

As Introduced

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

H. B. No. 550

Representative Flowers

—

A BILL

To amend sections 5502.01, 5503.02, and 5503.34 and 1
to enact sections 4921.29 and 4925.01 to 4925.09 2
of the Revised Code to require the inspection of 3
intermodal transportation equipment in accordance 4
with an intermodal equipment safety program 5
established by the Public Utilities Commission and 6
to restrict certain indemnification clauses in 7
transportation contracts. 8

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

Section 1. That sections 5502.01, 5503.02, and 5503.34 be 9
amended and sections 4921.29, 4925.01, 4925.02, 4925.03, 4925.04, 10
4925.05, 4925.06, 4925.07, 4925.08, and 4925.09 of the Revised 11
Code be enacted to read as follows: 12

Sec. 4921.29. (A) As used in this section: 13

(1) "Promisee" means any person who enters into a 14
transportation contract with a motor transportation company, 15
including the person's independent contractors, agents, and 16
employees who are directly responsible to the promisee. "Promisee" 17
does not include a motor transportation company or its independent 18
contractors, agents, and employees. 19

(2) "Transportation contract" means an agreement or 20

understanding relating to any of the following: 21

(a) The transportation of property for compensation or hire; 22

(b) The entrance onto real property by a motor transportation 23
company for the purpose of loading, unloading, or transporting a 24
promisee's property for compensation or hire; 25

(c) Any service performed by a motor transportation company 26
that is associated with or incidental to the activities described 27
in division (A)(2)(a) or (b) of this section, including the 28
storage of property. 29

(B) Any provision of a transportation contract between a 30
motor transportation company and a promisee that is entered into 31
after the effective date of this section is void as against public 32
policy if the provision purports to defend, hold harmless, or 33
indemnify the promisee against liability for damages for injury, 34
death, or loss to persons or property initiated or proximately 35
caused by or resulting from any negligent or intentional act or 36
omission of the promisee. 37

Sec. 4925.01. As used in this chapter: 38

(A) "Commercial motor vehicle safety enforcement unit" means 39
the division of the state highway patrol created under section 40
5503.34 of the Revised Code. 41

(B) "Intermodal equipment" means a trailer, chassis, 42
container, or any other similar device used to carry property, 43
that may be transferred from one mode of transportation to 44
another. 45

(C) "Intermodal equipment provider" means any entity, whether 46
public or private, located in this state, that tenders, 47
interchanges, or dispatches intermodal equipment to a motor 48
carrier. 49

(D) "Motor carrier" has the same meaning as in section 4919.75 of the Revised Code. 50
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Sec. 4925.02. (A) The public utilities commission shall establish an intermodal equipment safety program, governing the safety, interchange, inspection, and transportation of intermodal equipment into or through this state. The commission shall adopt rules necessary to implement this chapter, including rules establishing the rate of compensation due to a motor carrier driver under division (A) of section 4925.05 of the Revised Code. The commission shall establish specifications for tamper-proof inspection tags required under division (C) of section 4925.04 of the Revised Code and may establish forms for the records required to be maintained by this chapter. 52
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(B) The commission, through its inspectors or other authorized employees, may inspect any intermodal equipment subject to this chapter and may enter upon the premises and equipment of intermodal equipment providers to examine any of the providers' records or documents that relate to the safety of intermodal equipment. To assist the commission, authorized employees of the commercial motor vehicle safety enforcement unit may enter in or upon, for purposes of inspection, any premises or equipment of any such provider. 63
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(C) Nothing in this chapter supersedes the inspection requirements and standards under 49 C.F.R. Part 396. Nothing in this chapter affects the regulation of motor transportation companies under this title or the licensing and regulation of commercial drivers under Chapter 4506. of the Revised Code. 72
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Sec. 4925.03. (A) An intermodal equipment provider shall implement and carry out an intermodal equipment inspection and safety program, as described in this chapter and established in 77
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rules of the public utilities commission. 80

