of the requalification certificate at the same time that the 8900
licensee makes application for renewal of the licensee's class A, 8901
B, or C license. The director shall keep a record of all copies of 8902
requalification certificates the director receives under this 8903
division and shall establish a procedure for the updating of 8904
identification cards to provide evidence of compliance with the 8905
annual requalification requirement. The procedure for the updating 8906
of identification cards may provide for the issuance of a new card 8907
containing the evidence, the entry of a new notation containing 8908
the evidence on the existing card, the issuance of a separate card 8909
or paper containing the evidence, or any other procedure 8910
determined by the director to be reasonable. Each person who is 8911
issued a requalification certificate under this division promptly 8912
shall pay to the Ohio peace officer training commission 8913
established by section 109.71 of the Revised Code a fee of five 8914
dollars, which fee shall be transmitted to the treasurer of state 8915
for deposit in the peace officer private security fund established 8916
by section 109.78 of the Revised Code. 8917

(C) Nothing in this section prohibits a private investigator 8918
or a security guard provider from carrying a concealed handgun if 8919
the private investigator or security guard provider complies with 8920
sections 2923.124 to 2923.1213 of the Revised Code. 8921

Sec. 4749.11. (A) The director of ~~commerce~~ public safety may 8922
investigate any applicant for a class A, B, or C license, any 8923
principal officer or qualifying agent of a corporation who is 8924
specified in an application for licensure as satisfying the 8925
requirements of divisions (A)(1) and (F)(1) of section 4749.03 of 8926
the Revised Code, and any employee of a class A, B, or C licensee 8927
who seeks to be registered under section 4749.06 of the Revised 8928
Code to determine whether the individual satisfies the applicable 8929
requirements for licensure or registration. 8930

(B) The director ~~of commerce~~ may investigate, on ~~his~~ the 8931
director's own initiative, the actions or proposed actions of a 8932
class A, B, or C licensee, or registered employee of a class A, B, 8933
or C licensee to determine whether the person is, has been, or 8934
will be in violation of section 4749.13 of the Revised Code. The 8935
director shall investigate any of these persons if a verified 8936
written complaint is filed indicating that a person has violated, 8937
or is or will be violating, section 4749.13 of the Revised Code~~;~~i 8938
the complaint is supported by evidence submitted with it~~;~~i and the 8939
director determines that a prima-facie case exists that a 8940
violation of that section is being, has been, or will be committed 8941
by the person. 8942

(C) The director ~~of commerce~~ may investigate, on ~~his~~ the 8943
director's own initiative, the actions or proposed actions of a 8944
person who is not licensed or registered under this chapter and 8945
who appears to be acting as a class A, B, or C licensee, or 8946
employee of a class A, B, or C licensee. The director shall 8947
investigate such a person if a verified written complaint is filed 8948
indicating that a person was, is, or will be acting as a class A, 8949
B, or C licensee or employee of a class A, B, or C licensee but is 8950
not licensed or registered as such under this chapter~~;~~i the 8951
complaint is supported by evidence that is submitted with it~~;~~i and 8952
the director determines that a prima-facie case exists that the 8953
person was, is, or will be acting in the alleged manner. 8954

(D) In connection with investigations under divisions (B) and 8955
(C) of this section, the director ~~of commerce~~ may file an action 8956
with the court of common pleas of Franklin county or the court of 8957
common pleas of the county in which the person who is the subject 8958
of the investigation resides, is engaging in actions, or proposing 8959
to engage in actions, to obtain an injunction, restraining order, 8960
or other appropriate relief. 8961

(E) The director ~~of commerce~~ may compel by subpoena witnesses 8962

to appear and testify in relation to investigations under this 8963
chapter and may require by subpoena duces tecum the production of 8964
any book, paper, or document pertaining to an investigation. If a 8965
person does not comply with a subpoena or subpoena duces tecum, 8966
the director ~~of commerce~~ may apply to the court of common pleas of 8967
Franklin county for an order compelling the person to comply with 8968
the subpoena or subpoena duces tecum or, for failure to do so, to 8969
be held in contempt of court. 8970

(F) If, in an investigation under division (C) of this 8971
section, the director determines that a person is not a class A, 8972
B, or C licensee, or a registered employee of a class A, B, or C 8973
licensee, and that the person was, is, or will be acting in the 8974
alleged manner, the director may issue an order to the person to 8975
show cause why ~~he~~ the person should not be subject to licensing or 8976
registration under this chapter. The director shall hold a hearing 8977
on the order, and if following the hearing ~~he~~ the director 8978
determines that the person has engaged, or is or will be engaging, 8979
in activities requiring licensure or registration under this 8980
chapter, ~~he~~ the director may issue a cease and desist order that 8981
shall describe the person and the activities that are the subject 8982
of it. The cease and desist order is enforceable in and may be 8983
appealed to a court of common pleas pursuant to Chapter 119. of 8984
the Revised Code. 8985

(G) In any proceeding or action brought under this chapter, 8986
the burden of proving an exemption from the licensure requirements 8987
of this chapter is on the person claiming the benefit of the 8988
exemption. 8989

Sec. 4749.12. (A) A person who is a resident of another 8990
state_{7i} is licensed as a private investigator, security guard 8991
provider, or as a private investigator and a security guard 8992
provider in another state_{7i} and wishes to engage in the business 8993

of private investigation, the business of security services, or 8994
both businesses in this state, shall be licensed pursuant to 8995
section 4749.03 of the Revised Code, but the director of ~~commerce~~ 8996
public safety may waive the examination requirement of that 8997
section and issue a license to a nonresident under the 8998
circumstances described in division (B) of this section. 8999

(B) If a nonresident private investigator, security guard 9000
provider, or private investigator and security guard provider 9001
seeking licensure under this chapter submits with the application 9002
and accompanying matter specified in section 4749.03 of the 9003
Revised Code proof of licensure in another state, and if the 9004
requirements of divisions (A)(1)(a), (b), and (d) and, if 9005
applicable, (F)(1) of section 4749.03 of the Revised Code are 9006
satisfied and the nonresident meets all current requirements of 9007
the laws of the other state regulating the business of private 9008
investigation, the business of security services, or both 9009
businesses, the director of ~~commerce~~ may waive the examination 9010
requirement and fee of that section. This waiver authority may be 9011
exercised only if the director determines that the other state has 9012
a law similar to this division and extends to residents of this 9013
state a similar waiver of examination privilege. 9014

Sec. 4749.13. (A) No person shall engage in the business of 9015
private investigation, the business of security services, or both 9016
businesses in this state unless ~~he~~ the person is licensed pursuant 9017
to this chapter. Each day of continuing violation constitutes a 9018
separate offense. Nothing in this chapter shall be construed to 9019
require any employee of a class A, B, or C licensee to obtain a 9020
class A, B, or C license, provided that an employee shall be 9021
registered by a licensee when required by section 4749.06 of the 9022
Revised Code. Nothing in this chapter shall be construed to 9023
require a partner to be a class A, B, or C licensee except as 9024
provided in division (A)(3) of section 4749.03 of the Revised 9025

Code. Nothing in this chapter shall be construed to require a 9026
director, officer, or qualifying agent of a corporation to 9027
individually be a class A, B, or C licensee if the corporation is 9028
licensed pursuant to this chapter. 9029

(B) No class A, B, or C licensee, or registered employee of a 9030
class A, B, or C licensee shall: 9031

(1) Knowingly violate any provision of this chapter or any 9032
rule of the director of ~~commerce~~ public safety adopted for the 9033
administration of this chapter; 9034

(2) Knowingly make a false report with respect to any matter 9035
with which ~~he~~ the licensee or registered employee is employed; 9036

(3) Divulge any information acquired from or for a client to 9037
persons other than the client or ~~his~~ the client's authorized agent 9038
without express authorization to do so or unless required by law; 9039

(4) Knowingly accept employment which includes obtaining 9040
information intended for illegal purposes. 9041

(C) No person shall knowingly authorize or permit another 9042
person to violate any provision of this chapter or any rule of the 9043
director of ~~commerce~~ adopted for the administration of this 9044
chapter. 9045

(D) No person who is not licensed as a class A, B, or C 9046
licensee shall advertise that ~~he~~ the person is or otherwise hold 9047
~~himself~~ self out as a class A, B, or C licensee. This division 9048
does not prohibit registered employees from indicating in the 9049
course of authorized employment for a class A, B, or C licensee 9050
that they are authorized to engage in investigatory, security 9051
services activities, or both activities. 9052

Sec. 4749.14. On receipt of a notice pursuant to section 9053
3123.43 of the Revised Code, the director of ~~commerce~~ public 9054
safety shall comply with sections 3123.41 to 3123.50 of the 9055

Revised Code and any applicable rules adopted under section 9056
3123.63 of the Revised Code with respect to a license issued 9057
pursuant to this chapter. 9058

Sec. 4905.06. The public utilities commission has general 9059
supervision over all public utilities within its jurisdiction as 9060
defined in section 4905.05 of the Revised Code, and may examine 9061
such public utilities and keep informed as to their general 9062
condition, capitalization, and franchises, and as to the manner in 9063
which their properties are leased, operated, managed, and 9064
conducted with respect to the adequacy or accommodation afforded 9065
by their service, the safety and security of the public and their 9066
employees, and their compliance with all laws, orders of the 9067
commission, franchises, and charter requirements. The commission 9068
has general supervision over all other companies referred to in 9069
section 4905.05 of the Revised Code to the extent of its 9070
jurisdiction as defined in that section, and may examine such 9071
companies and keep informed as to their general condition and 9072
capitalization, and as to the manner in which their properties are 9073
leased, operated, managed, and conducted with respect to the 9074
adequacy or accommodation afforded by their service, and their 9075
compliance with all laws and orders of the commission, insofar as 9076
any of such matters may relate to the costs associated with the 9077
provision of electric utility service by public utilities in this 9078
state which are affiliated or associated with such companies. The 9079
commission, through the public utilities commissioners or 9080
inspectors or employees of the commission authorized by it, may 9081
enter in or upon, for purposes of inspection, any property, 9082
equipment, building, plant, factory, office, apparatus, machinery, 9083
device, and lines of any public utility. The power to inspect 9084
includes the power to prescribe any rule or order that the 9085
commission finds necessary for protection of the public safety. In 9086
order to assist the commission in the performance of its duties 9087

under this chapter, authorized employees of the ~~commercial~~ motor 9088
~~vehicle safety carrier~~ enforcement unit, created under section 9089
5503.34 of the Revised Code in the division of state highway 9090
patrol, of the department of public safety may enter in or upon, 9091
for inspection purposes, any motor vehicle of any motor 9092
transportation company or private motor carrier as defined in 9093
section 4923.02 of the Revised Code. 9094

In order to inspect motor vehicles owned or operated by a 9095
motor transportation company engaged in the transportation of 9096
persons, authorized employees of the ~~commercial~~ motor ~~vehicle~~ 9097
~~safety carrier~~ enforcement unit, division of state highway patrol, 9098
of the department of public safety may enter in or upon any 9099
property of any motor transportation company, as defined in 9100
section ~~4913.02~~ 4921.02 of the Revised Code, engaged in the 9101
intrastate transportation of persons. 9102

Sec. 4919.79. (A) The public utilities commission may adopt 9103
safety rules applicable to the highway transportation and offering 9104
for transportation of hazardous materials in interstate commerce, 9105
which highway transportation takes place into or through this 9106
state. 9107

(B) The commission may adopt safety rules applicable to the 9108
highway transportation of persons or property in interstate 9109
commerce, which transportation takes place into or through this 9110
state. 9111

(C) Rules adopted under divisions (A) and (B) of this section 9112
shall be consistent with, and equivalent in scope, coverage, and 9113
content to, the "Hazardous Materials Transportation Act," 88 Stat. 9114
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 9115
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 9116
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 9117
respectively. No person shall violate a rule adopted under 9118

division (A) or (B) of this section or any order of the commission 9119
issued to secure compliance with any such rule. 9120

(D) The commission shall cooperate with, and permit the use 9121
of, the services, records, and facilities of the commission as 9122
fully as practicable by appropriate officers of the interstate 9123
commerce commission, the United States department of 9124
transportation, and other federal agencies or commissions and 9125
appropriate commissions of other states in the enforcement and 9126
administration of state and federal laws relating to highway 9127
transportation by motor vehicles. The commission may enter into 9128
cooperative agreements with the interstate commerce commission, 9129
the United States department of transportation, and any other 9130
federal agency or commission to enforce the economic and safety 9131
laws and rules of this state and of the United States concerning 9132
highway transportation by motor vehicles. All grants-in-aid, cash, 9133
and reimbursements received by the commission pursuant to those 9134
cooperative agreements shall be deposited to the credit of the 9135
motor carrier safety fund, which is hereby created in the state 9136
treasury, to be used by the commission for the purpose of carrying 9137
out this section. 9138

(E) To achieve the purposes of this section, the commission 9139
~~may~~, through its inspectors or other authorized employees, may 9140
inspect any vehicles of carriers of persons or property in 9141
interstate commerce subject to the safety rules prescribed by this 9142
section and may enter upon the premises and vehicles of such 9143
carriers to examine any of the carriers' records or documents that 9144
relate to the safety of operation of such carriers. In order to 9145
assist the commission in the performance of its duties under this 9146
section, authorized employees of the ~~commercial motor vehicle~~ 9147
safety carrier enforcement unit, created under section 5503.34 of 9148
the Revised Code in the division of state highway patrol, of the 9149
department of public safety may enter in or upon, for purposes of 9150

inspection, any vehicle of any such carrier. 9151

In order to inspect motor vehicles owned or operated by 9152
private motor carriers of persons, authorized employees of the 9153
~~commercial~~ motor ~~vehicle safety~~ carrier enforcement unit, division 9154
of state highway patrol, of the department of public safety may 9155
enter in or upon the premises of any private carrier of persons in 9156
interstate commerce, subject to the safety rules prescribed by 9157
this section. 9158

Sec. 4923.20. (A) As used in this section: 9159

(1) "Private motor carrier" has the same meaning as in 9160
section 4923.02 of the Revised Code, except that it includes only 9161
private motor carriers operating on a not-for-hire basis and 9162
excludes all private motor carriers operating on a for-hire basis. 9163

(2) "Commercial motor vehicle" has the same meaning as in the 9164
"Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C.A. 2701, 9165
as amended, except that "commerce" means trade, traffic, and 9166
transportation solely within this state. 9167

(B) The public utilities commission may adopt and enforce 9168
rules concerning the safety of operation of commercial motor 9169
vehicles by private motor carriers, except that the rules shall 9170
not affect any rights or duties granted to or imposed upon the 9171
operator of such a motor vehicle by Chapter 4511. of the Revised 9172
Code. 9173

(C) The commission may adopt safety rules applicable to the 9174
transportation of hazardous materials by private motor carriers by 9175
means of commercial motor vehicles and applicable to the offering 9176
of hazardous materials for such transportation. The rules shall be 9177
consistent with, and equivalent in scope, coverage, and content 9178
to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 9179
(1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 9180

under it. 9181

(D) To achieve the purposes of this section, the commission 9182
may, through inspectors or other authorized employees, inspect any 9183
motor vehicles of such carriers and may enter upon the premises 9184
and vehicles of the carriers to examine any of the carriers' 9185
records or documents that relate to the safety of operation of 9186
private motor carriers. In order to assist the commission in 9187
performing its duties under this section, authorized employees of 9188
the ~~commercial~~ motor ~~vehicle safety~~ carrier enforcement unit, 9189
created under section 5503.34 of the Revised Code in the division 9190
of state highway patrol, of the department of public safety may 9191
enter in or upon, for purposes of inspection, any motor vehicle of 9192
any such carrier. 9193

In order to inspect motor vehicles owned or operated by 9194
private motor carriers engaged in the transportation of persons, 9195
authorized employees of the ~~commercial~~ motor ~~vehicle safety~~ 9196
carrier enforcement unit, division of state highway patrol, of the 9197
department of public safety may enter in or upon the premises of 9198
any private motor carrier engaged in the intrastate transportation 9199
of persons. 9200

(E) No private motor carrier or person offering hazardous 9201
materials for transportation by private motor carrier shall fail 9202
to comply with any order, decision, or rule adopted under this 9203
section or any order of the commission issued to secure compliance 9204
with any such rule. 9205

Sec. 5502.01. (A) The department of public safety shall 9206
administer and enforce the laws relating to the registration, 9207
licensing, sale, and operation of motor vehicles and the laws 9208
pertaining to the licensing of drivers of motor vehicles. 9209

The department shall compile, analyze, and publish statistics 9210
relative to motor vehicle accidents and the causes of them, 9211

prepare and conduct educational programs for the purpose of 9212
promoting safety in the operation of motor vehicles on the 9213
highways, and conduct research and studies for the purpose of 9214
promoting safety on the highways of this state. 9215

(B) The department shall administer the laws and rules 9216
relative to trauma and emergency medical services specified in 9217
Chapter 4765. of the Revised Code. 9218

(C) The department shall administer and enforce the laws 9219
contained in Chapters 4301. and 4303. of the Revised Code and 9220
enforce the rules and orders of the liquor control commission 9221
pertaining to retail liquor permit holders. 9222

(D) The department shall administer the laws governing the 9223
state emergency management agency and shall enforce all additional 9224
duties and responsibilities as prescribed in the Revised Code 9225
related to emergency management services. 9226

(E) The department shall conduct investigations pursuant to 9227
Chapter 5101. of the Revised Code in support of the duty of the 9228
department of job and family services to administer food stamp 9229
programs throughout this state. The department of public safety 9230
shall conduct investigations necessary to protect the state's 9231
property rights and interests in the food stamp program. 9232

(F) The department of public safety shall enforce compliance 9233
with orders and rules of the public utilities commission and 9234
applicable laws in accordance with Chapters 4919., 4921., and 9235
4923. of the Revised Code regarding commercial motor vehicle 9236
transportation safety, economic, and hazardous materials 9237
requirements. 9238

(G) Notwithstanding Chapter 4117. of the Revised Code, the 9239
department of public safety may establish requirements for its 9240
enforcement personnel, including its enforcement agents described 9241
in section 5502.14 of the Revised Code, that include standards of 9242

conduct, work rules and procedures, and criteria for eligibility 9243
as law enforcement personnel. 9244

(H) The department shall administer, maintain, and operate 9245
the Ohio criminal justice network. The Ohio criminal justice 9246
network shall be a computer network that supports state and local 9247
criminal justice activities. The network shall be an electronic 9248
repository for various data, which may include arrest warrants, 9249
notices of persons wanted by law enforcement agencies, criminal 9250
records, prison inmate records, stolen vehicle records, vehicle 9251
operator's licenses, and vehicle registrations and titles. 9252

(I) The department shall coordinate all homeland security 9253
activities of all state agencies and shall be a liaison between 9254
state agencies and local entities for those activities and related 9255
purposes. 9256

(J) Beginning July 1, 2004, the department shall administer 9257
and enforce the laws relative to private investigators and 9258
security service providers specified in Chapter 4749. of the 9259
Revised Code. 9260

Sec. 5502.011. (A) As used in this section, "department of 9261
public safety" and "department" include all divisions within the 9262
department of public safety. 9263

(B) The director of the department of public safety is the 9264
chief executive and administrative officer of the department. The 9265
director may establish policies governing the department, the 9266
performance of its employees and officers, the conduct of its 9267
business, and the custody, use, and preservation of departmental 9268
records, papers, books, documents, and property. The director also 9269
may authorize and approve investigations to be conducted by any of 9270
the department's divisions. Whenever the Revised Code imposes a 9271
duty upon or requires an action of the department, the director 9272
may perform the action or duty in the name of the department or 9273

direct such performance to be performed by the director's 9274
designee. 9275

(C) In addition to any other duties enumerated in the Revised 9276
Code, the director or the director's designee shall do all of the 9277
following: 9278

(1) Administer and direct the performance of the duties of 9279
the department; 9280

(2) Pursuant to Chapter 119. of the Revised Code, approve, 9281
adopt, and prescribe such forms and rules as are necessary to 9282
carry out the duties of the department; 9283

(3) On behalf of the department and in addition to any 9284
authority the Revised Code otherwise grants to the department, 9285
have the authority and responsibility for approving and entering 9286
into contracts, agreements, and other business arrangements; 9287

(4) Make appointments for the department as needed to comply 9288
with requirements of the Revised Code; 9289

(5) Approve employment actions of the department, including 9290
appointments, promotions, discipline, investigations, and 9291
terminations; 9292

(6) Accept, hold, and use, for the benefit of the department, 9293
any gift, donation, bequest, or devise, and may agree to and 9294
perform all conditions of the gift, donation, bequest, or devise, 9295
that are not contrary to law; 9296

(7) Do all other acts necessary or desirable to carry out 9297
this chapter. 9298

(D)(1) The director of public safety may assess a reasonable 9299
fee, plus the amount of any charge or fee passed on from a 9300
financial institution, on a drawer or indorser for each of the 9301
following: 9302

(a) A check, draft, or money order that is returned or 9303

<u>dishonored;</u>	9304
<u>(b) An automatic bank transfer that is declined, due to</u>	9305
<u>insufficient funds or for any other reason;</u>	9306
<u>(c) Any financial transaction device that is returned or</u>	9307
<u>dishonored for any reason.</u>	9308
<u>(2) The director shall deposit any fee collected under this</u>	9309
<u>division in an appropriate fund as determined by the director</u>	9310
<u>based on the tax, fee, or fine being paid.</u>	9311
<u>(3) As used in this division, "financial transaction device"</u>	9312
<u>has the same meaning as in section 113.40 of the Revised Code.</u>	9313
Sec. 5502.11. Every law enforcement agency representing a	9314
township, county, municipal corporation, or other political	9315
subdivision investigating a motor vehicle accident involving a	9316
fatality, personal injury, or property damage in an amount not	9317
less <u>greater</u> than one hundred fifty <u>four hundred</u> dollars shall,	9318
within five days, forward a written report of such accident to the	9319
director of public safety on a form which the director shall adopt	9320
subject to sections 119.01 to 119.13 of the Revised Code.	9321
Sec. 5503.34. There is hereby created in the department of	9322
public safety, division of state highway patrol, a commercial	9323
motor vehicle safety <u>carrier</u> enforcement unit, to be administered	9324
by the superintendent of the state highway patrol. This unit shall	9325
be responsible for enforcement of commercial motor vehicle	9326
transportation safety, economic, and hazardous materials	9327
requirements.	9328
The superintendent, with the approval of the director of	9329
public safety, may appoint and maintain necessary staff to carry	9330
out the duties assigned under this section.	9331
Employees of the commercial motor vehicle safety <u>carrier</u>	9332

enforcement unit shall cooperate with the public utilities 9333
commission to enforce compliance with orders and rules of the 9334
commission, applicable laws under Chapters 4919., 4921., and 4923. 9335
of the Revised Code, and any other applicable laws or rules. 9336

Uniformed employees of the ~~commercial motor vehicle safety~~ 9337
carrier enforcement unit may stop commercial motor vehicles for 9338
the exclusive purpose of inspecting such vehicles to enforce 9339
compliance with orders and rules of the public utilities 9340
commission as required by division (F) of section 5502.01 of the 9341
Revised Code. 9342

Sec. 5516.01. As used in sections 5516.01 to 5516.14 of the 9343
Revised Code: 9344

(A) "Advertising device" includes any outdoor sign, display, 9345
device, figure, painting, drawing, message, placard, poster, 9346
billboard, or any other contrivance designed, intended, or used to 9347
advertise or to give information in the nature of advertising, or 9348
any part thereof, the advertising or informative contents of which 9349
are visible from the main traveled way of any highway on the 9350
interstate system or primary system in this state. 9351

(B) "Visible" means capable of being seen and comprehended 9352
without visual aid by a person traveling the posted speed limit on 9353
the main traveled way of the highway. 9354

(C) "Interstate system" means that portion of the interstate 9355
system, or the national highway system, located within this state, 9356
as designated by the director of transportation and approved by 9357
the secretary of transportation of the United States, pursuant to 9358
23 U.S.C.A. 103(b) and (e). 9359

(D) "Erect" means to construct or allow to be constructed, 9360
but it shall not include any activity when performed as an 9361
incident to the change of advertising message or normal 9362

maintenance of a sign or sign structure. 9363

(E) "Maintain" means to preserve, keep in repair, continue, 9364
allow to exist, or restore. 9365

(F) "National policy" means the provisions of 23 U.S.C.A. 131 9366
and the national standards, criteria, and rules promulgated 9367
pursuant to such provisions. 9368

(G) "Primary system" means that portion of the state highway 9369
system or national highway system located within this state as 9370
designated by the director and approved by the secretary of 9371
transportation of the United States, pursuant to 23 U.S.C.A. 9372
103(b). 9373

(H) "Zoned commercial or industrial areas" means those 9374
nonagricultural areas which are reserved for business, commerce, 9375
or trade, pursuant to local zoning laws, regulations, or state 9376
laws. 9377

(I) "Unzoned commercial or industrial area" means an area not 9378
zoned by state or local law, regulation, or ordinance, in which 9379
there is located one or more commercial or industrial activities. 9380
Such area may also include the lands along the highway for a 9381
distance of eight hundred fifty feet immediately adjacent to such 9382
activities. This distance shall be measured from the buildings, 9383
parking lots, storage or processing areas of the activities, and 9384
along or parallel to the near edge of the main traveled way of the 9385
highway. This distance shall not include land on the opposite side 9386
of the highway from such activities, nor land predominantly used 9387
for residential purposes. An area shall be considered 9388
predominately residential if fifty per cent or more of the eight 9389
hundred feet immediately adjacent to the activities contains land 9390
used as residential property. Each side of the highway will be 9391
considered separately in applying this definition. 9392

(J) "Commercial or industrial activities" means those 9393

activities generally recognized as commercial or industrial by zoning authorities of this state. The following activities shall not be considered commercial or industrial:	9394 9395 9396
(1) Activities relating to advertising structures;	9397
(2) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, activities relating to wayside fresh produce stands;	9398 9399 9400
(3) Transient or temporary activities;	9401
(4) Activities not visible from the main traveled way;	9402
(5) Activities located more than six hundred sixty feet from the nearest edge of the right-of-way;	9403 9404
(6) Activities conducted in a building principally used as a residence;	9405 9406
(7) Activities relating to railroad tracks and minor sidings;	9407
(8) Activities relating to highways, roads, and streets.	9408
(K) "Directional and official signs and notices" means those signs and notices that are required or authorized by law and conform to the rules for such signs and notices as adopted by the director in accordance with 23 C.F.R. 750.151 to 750.155.	9409 9410 9411 9412
(L) "Nonconforming advertising device" means an advertising device that was:	9413 9414
(1) Lawfully in existence prior to December 7, 1971;	9415
(2) Lawfully on any highway made a part of the interstate system or primary highway system on or after December 7, 1971;	9416 9417
(3) Lawfully erected prior to any revision in the law effective December 7, 1971; or	9418 9419
(4) Lawfully erected but:	9420
(a) No longer in compliance with the provisions of state law	9421

enacted or rules adopted at a later date; or 9422

(b) No longer in compliance with state laws or rules due to 9423
changed conditions, including, but not limited to, zoning changes, 9424
highway relocation, highway reclassification, or changes in 9425
restrictions on sizing, lighting, spacing, or distance of 9426
advertising devices. 9427

Illegally erected or maintained advertising devices are not 9428
nonconforming signs. 9429

(M) "Scenic byway" means any linear transportation corridor 9430
as designated or as may hereafter be so designated by the director 9431
under the Ohio scenic byways program as having outstanding scenic 9432
qualities. 9433

(N) "Director" means the director of the Ohio department of 9434
transportation. 9435

(O) "Commercial or industrial zone" means those areas 9436
established by any state, county, municipal, or other local zoning 9437
authority as being most appropriate for business, commerce, 9438
industry, or trade. Any action taken by a state, county, 9439
municipal, or other local zoning authority that is not part of 9440
comprehensive zoning and is created primarily to permit outdoor 9441
advertising devices shall not be considered a commercial or 9442
industrial zone for purposes of this chapter. 9443

(P) "Last permit holder" includes any of the following: 9444

(1) The most recent holder of the advertising device permit; 9445

(2) A business, cooperative, corporation, enterprise, joint 9446
venture, limited liability company, partnership, sole 9447
proprietorship or subsidiary, the viability of which is dependant 9448
on its relationship with the most recent holder of the advertising 9449
device permit; 9450

(3) Any person or entity that is closely related to or 9451

closely connected with the most recent holder of the advertising 9452
device permit. 9453

(0) "Professional sports facility" means all or a portion of 9454
a stadium, arena, motorsports complex, or other facility, 9455
including all parking facilities, walkways, and other auxiliary 9456
facilities that may be used for or in connection with the sports 9457
facility or its operation, the primary purpose of which is to 9458
provide a site or venue for the presentation to the public of 9459
either of the following: 9460

(1) Events of one or more major or minor league professional 9461
athletic or sports teams that are associated with the state or 9462
with a city or region of the state; 9463

(2) Motorsports events. 9464

Sec. 5516.04. (A) Any advertising device that violates 9465
section 5516.02, 5516.06, ~~or~~ 5516.061, or 5516.062 of the Revised 9466
Code or the rules adopted thereunder, or that is being maintained 9467
without a validly issued permit, is a public and private nuisance, 9468
and shall be removed. Immediately upon discovering the existence 9469
of such a nuisance, the director of transportation shall issue an 9470
order to the owner or lessee of the land on which such advertising 9471
device is located, and to the owner of such advertising device, if 9472
known, to remove the device or to initiate any remedial action 9473
specified in the order, within thirty days of the issuance of the 9474
order. The order shall be in writing and shall be sent by 9475
certified mail. If the owner of the advertising device is unknown, 9476
the director shall make a reasonable attempt to ascertain the 9477
identity of such owner. 9478

If such owner cannot be determined or the certified mail is 9479
not claimed, the director may post a copy of the order in a 9480
conspicuous place on the advertising device. 9481

If removal or remediation is not completed within thirty days 9482
of the date of the order, the director immediately may remove the 9483
sign without further notice or may file for an injunction or other 9484
appropriate relief in a civil action for abatement in the court of 9485
common pleas of the county in which the advertising device is 9486
located. A copy of the complaint shall be served upon the owner or 9487
lessee of the land and the owner of the device, if known, in 9488
accordance with the Rules of Civil Procedure. If certified mail 9489
service, personal service, or residence service of the complaint 9490
is refused, or certified mail service is not claimed and the 9491
director has made a request for ordinary mail service of the 9492
complaint, or has used publication service in accordance with the 9493
Rules of Civil Procedure, then a copy of the complaint shall be 9494
posted in a conspicuous place on the advertising device. 9495

The court in a civil action for abatement shall conduct a 9496
hearing at least twenty-eight days after service of the complaint 9497
on the owner of the advertising device and the owner or lessee of 9498
the land. If the court finds at the hearing that a violation of 9499
sections 5516.02 to 5516.04 of the Revised Code exists as alleged 9500
in the complaint and also finds that the owner of the advertising 9501
device or the owner or lessee of the land has been afforded an 9502
opportunity to abate the nuisance but has refused or failed to do 9503
so, the court may issue an injunction requiring the owner of the 9504
advertising device or the owner or lessee of the land to abate the 9505
nuisance or may issue any other order that it considers necessary 9506
or appropriate to cause the abatement of the public nuisance. If 9507
an injunction is issued pursuant to this section, the owner of the 9508
advertising device or the owner or lessee of the land shall be 9509
given no more than thirty days from the date of the entry of the 9510
court's order to comply with the injunction, unless the court, for 9511
good cause shown, extends the time for compliance. The judge in 9512
any civil action described in this section, or the judge's 9513

successor in office, has continuing jurisdiction to review the 9514
condition of any advertising device that was determined to be a 9515
public nuisance pursuant to this section. 9516

(B) If the department removes an advertising device pursuant 9517
to an order of the director, the cost or expense of such removal 9518
shall be paid by the director out of any appropriation of the 9519
department of transportation available for the establishment, use, 9520
maintenance, or repair of highways, and the amount thereof shall 9521
be certified to the attorney general for collection by civil 9522
action against the device owner or the owner or lessee of the land 9523
on which such advertising device is located. Such owners and 9524
lessees shall be jointly liable for such costs or expenses. 9525

(C) Employees, agents, or independent contractors of the 9526
department of transportation may enter upon private property for 9527
the purpose of removing advertising devices in accordance with 9528
this section, without incurring any liability for so entering. 9529

Sec. 5516.061. No advertising device shall be erected outside 9530
of urban areas ~~between~~ further than six hundred sixty feet ~~and~~ 9531
~~three thousand feet of~~ from the right-of-way of the main traveled 9532
way of a highway on the interstate or primary system if such 9533
device would be visible from such main traveled way, except the 9534
following: 9535

(A) Directional and official signs and notices that conform 9536
to rules adopted by the director of transportation; 9537

(B) Signs advertising the sale or lease of the property upon 9538
which they are located; 9539

(C) Advertising devices indicating the name of the business, 9540
activities, or profession conducted on such property or that 9541
identify the goods produced, sold, or services rendered on such 9542
property and that conform to rules adopted by the director; 9543

(D) Signs lawfully in existence on October 22, 1965, that the 9544
director, subject to the approval of the secretary of the United 9545
States department of transportation, has determined to be landmark 9546
signs, including signs on farm structures or natural surfaces, 9547
which are of historic or artistic significance. 9548

Any advertising device lawfully in existence prior to 9549
November 28, 1975, or lawfully on any highway made a part of the 9550
interstate or primary system on or after that date, the erection 9551
of which would be illegal under this section, is nonconforming, 9552
and may be maintained subject to the permit provisions of section 9553
5516.10 of the Revised Code. An advertising device existing prior 9554
to the effective date of this section which would be illegal under 9555
this section shall be considered a nonconforming advertising 9556
device and may be maintained subject to the permit provisions of 9557
section 5516.10 of the Revised Code. 9558

As used in this section, "urban area" means an urbanized area 9559
or an urban place as designated by the bureau of the census having 9560
a population of five thousand or more, and within boundaries 9561
approved by the United States secretary of transportation. 9562

Sec. 5516.062. (A) No person shall erect, use, maintain, 9563
operate, construct, or cause or permit to be erected, used, 9564
maintained, operated, or constructed any advertising device that 9565
is located both inside an urban area, as defined by section 9566
5516.061 of the Revised Code, and outside the boundaries of a 9567
municipal corporation as such boundaries existed on September 21, 9568
1959, without first obtaining a permit and permit plates from the 9569
director of transportation pursuant to section 5516.10 of the 9570
Revised Code. 9571

(B) An advertising device existing prior to the effective 9572
date of this section which would be illegal under this section 9573
shall be considered a nonconforming advertising device and may be 9574

maintained subject to the permit provisions of section 5516.10 of 9575
the Revised Code. 9576

Sec. 5516.10. (A) No person shall do either of the following 9577
without first obtaining a permit and permit plates from the 9578
director of transportation: 9579

(1) Erect, use, maintain, operate, construct, or cause or 9580
permit to be erected, used, maintained, operated, or constructed, 9581
any advertising device located in either of the following: 9582

(a) Commercial or industrial zones traversed by segments of 9583
the interstate system within the boundaries of a municipal 9584
corporation as such boundaries existed on September 21, 1959; 9585

(b) Zoned or unzoned industrial or commercial areas adjacent 9586
to highways on the primary system. 9587

(2) Maintain any nonconforming advertising device. 9588

(B) Applications for such a permit shall be made on forms 9589
prescribed by the director, and a separate application shall be 9590
submitted for each sign face. The director shall adopt rules 9591
setting forth the requirements for completion of the application 9592
process and the issuance of permits consistent with this section. 9593

(1) As part of the application process, the director may 9594
require an acknowledgment to be signed by the owner or person in 9595
lawful possession or control of the proposed location of the 9596
advertising device. Such acknowledgment may include, but shall not 9597
be limited to, a statement that the applicant has the right to 9598
occupy the land at the subject location, that if at any time 9599
removal is required, the owner or person in lawful possession or 9600
control of the location may be jointly liable, and that the 9601
applicant may only occupy the land for a specified time period. If 9602
legal use of the location is terminated at any time during the 9603
permit period, the permit is subject to cancellation pursuant to 9604

section 5516.12 of the Revised Code. 9605

(2) As part of the application process, the director may 9606
require an applicant or the applicant's authorized representative 9607
to certify in a notarized signed statement that the applicant has 9608
not knowingly provided materially false, misleading, or inaccurate 9609
information. 9610

(3) Each application shall be accompanied by the appropriate 9611
application fee as set forth in the fee schedule established by 9612
the director. Such fee schedule shall be based on the reasonable 9613
cost of administering and processing such permits. Application 9614
fees shall be nonrefundable. 9615

(4) Applications for permits shall be disapproved and permits 9616
shall not be issued under any of the following conditions: 9617

(a) The proposed location for an advertising device is not 9618
visible from the main traveled portion of the highway due to 9619
existing landscaping on the right-of-way of any highway. 9620

(b) The advertising device can be erected or maintained only 9621
from the right-of-way of an interstate or primary highway system. 9622

(c) The proposed location for the advertising device is on 9623
land that is used principally as a residence. 9624

(d) The advertising device is erected or maintained on trees, 9625
or painted or drawn upon rocks or other natural features. 9626

(e) The advertising device would be a traffic hazard or a 9627
danger to the safety of the traveling public. 9628

(f) The advertising device would prevent the driver of a 9629
motor vehicle from having a clear and unobstructed view of 9630
official signs and approaching or merging traffic. 9631

(g) The advertising device is illuminated so as to interfere 9632
with the effectiveness of an official sign, signal, or other 9633
traffic control device. 9634

(h) The advertising device attempts, or appears to attempt, 9635
to direct the movement of traffic, or interferes with, imitates, 9636
or resembles an official sign, signal, or other traffic control 9637
device. 9638

(C) The issuance of a permit under this section shall not be 9639
construed to invalidate municipal ordinances requiring a permit or 9640
license or providing for an inspection fee for advertising 9641
devices, or regulating such advertising devices. The cost of the 9642
application fee for such permits or licenses issued, or the cost 9643
of initial inspection fees charged under municipal ordinances 9644
shall be credited against and shall reduce the cost of the permit 9645
issued by the director under this section. If a permit is issued 9646
by a zoning authority pursuant to its ordinances, rules, or 9647
regulations controlling outdoor advertising devices, a copy 9648
thereof shall be furnished to the director with any application 9649
for a new permit required by this section or within thirty days of 9650
its issuance by a zoning authority. 9651

(D) Where an application is submitted for the erection, use, 9652
maintenance, operation, or construction of an advertising device, 9653
the director may conditionally approve such application as to 9654
location only, and final approval shall remain pending until the 9655
advertising device is erected, used, maintained, or constructed or 9656
becomes operational. Upon notification by the permit applicant 9657
that the erection, use, maintenance, construction, or operation of 9658
the advertising device is completed, the director shall verify 9659
that the advertising device complies with the terms and conditions 9660
of the conditional permit. Upon verification of compliance with 9661
the terms and conditions of the conditional permit, the director 9662
may approve and issue a permit and permit plates, which shall be 9663
securely and permanently attached in the corner of the face of the 9664
advertising device nearest to the highway in such a manner as to 9665
be visible from the main traveled way of the interstate or primary 9666

highway system. Replacement plates may be issued upon request and 9667
upon the payment of a replacement fee to be determined by the 9668
director. 9669

(E) All permits issued pursuant to this section shall be in 9670
effect for a period of two years. Permits may be renewed upon 9671
application made on forms designated by the director and upon the 9672
payment of a nonrefundable renewal fee in an amount to be 9673
determined by the director based on the reasonable cost of 9674
administering and processing such renewal permits. Any permits 9675
that are not renewed, and any permit plates issued in connection 9676
with such permits, shall be returned to the director for 9677
cancellation by the expiration date. The director may adopt rules 9678
for the reinstatement of permits canceled as a result of 9679
nonpayment of renewal fees, and shall develop a fee schedule for 9680
late renewals. 9681

(F)(1) Where the director conditionally approves the issuance 9682
of a permit as to location only and the permit applicant fails to 9683
~~exercise the privilege of constructing, erecting, using,~~ 9684
~~operating, or maintaining~~ construct, erect, use, operate, or 9685
maintain an advertising device within the period for which the 9686
permit was issued, such permit shall not be renewed unless a 9687
renewal fee is paid to extend the privilege for one additional 9688
permit period. No conditional permit shall be renewed and no 9689
extensions shall be granted after the second renewal period. 9690

(2) A last permit holder's application for a permit shall not 9691
be accepted until a permit issued pursuant to division (F)(1) of 9692
this section has expired for a period of six months, commencing 9693
from the expiration date, for any of the following locations: 9694

(a) The expired location; 9695

(b) A location within five hundred feet of the expired 9696
location on an interstate highway, a primary highway outside a 9697

municipal corporation, or a freeway inside a municipal 9698
corporation; 9699

(c) A location within two hundred fifty feet of the expired 9700
location on any other primary highway inside a municipal 9701
corporation. 9702

The director shall process written applications in the order 9703
in which they are received. 9704

(G) Permits for advertising devices erected and maintained 9705
with a valid permit issued before July 1, 1997, may be renewed 9706
unless the director finds that the permit application contains 9707
materially false, misleading, or inaccurate information or the 9708
sign has been erected or maintained contrary to this chapter or 9709
the rules adopted thereunder, and in such event the director may 9710
take appropriate action pursuant to section 5516.12 of the Revised 9711
Code. An applicant who has a conditional permit issued by the 9712
director before June 30, 1997, and who has not yet exercised the 9713
privilege of constructing, using, operating, erecting, or 9714
maintaining an advertising device at the proposed location as of 9715
that date, shall have until December 31, 1997, to comply with the 9716
terms and conditions of the conditional permit or such permit 9717
shall be canceled. However, the applicant may request that the 9718
conditional permit be renewed by submitting a renewal application 9719
and paying a nonrefundable renewal fee to extend the privilege for 9720
one additional permit period. 9721

(H) Permits may be transferred from one sign owner to another 9722
upon written acknowledgment from the current permittee and the 9723
payment of a transfer fee in an amount to be determined by the 9724
director for each permit to be transferred. The new permit holder 9725
is subject to all the terms and conditions of the prior permit 9726
holder and shall be subject to this chapter and the rules adopted 9727
thereunder. 9728

(I) No person shall submit an application for an advertising device permit where the proposed location is adjacent to a proposed project on the interstate or primary system and the proposed location for the device would be illegal under this chapter upon completion of the project. 9729
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(J) Any permit issued by the director under this chapter or the rules adopted under it, is the property of the permit holder. Upon the sale of an advertising device, a permit issued under this section continues in effect for the period established under division (E) of this section. 9734
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Sec. 5577.042. (A) As used in this section: 9739

(1) "Farm machinery" has the same meaning as in section 4501.01 of the Revised Code. 9740
9741

(2) "Farm commodities" includes livestock, bulk milk, corn, soybeans, tobacco, and wheat. 9742
9743

(3) "Farm truck" means a truck used in the transportation from a farm of farm commodities when the truck is operated in accordance with this section. 9744
9745
9746

(4) "Log truck" means a truck used in the transportation of timber from the site of its cutting when the truck is operated in accordance with this section. 9747
9748
9749

(5) "Coal truck" means a truck transporting coal from the site where it is mined when the truck is operated in accordance with this section. 9750
9751
9752

(6) "Solid waste" has the same meaning as in section 3734.01 of the Revised Code. 9753
9754

(7) "Solid waste haul vehicle" means a vehicle hauling solid waste for which a bill of lading has not been issued. 9755
9756

(B) Notwithstanding sections 5577.02 and 5577.04 of the 9757

Revised Code, a coal truck transporting coal, a farm truck or farm 9758
machinery transporting farm commodities, ~~or~~ a log truck 9759
transporting timber, or a solid waste haul vehicle hauling solid 9760
waste, from the place of production to the first point of delivery 9761
where the commodities are weighed and title to the commodities, 9762
coal, or timber is transferred, or, in the case of solid waste, 9763
from the place of production to the first point of delivery where 9764
the solid waste is disposed of or title to the solid waste is 9765
transferred, may exceed by no more than seven and one-half per 9766
cent the weight provisions of sections 5577.01 to 5577.09 of the 9767
Revised Code and no penalty prescribed in section 5577.99 of the 9768
Revised Code shall be imposed. If a coal truck so transporting 9769
coal, a farm truck or farm machinery so transporting farm 9770
commodities, ~~or~~ a timber truck so transporting timber, or a solid 9771
waste haul vehicle hauling solid waste, exceeds by more than seven 9772
and one-half per cent the weight provisions of those sections, 9773
both of the following apply without regard to the seven and 9774
one-half per cent allowance provided by this division: 9775

(1) The applicable penalty prescribed in section 5577.99 of 9776
the Revised Code; 9777

(2) The civil liability imposed by section 5577.12 of the 9778
Revised Code. 9779

(C)(1) Division (B) of this section does not apply to the 9780
operation of a farm truck, log truck, or farm machinery 9781
transporting farm commodities during the months of February and 9782
March. 9783

(2) Regardless of when the operation occurs, division (B) of 9784
this section does not apply to the operation of a coal truck, a 9785
farm truck, a log truck, a solid waste haul vehicle, or farm 9786
machinery transporting farm commodities on either of the 9787
following: 9788

(a) A highway that is part of the interstate system;	9789
(b) A highway, road, or bridge that is subject to reduced maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 5577.09, or 5591.42 of the Revised Code.	9790 9791 9792
Sec. 5577.05. <u>(A)</u> No vehicle shall be operated upon the public highways, streets, bridges, and culverts within the state, whose dimensions exceed those specified in this section.	9793 9794 9795
(A) <u>(B)</u> No such vehicle shall have a width in excess of:	9796
(1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;	9797 9798
(2) One hundred two inches, excluding such safety devices <u>as</u> are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of one hundred two-inch buses is prohibited by order of the director of transportation;	9799 9800 9801 9802 9803 9804
(3) One hundred thirty-two inches for traction engines;	9805
(4) One hundred two inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the director may prohibit the operation of one hundred two inch recreational vehicles on designated state highways or portions of highways;	9806 9807 9808 9809 9810 9811
(5) One hundred two inches, including load, for all other vehicles, except that the director may prohibit the operation of one hundred two-inch vehicles on such state highways or portions thereof as the director designates.	9812 9813 9814 9815
(B) <u>(C)</u> No such vehicle shall have a length in excess of:	9816
(1) Sixty <u>Sixty-six</u> feet for passenger bus type vehicles <u>and</u>	9817

articulated passenger bus type vehicles operated by a regional 9818
transit authority pursuant to sections 306.30 to 306.54 of the 9819
Revised Code; 9820

(2) ~~Forty~~ Forty-five feet for all other passenger bus type 9821
vehicles; 9822

(3) Fifty-three feet for any semitrailer when operated in a 9823
commercial tractor-semitrailer combination, with or without load, 9824
except that the director may prohibit the operation of any such 9825
commercial tractor-semitrailer combination on such state highways 9826
or portions thereof as the director designates. 9827

(4) Twenty-eight and one-half feet for any semitrailer or 9828
trailer when operated in a commercial tractor-semitrailer-trailer 9829
or commercial tractor-semitrailer-semitrailer combination, except 9830
that the director may prohibit the operation of any such 9831
commercial tractor-semitrailer-trailer or commercial 9832
tractor-semitrailer-semitrailer combination on such state highways 9833
or portions thereof as the director designates; 9834

(5) Seventy-five feet for drive-away saddlemount vehicle 9835
transporter combinations and drive-away saddlemount with fullmount 9836
vehicle transporter combinations, not to exceed three 9837
saddlemounted vehicles, but which may include one fullmount. 9838

(6) Sixty-five feet for any other combination of vehicles 9839
coupled together, with or without load, except as provided in 9840
divisions ~~(B)~~(C)(3) and (4), and in division ~~(D)~~(E) of this 9841
section; 9842

(7) Forty-five feet for recreational vehicles; 9843

(8) Forty feet for all other vehicles except trailers and 9844
semitrailers, with or without load. 9845

~~(C)~~(D) No such vehicle shall have a height in excess of 9846
thirteen feet six inches, with or without load. 9847

~~(D)~~(E) An automobile transporter or boat transporter shall be 9848
allowed a length of sixty-five feet and a stinger-steered 9849
automobile transporter or stinger-steered boat transporter shall 9850
be allowed a length of seventy-five feet, except that the load 9851
thereon may extend no more than four feet beyond the rear of such 9852
vehicles and may extend no more than three feet beyond the front 9853
of such vehicles, and except further that the director may 9854
prohibit the operation of a stinger-steered automobile 9855
transporter, stinger-steered boat transporter, or a B-train 9856
assembly on any state highway or portion thereof that the director 9857
designates. 9858

(F) The widths prescribed in division (B) of this section 9859
shall not include side mirrors, turn signal lamps, marker lamps,
handholds for cab entry and egress, flexible fender extensions,
mud flaps, splash and spray suppressant devices, and load-induced
tire bulge. 9860
9861
9862
9863

The width prescribed in division ~~(A)~~(B)(5) of this section 9864
shall not include automatic covering devices ~~used by a vehicle~~ 9865
hauling solid waste, tarp and tarp hardware, and tiedown 9866
assemblies, provided these safety devices do not extend more than 9867
three inches from each side of the vehicle. 9868

The lengths prescribed in divisions ~~(B)~~(C)(2) to (7) of this 9869
section shall not include safety devices, bumpers attached to the 9870
front or rear of such bus or combination, B-train assembly used 9871
between the first and second semitrailer of a commercial 9872
tractor-semitrailer-semitrailer combination, energy conservation 9873
devices as provided in any regulations adopted by the secretary of 9874
the United States department of transportation, or any 9875
noncargo-carrying refrigeration equipment attached to the front of 9876
trailers and semitrailers. In special cases, vehicles whose 9877
dimensions exceed those prescribed by this section may operate in 9878
accordance with rules adopted by the director. 9879

~~(E)~~(G) This section does not apply to fire engines, fire 9880
trucks, or other vehicles or apparatus belonging to any municipal 9881
corporation or to the volunteer fire department of any municipal 9882
corporation or used by such department in the discharge of its 9883
functions. This section does not apply to vehicles and pole 9884
trailers used in the transportation of wooden and metal poles, nor 9885
to the transportation of pipes or well-drilling equipment, nor to 9886
farm machinery and equipment. The owner or operator of any 9887
vehicle, machinery, or equipment not specifically enumerated in 9888
this section but the dimensions of which exceed the dimensions 9889
provided by this section, when operating the same on the highways 9890
and streets of this state, shall comply with the rules of the 9891
director governing such movement, which the director may adopt. 9892
Sections 119.01 to 119.13 of the Revised Code apply to any rules 9893
the director adopts under this section, or the amendment or 9894
rescission thereof, and any person adversely affected shall have 9895
the same right of appeal as provided in those sections. 9896

This section does not require the state, a municipal 9897
corporation, county, township, or any railroad or other private 9898
corporation to provide sufficient vertical clearance to permit the 9899
operation of such vehicle, or to make any changes in or about 9900
existing structures now crossing streets, roads, and other public 9901
thoroughfares in this state. 9902

~~(F)~~(H) As used in this section, "recreational vehicle" has 9903
the same meaning as in section 4501.01 of the Revised Code. 9904

Sec. 5577.15. (A) The size and weight provisions of this 9905
chapter do not apply to a person who is engaged in the initial 9906
towing or removal of a wrecked or disabled motor vehicle from the 9907
site of an emergency on a public highway where the vehicle became 9908
wrecked or disabled to the nearest site where the vehicle can be 9909
brought into conformance with the requirements of this chapter or 9910

to the nearest qualified repair facility. 9911

(B) Any subsequent towing of a wrecked or disabled vehicle shall comply with the size and weight provisions of this chapter. 9912
9913

(C) No court shall impose any penalty prescribed in section 5577.99 of the Revised Code or the civil liability established in section 5577.12 of the Revised Code upon a person towing or removing a vehicle in the manner described in division (A) of this section. 9914
9915
9916
9917
9918

Sec. 5577.99. (A) Whoever violates the weight provisions of 9919
sections 5577.01 to 5577.07 or the weight provisions in regard to 9920
highways under section 5577.04 of the Revised Code shall be fined 9921
eighty dollars for the first two thousand pounds, or fraction 9922
thereof, of overload; for overloads in excess of two thousand 9923
pounds, but not in excess of five thousand pounds, such person 9924
shall be fined one hundred dollars, and in addition thereto one 9925
dollar per one hundred pounds of overload; for overloads in excess 9926
of five thousand pounds, but not in excess of ten thousand pounds, 9927
such person shall be fined one hundred thirty dollars and in 9928
addition thereto two dollars per one hundred pounds of overload, 9929
or imprisoned not more than thirty days, or both. For all 9930
overloads in excess of ten thousand pounds such person shall be 9931
fined one hundred sixty dollars, and in addition thereto three 9932
dollars per one hundred pounds of overload, or imprisoned not more 9933
than thirty days, or both. Whoever violates the weight provisions 9934
of vehicle and load relating to gross load limits shall be fined 9935
not less than one hundred dollars. No penalty prescribed in this 9936
division shall be imposed on any vehicle combination if the 9937
overload on any axle does not exceed one thousand pounds, and if 9938
the immediately preceding or following axle, excepting the front 9939
axle of the vehicle combination, is underloaded by the same or a 9940
greater amount. For purposes of this division, two axles on one 9941

vehicle less than eight feet apart, shall be considered as one 9942
axle. 9943

(B) Whoever violates the weight provisions of section 9944
5571.071 or 5577.08 or the weight provisions in regard to bridges 9945
under section 5577.09, and whoever exceeds the carrying capacity 9946
specified under section 5591.42 of the Revised Code, shall be 9947
fined eighty dollars for the first two thousand pounds, or 9948
fraction thereof, of overload; for overloads in excess of two 9949
thousand pounds, but not in excess of five thousand pounds, the 9950
person shall be fined one hundred dollars, and in addition thereto 9951
one dollar per one hundred pounds of overload; for overloads in 9952
excess of five thousand pounds, but not in excess of ten thousand 9953
pounds, the person shall be fined one hundred thirty dollars, and 9954
in addition thereto two dollars per one hundred pounds of 9955
overload, or imprisoned not more than thirty days, or both. For 9956
all overloads in excess of ten thousand pounds, the person shall 9957
be fined one hundred sixty dollars, and in addition thereto three 9958
dollars per one hundred pounds of overload, or imprisoned not more 9959
than thirty days, or both. 9960

Notwithstanding any other provision of the Revised Code that 9961
specifies a procedure for the distribution of fines, all fines 9962
collected pursuant to this section shall be paid into the treasury 9963
of the county and credited to any fund for the maintenance and 9964
repair of roads, highways, bridges, or culverts. 9965

(C) Whoever violates any other provision of sections 5577.01 9966
to 5577.09 of the Revised Code ~~shall be fined not more than~~ 9967
~~twenty five dollars for~~ is guilty of a minor misdemeanor on a 9968
~~first offense; for a second offense within one year thereafter,~~ 9969
~~such person shall be fined not less than ten nor more than one~~ 9970
~~hundred dollars, or imprisoned not more than ten days, or both;~~ 9971
~~for~~ on a second or subsequent offense within one year after the 9972
~~first offense,~~ such person ~~shall be fined not less than~~ 9973

~~twenty five nor more than two hundred dollars, or imprisoned not
more than thirty days, or both is guilty of a misdemeanor of the
fourth degree.~~ 9974
9975
9976

(D) Whoever violates section 5577.10 of the Revised Code 9977
shall be fined not more than five thousand dollars or imprisoned 9978
for not less than thirty days nor more than six months, or both. 9979

(E) Whoever violates section 5577.11 of the Revised Code 9980
shall be fined not more than twenty-five dollars. 9981

Section 2. That existing sections 109.801, 121.08, 306.351, 9982
307.05, 307.055, 307.86, 1548.08, 1548.09, 1548.11, 1548.13, 9983
1548.141, 1548.20, 2935.27, 2937.221, 3937.41, 3937.43, 3937.45, 9984
4501.01, 4501.02, 4501.021, 4501.11, 4503.01, 4503.03, 4503.034, 9985
4503.04, 4503.041, 4503.042, 4503.10, 4503.12, 4503.13, 4503.182, 9986
4503.231, 4503.24, 4503.44, 4504.01, 4505.032, 4505.06, 4505.07, 9987
4505.08, 4505.09, 4505.10, 4505.11, 4505.13, 4505.141, 4506.01, 9988
4506.08, 4506.09, 4506.11, 4506.12, 4507.13, 4507.141, 4507.19, 9989
4507.20, 4507.50, 4507.51, 4507.53, 4507.99, 4509.05, 4509.101, 9990
4509.79, 4510.10, 4510.22, 4510.31, 4510.43, 4511.01, 4513.61, 9991
4513.63, 4517.01, 4517.03, 4517.10, 4517.14, 4519.03, 4519.05, 9992
4519.56, 4519.57, 4519.58, 4519.61, 4519.631, 4519.68, 4738.05, 9993
4738.18, 4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 9994
4749.08, 4749.10, 4749.11, 4749.12, 4749.13, 4749.14, 4905.06, 9995
4919.79, 4923.20, 5502.01, 5502.11, 5503.34, 5516.01, 5516.04, 9996
5516.061, 5516.10, 5577.042, 5577.05, and 5577.99 of the Revised 9997
Code are hereby repealed. 9998

Section 3. Notwithstanding the amendments to sections 4517.10 9999
and 4738.05 of the Revised Code contained in Section 1 of this 10000
act, when the Registrar of Motor Vehicles first renews the 10001
licenses for motor vehicle dealers, motor vehicle leasing dealers, 10002
manufactured home brokers, distributors, motor vehicle auction 10003

owners, motor vehicle salespersons, motor vehicle salvage dealers, 10004
salvage motor vehicle auctions, and salvage motor vehicle pools, 10005
following the effective date of this act, the Registrar may renew 10006
some of those licenses for one year and others for two years. In 10007
the case of those licenses that the Registrar specifies be renewed 10008
for one year, the fee that was applicable to that particular 10009
license prior to the effective date of this act shall apply. In 10010
the case of those licenses that the Registrar specifies be renewed 10011
for two years, the fee that is specified in section 4517.10 of the 10012
Revised Code as amended by this act shall apply. Thereafter, all 10013
such licenses shall be issued and renewed in accordance with 10014
applicable law. 10015

Section 4. That Sections 29 and 85 of Am. Sub. H.B. 95 of the 10016
125th General Assembly be amended to read as follows: 10017

Sec. 29. COM DEPARTMENT OF COMMERCE 10018

General Revenue Fund 10019

GRF 800-402 Grants-Volunteer Fire \$ 647,953 \$ 647,953 10020

Departments

GRF 800-410 Labor and Worker \$ 3,700,040 \$ 3,725,040 10021

Safety

Total GRF General Revenue Fund \$ 4,347,993 \$ 4,372,993 10022

General Services Fund Group 10023

163 800-620 Division of \$ 3,385,803 \$ 3,490,056 10024

Administration

163 800-637 Information Technology \$ 2,753,299 \$ 2,772,924 10025

5F1 800-635 Small Government Fire \$ 250,000 \$ 250,000 10026

Departments

TOTAL GSF General Services Fund 10027

Group \$ 6,389,102 \$ 6,512,980 10028

Federal Special Revenue Fund Group 10029

348	800-622	Underground Storage Tanks	\$	195,008	\$	195,008	10030
348	800-624	Leaking Underground Storage Tanks	\$	1,850,000	\$	1,850,000	10031
349	800-626	OSHA Enforcement	\$	1,527,750	\$	1,604,140	10032
TOTAL FED Federal Special Revenue							10033
Fund Group			\$	3,572,758	\$	3,649,148	10034
State Special Revenue Fund Group							10035
4B2	800-631	Real Estate Appraisal Recovery	\$	60,000	\$	60,000	10036
4H9	800-608	Cemeteries	\$	273,465	\$	273,465	10037
4L5	800-609	Fireworks Training and Education	\$	10,976	\$	10,976	10038
4X2	800-619	Financial Institutions	\$	2,020,798	\$	2,200,843	10039
5B9	800-632	PI & Security Guard Provider	\$	1,188,716	\$	1,188,716 0	10040 10041
5K7	800-621	Penalty Enforcement	\$	50,000	\$	50,000	10042
543	800-602	Unclaimed Funds-Operating	\$	7,051,051	\$	7,051,051	10043
543	800-625	Unclaimed Funds-Claims	\$	25,512,867	\$	25,512,867	10044
544	800-612	Banks	\$	6,657,997	\$	6,657,997	10045
545	800-613	Savings Institutions	\$	2,765,618	\$	2,894,330	10046
546	800-610	Fire Marshal	\$	7,855,076	\$	11,787,994	10047
547	800-603	Real Estate Education/Research	\$	250,000	\$	250,000	10048
548	800-611	Real Estate Recovery	\$	100,000	\$	100,000	10049
549	800-614	Real Estate	\$	3,586,754	\$	3,705,892	10050
550	800-617	Securities	\$	4,600,000	\$	4,800,000	10051
552	800-604	Credit Union	\$	2,613,356	\$	2,751,852	10052
553	800-607	Consumer Finance	\$	3,764,279	\$	3,735,445	10053
556	800-615	Industrial Compliance	\$	24,627,687	\$	25,037,257	10054
6A4	800-630	Real Estate Appraiser-Operating	\$	658,506	\$	664,006	10055

653 800-629	UST Registration/Permit	\$	1,353,632	\$	1,249,632	10056
	Fee					
TOTAL SSR	State Special Revenue					10057
Fund Group		\$	95,000,778	\$	99,982,323	10058
					<u>98,793,607</u>	10059
Liquor Control	Fund Group					10060
043 800-601	Merchandising	\$	341,079,554	\$	353,892,432	10061
043 800-627	Liquor Control	\$	17,248,488	\$	15,981,346	10062
	Operating					
043 800-633	Economic Development	\$	23,277,500	\$	29,029,500	10063
	Debt Service					
043 800-636	Revitalization Debt	\$	4,747,800	\$	9,736,300	10064
	Service					
TOTAL LCF	Liquor Control					10065
Fund Group		\$	386,353,342	\$	408,639,578	10066
TOTAL ALL BUDGET	FUND GROUPS	\$	495,663,973	\$	523,157,022	10067
					<u>521,968,306</u>	10068

GRANTS-VOLUNTEER FIRE DEPARTMENTS 10069

The foregoing appropriation item 800-402, Grants-Volunteer 10070
 Fire Departments, shall be used to make annual grants to volunteer 10071
 fire departments of up to \$10,000, or up to \$25,000 if the 10072
 volunteer fire department provides service for an area affected by 10073
 a natural disaster. The grant program shall be administered by the 10074
 Fire Marshal under the Department of Commerce. The Fire Marshal 10075
 shall adopt rules necessary for the administration and operation 10076
 of the grant program. 10077

SMALL GOVERNMENT FIRE DEPARTMENTS 10078

Upon the request of the Director of Commerce, the Director of 10079
 Budget and Management shall transfer \$250,000 cash in each fiscal 10080
 year from the State Fire Marshal Fund (Fund 546) within the State 10081
 Special Revenue Fund Group to the Small Government Fire 10082

Departments Fund (Fund 5F1) within the General Services Fund	10083
Group.	10084
Notwithstanding section 3737.17 of the Revised Code, the	10085
foregoing appropriation item 800-635, Small Government Fire	10086
Departments, may be used to provide loans to private fire	10087
departments.	10088
LABOR AND WORKER SAFETY	10089
The Department of Commerce may designate a portion of	10090
appropriation item 800-410, Labor and Worker Safety, to be used to	10091
match federal funding for the OSHA on-site consultation program.	10092
PENALTY ENFORCEMENT	10093
The foregoing appropriation item 800-621, Penalty	10094
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	10095
of the Revised Code.	10096
UNCLAIMED FUNDS PAYMENTS	10097
The foregoing appropriation item 800-625, Unclaimed	10098
Funds-Claims, shall be used to pay claims pursuant to section	10099
169.08 of the Revised Code. If it is determined that additional	10100
amounts are necessary, the amounts are hereby appropriated.	10101
BANKS FUND (FUND 544) TRANSFER TO THE GRF	10102
On July 31, 2003, or as soon as possible thereafter, the	10103
Director of Budget and Management may transfer up to \$2,000,000	10104
cash from the Banks Fund (Fund 544) to the General Revenue Fund.	10105
FIRE MARSHAL FUND (FUND 546) TRANSFER TO THE GRF	10106
On July 31, 2003, or as soon as possible thereafter, the	10107
Director of Budget and Management may transfer up to \$10,000,000	10108
cash from the Fire Marshal Fund (Fund 546) to the General Revenue	10109
Fund.	10110
REAL ESTATE FUND (FUND 549) TRANSFER TO THE GRF	10111

On July 31, 2003, or as soon as possible thereafter, the 10112
Director of Budget and Management may transfer up to \$1,000,000 10113
cash from the Real Estate Fund (Fund 549) to the General Revenue 10114
Fund. 10115

INDUSTRIAL COMPLIANCE FUND (FUND 556) TRANSFER TO THE GRF 10116

On July 31, 2003, or as soon as possible thereafter, the 10117
Director of Budget and Management may transfer up to \$1,000,000 10118
cash from the Industrial Compliance Fund (Fund 556), to the 10119
General Revenue Fund. 10120

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 10121

The foregoing appropriation item 800-601, Merchandising, 10122
shall be used pursuant to section 4301.12 of the Revised Code. If 10123
it is determined that additional amounts are necessary, the 10124
amounts are hereby appropriated. 10125

ECONOMIC DEVELOPMENT DEBT SERVICE 10126

The foregoing appropriation item 800-633, Economic 10127
Development Debt Service, shall be used to meet all payments at 10128
the times they are required to be made during the period from July 10129
1, 2003, to June 30, 2005, for bond service charges on obligations 10130
issued under Chapter 166. of the Revised Code. If it is determined 10131
that additional appropriations are necessary for this purpose, 10132
such amounts are hereby appropriated, subject to the limitations 10133
set forth in section 166.11 of the Revised Code. The General 10134
Assembly acknowledges that an appropriation for this purpose is 10135
not required, but is made in this form and in this act for record 10136
purposes only. 10137

REVITALIZATION DEBT SERVICE 10138

The foregoing appropriation item 800-636, Revitalization Debt 10139
Service, shall be used to pay debt service and related financing 10140
costs under sections 151.01 and 151.40 of the Revised Code during 10141

the period from July 1, 2003, to June 30, 2005. If it is 10142
determined that additional appropriations are necessary for this 10143
purpose, such amounts are hereby appropriated. The General 10144
Assembly acknowledges the priority of the pledge of a portion of 10145
receipts from that source to obligations issued and to be issued 10146
under Chapter 166. of the Revised Code. 10147

ADMINISTRATIVE ASSESSMENTS 10148

Notwithstanding any other provision of law to the contrary, 10149
Fund 163, Division of Administration, shall receive assessments 10150
from all operating funds of the department in accordance with 10151
procedures prescribed by the Director of Commerce and approved by 10152
the Director of Budget and Management. 10153

Sec. 85. DHS DEPARTMENT OF PUBLIC SAFETY 10154

General Revenue Fund 10155

GRF 763-403 Operating Expenses -	\$	4,058,188	\$	4,058,188	10156
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EMA

GRF 763-507 Individual and	\$	48,750	\$	48,750	10157
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Households Grants

GRF 769-321 Food Stamp Trafficking	\$	800,000	\$	800,000	10158
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Enforcement Operations

TOTAL GRF General Revenue Fund	\$	4,906,938	\$	4,906,938	10159
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State Special Revenue Fund Group 10160

<u>5B9 766-632 PI & Security Guard</u>	\$	<u>0</u>	\$	<u>1,188,716</u>	10161
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Provider

<u>TOTAL SSR State Special Revenue</u>	\$	<u>0</u>	\$	<u>1,188,716</u>	10162
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,906,938	\$	4,906,938	10163
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				<u>6,095,654</u>	10164
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OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 10165

Of the foregoing appropriation item 763-403, Operating 10166

Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 10167
the Ohio Task Force One - Urban Search and Rescue Unit and other 10168
urban search and rescue programs around the state to create a 10169
stronger search and rescue capability statewide. 10170

INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH 10171

The foregoing appropriation item 763-507, Individual and 10172
Households Grants, shall be used to fund the state share of costs 10173
to provide grants to individuals and households in cases of 10174
disaster. 10175

PI & SECURITY GUARD PROVIDER FUND 10176

On July 1, 2004, the PI & Security Guard Provider Fund (Fund 10177
5B9) shall be transferred from the Department of Commerce to the 10178
Department of Public Safety. At the request of the Director of 10179
Commerce, the Director of Budget and Management may cancel 10180
encumbrances in these funds from the Department of Commerce's 10181
appropriation item 800-632, PI & Security Guard Provider, and 10182
reestablish such encumbrances or parts of encumbrances in fiscal 10183
year 2005 for the same purpose and to the same vendor in the 10184
Department of Public Safety's appropriation item 766-632, PI & 10185
Security Guard Provider. As determined by the Director of Budget 10186
and Management, the appropriation authority necessary to 10187
re-establish such encumbrances or parts of encumbrances in fiscal 10188
year 2005 for the Department of Public Safety is hereby granted. 10189

PI & SECURITY GUARD TRANSFER FROM COMMERCE TO PUBLIC SAFETY 10190

Notwithstanding any provision of law to the contrary, the 10191
Director of Budget and Management is authorized to take the 10192
actions described in this section. This section applies to budget 10193
changes made necessary by administrative reorganization, program 10194
transfers, the creation of new funds, and the consolidation of 10195
funds as authorized by this act. The Director of Budget and 10196
Management may make any transfers of cash balances between funds. 10197

At the request of the Office of Budget and Management, the 10198
administering agency head shall certify to the Director the amount 10199
or an estimate of the amount of the cash balance to be transferred 10200
to the receiving fund. The Director may transfer the amount or the 10201
estimate of the amount when needed to make payments. Not more than 10202
thirty days after certifying the estimated amount the 10203
administering agency head shall certify the final amount to the 10204
Director. The Director shall transfer the difference between any 10205
estimated amount previously transferred and the certified final 10206
amount. 10207

Any fiscal year 2004 unencumbered or unallotted appropriation 10208
balances may be transferred to the appropriate appropriation item 10209
to be used for the same purposes, as determined by the Director of 10210
Budget and Management. 10211

On July 1, 2004, the licensing and enforcement functions of 10212
the Department of Commerce, Division of Real Estate and 10213
Professional Licensing conducted pursuant to Chapter 4749. of the 10214
Revised Code and the assets, liabilities, any capital spending 10215
authority related thereto, equipment, and records, regardless of 10216
form or medium, relating to those functions are transferred to the 10217
Department of Public Safety. The Department of Public Safety 10218
thereupon assumes these functions. 10219

Any business commenced but not completed by the Director or 10220
Department of Commerce, Division of Real Estate and Professional 10221
Licensing pursuant to Chapter 4749. of the Revised Code on the 10222
effective date of this section relating to the functions 10223
transferred under this section shall be completed by the Director 10224
or Department of Public Safety in the same manner, and with the 10225
same effect, as if completed by the Director or Department of 10226
Commerce, Division of Real Estate and Professional Licensing. No 10227
validation, cure, right, privilege, remedy, obligation, or 10228
liability is lost or impaired by reason of the transfer of 10229

functions required by this section and shall be administered by 10230
the Department of Public Safety. All of the rules, orders, and 10231
determinations enacted or adopted by the Department of Commerce, 10232
Division of Real Estate and Professional Licensing relating to the 10233
transfer of these functions continue in effect as rules, orders, 10234
and determinations of the Department of Public Safety until 10235
modified or rescinded by the Department of Public Safety. If 10236
necessary to ensure the integrity of the numbering of the 10237
Administrative Code, the Director of the Legislative Service 10238
Commission shall renumber the rules of the Department of Commerce, 10239
Division of Real Estate and Professional Licensing enacted or 10240
adopted pursuant to Chapter 4749. of the Revised Code to reflect 10241
their transfer to the Department of Public Safety. 10242

Subject to the layoff provisions of sections 124.321 to 10243
124.328 of the Revised Code, all employees of the Department of 10244
Commerce, Division of Real Estate and Professional Licensing who 10245
perform functions pursuant to Chapter 4749. of the Revised Code 10246
that are transferred under this section are transferred to the 10247
Department of Public Safety. The vehicles and equipment assigned 10248
to such employees are also transferred to the Department of Public 10249
Safety. 10250

Whenever the Director or the Department of Commerce, or the 10251
Superintendent or the Division of Real Estate and Professional 10252
Licensing is referred to in any law, contract, or other document 10253
relating to the functions transferred under this section, the 10254
reference shall be deemed to refer to the Director or Department 10255
of Public Safety, whichever is appropriate. 10256

No action or proceeding pending and no license or 10257
registration issued as of the effective date of this section is 10258
affected by the transfer, and shall be recognized, prosecuted, or 10259
defended in the name of the Director of the Department of Public 10260
Safety. In all such actions, the Director or Department of Public 10261

Safety, upon application to the court, shall be substituted as a 10262
party. 10263

Section 5. That existing Sections 29 and 85 of Am. Sub. H.B. 10264
95 of the 125th General Assembly are hereby repealed. 10265

Section 6. That Section 6 of Sub. S.B. 59 of the 124th 10266
General Assembly be amended to read as follows: 10267

Sec. 6. (A) The Registrar of Motor Vehicles shall implement 10268
~~to the maximum extent practicable~~ and have operational all 10269
provisions of sections 4501.01, 4503.03, 4503.035, 4503.10, 10270
4503.182, 4505.021, 4505.03, 4505.032, 4505.04, 4505.06, 4505.062, 10271
4505.08, 4505.09, 4505.10, 4505.102, 4505.11, 4505.12, 4505.13, 10272
4505.141, 4505.18, 4505.181, 4505.19, 4505.20, 4505.25, 4519.01, 10273
4519.03, 4519.51, 4519.511, 4519.512, 4519.52, 4519.521, 4519.53, 10274
4519.55, 4519.551, 4519.57, 4519.58, 4519.59, 4519.60, 4519.62, 10275
4519.631, 4519.66, 4519.67, and 4519.68 of the Revised Code as 10276
amended or enacted by ~~this act~~ Sub. S.B. 59 of the 124th General 10277
Assembly, including especially all electronic titling provisions, 10278
and the provisions of Section 3 of ~~this act~~ Sub. S.B. 59 of the 10279
124th General Assembly, by no later than nine months after the 10280
effective date of this section December 31, 2005. 10281

The Chief of the Division of Watercraft in the Division of 10282
Natural Resources shall implement ~~to the maximum extent~~ 10283
~~practicable~~ and have operational all provisions of sections 10284
1548.02, 1548.021, 1548.03, 1548.06, 1548.061, 1548.08, 1548.09, 10285
1548.10, 1548.11, 1548.12, 1548.13, 1548.141, 1548.17, 1548.18, 10286
1548.19, and 1548.20 of the Revised Code as amended or enacted by 10287
~~this act~~ Sub. S.B. 59 of the 124th General Assembly by no later 10288
than ~~nine months after the effective date of this section~~ December 10289
31, 2005. 10290

(B) The Registrar shall prepare a written report describing 10291

the efforts of the Bureau of Motor Vehicles to fully implement the 10292
electronic titling provisions of Sub. S.B. 59 of the 124th General 10293
Assembly. The report shall include specific implementation dates 10294
and a timeline of actions the Bureau of Motor Vehicles will 10295
undertake to comply with the requirement of division (A) of this 10296
section that electronic titling be fully implemented and 10297
operational by December 31, 2005. Not later than December 1, 2004, 10298
the Registrar shall present the report to the Governor, the 10299
President of the Senate, the Speaker of the House of 10300
Representatives, and the chair and minority leaders of the 10301
standing committees of the Senate and the House of Representatives 10302
dealing primarily with motor vehicle issues. 10303

Section 7. That existing Section 6 of Sub. S.B. 59 of the 10304
124th General Assembly is hereby repealed. 10305

Section 8. The amendment by this act of sections 121.08, 10306
4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 10307
4749.10, 4749.11, 4749.12, 4749.13, 4749.14, and 5502.01 of the 10308
Revised Code and Sections 29 and 85 of Am. Sub. H.B. 95 of the 10309
125th General Assembly is not subject to the referendum and, under 10310
Ohio Constitution, Article II, Section 1d and section 1.471 of the 10311
Revised Code, goes into effect on the day this act becomes law or 10312
on July 1, 2004, whichever is later. 10313

Section 9. The citizens advisory committee created within the 10314
Bureau of Motor Vehicles pursuant to section 4501.025 of the 10315
Revised Code, by December 31, 2004, shall make a written 10316
recommendation to the majority and minority leaders of the Senate 10317
and House of Representatives concerning whether the payments to 10318
clerks of the courts of common pleas established in Section 5 of 10319
Sub. S.B. 59 of the 124th General Assembly should be continued 10320
beyond March 31, 2005, the scheduled expiration. The committee 10321

shall consider all aspects of the revenue loss incurred by the 10322
clerks that is attributable to the implementation of Sub. S.B. 59 10323
of the 124th General Assembly and may make any recommendations to 10324
address any continuing revenue loss. 10325

Section 10. Section 4501.01 of the Revised Code is presented 10326
in this act as a composite of the section as amended by both Am. 10327
Sub. S.B. 123 and Am. Sub. S.B. 231 of the 124th General Assembly. 10328
Section 4503.03 of the Revised Code is presented in this act as a 10329
composite of the section as amended by both Sub. S.B. 59 and S.B. 10330
99 of the 124th General Assembly. Section 4505.06 of the Revised 10331
Code is presented in this act as a composite of the section as 10332
amended by both Am. Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th 10333
General Assembly. Sections 4505.13 and 4519.68 of the Revised Code 10334
are presented in this act as composites of the sections as amended 10335
by both Sub. S.B. 59 and Am. Sub. S.B. 74 of the 124th General 10336
Assembly. Section 4507.51 of the Revised Code is presented in this 10337
act as a composite of the section as amended by both Sub. H.B. 354 10338
and Am. Sub. S.B. 213 of the 122nd General Assembly. Section 10339
4511.01 of the Revised Code is presented in this act as a 10340
composite of the section as amended by both Am. Sub. S.B. 123 and 10341
Am. Sub. S.B. 231 of the 124th General Assembly. The General 10342
Assembly, applying the principle stated in division (B) of section 10343
1.52 of the Revised Code that amendments are to be harmonized if 10344
reasonably capable of simultaneous operation, finds that each 10345
composite is the resulting version of the section in effect prior 10346
to the effective date of the section as presented in this act. 10347