(B) No intermodal equipment provider shall tender to, interchange with, or dispatch to, a motor carrier, intermodal equipment that fails to pass the inspection required by this chapter or that fails to meet the requirements set forth in the federal motor carrier safety regulations, 49 C.F.R. Part 396. Any intermodal equipment provider tendering to, interchanging with, or dispatching to a motor carrier such equipment shall provide certification that the equipment has passed the inspection set forth in this chapter. 81
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(C)(1) Any person performing an inspection for a provider pursuant to this chapter shall be qualified, at a minimum, as set forth in 49 C.F.R. Section 396.19. The intermodal equipment provider shall retain evidence of each person's qualification during the time that the person is employed to perform such inspections and for thirty days after such employment terminates. 90
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(2) No person performing an inspection for a provider shall be threatened, coerced, or otherwise retaliated against by the provider for refusing to pass any equipment that fails an inspection, or for designating equipment for repair. In the event that a person is so threatened, coerced, or otherwise retaliated against, the person has the protection against retaliatory action provided in sections 4113.51 to 4113.53 of the Revised Code. 96
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(D) Whoever violates division (B) of this section shall be fined one hundred dollars per violation for every day of violation. 103
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Sec. 4925.04. (A) An intermodal equipment provider shall inspect all equipment before tendering, interchanging, or dispatching the equipment for operation on a public highway. The inspection shall include brake adjustment, an inspection of brake 106
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system components and leaks, suspension systems, tires and wheels, 110
vehicle connecting devices, lights and electrical systems, a 111
visual inspection of the equipment to determine that it has not 112
been tampered with, and any other inspection or procedure required 113
by the public utilities commission by rule. 114

(B) The provider shall record each inspection on a daily 115
roadability inspection report that shall include all of the 116
following: 117

(1) Positive identification of the intermodal equipment, 118
including a company identification number and vehicle license 119
plate number; 120

(2) The date and nature of each inspection; 121

(3) The signature, under penalty of perjury, of the 122
intermodal equipment provider or the provider's authorized 123
representative that the inspection has been performed and that the 124
equipment is roadworthy; 125

(4) Any other information required by the public utilities 126
commission by rule. 127

(C) After the inspection, the provider shall affix a 128
tamper-proof green tag on equipment that has passed inspection and 129
a tamper-proof red tag on equipment that has failed inspection. 130
The tag shall contain the name of the person performing the 131
inspection and the date and time the inspection was completed. In 132
addition, a red tag shall specify the defects that warranted the 133
failed inspection and that require repair. The provider shall 134
place the appropriate tag on the driver's side of the equipment 135
next to the vehicle's identification plate. The intermodal 136
equipment provider shall furnish the tag, which shall meet 137
specifications established by the public utilities commission. 138

(D)(1) The intermodal equipment provider shall segregate the 139

equipment according to whether it has passed or failed the 140
inspection. The provider shall keep green-tagged equipment in an 141
area designated for interchange with motor carriers. The provider 142
shall transport red-tagged equipment to an on-site facility for 143
repair and any required maintenance. Except as provided in 144
division (D)(2) of this section, the provider shall repair defects 145
identified during any inspection of any intermodal equipment and 146
shall record the repairs on an intermodal equipment maintenance 147
record maintained under section 4925.06 of the Revised Code, 148
before the equipment is released from the control of the provider. 149

(2) A motor carrier shall repair defects identified during 150
any inspection of intermodal equipment if the defect was caused by 151
the carrier's negligence or willful misconduct. 152

(E) No intermodal equipment provider shall release equipment 153
subject to this chapter to a motor carrier for operation on a 154
public road until all defects listed during the inspection have 155
been corrected, the equipment passes inspection, and the equipment 156
provider's authorized representative attests to that fact and 157
affixes a green tag on the equipment. 158

(F) Whoever violates division (E) of this section shall be 159
fined one hundred dollars per violation for each day of violation. 160

Sec. 4925.05. (A) Any motor carrier driver who believes that 161
intermodal equipment is in an unsafe operating condition may 162
request that the equipment be re-inspected by the intermodal 163
equipment provider. In the event that such a request is made, the 164
intermodal equipment provider shall not make the driver 165
responsible for delivery of the equipment to the repair facility 166
and shall provide the driver green-tagged equipment without delay. 167
In the event a driver waits for green-tagged equipment for one or 168
more hours after making a request for equipment to be 169
re-inspected, the equipment provider shall compensate the driver 170

at a rate determined by the public utilities commission by rule. 171

(B) The provider shall record any request made under this section, any corrective action taken, or the reason why corrective action was not taken, in an intermodal equipment maintenance record maintained under section 4925.06 of the Revised Code. 172
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(C) Alternatively, the driver may contact the public utilities commission, the commercial motor vehicle safety enforcement unit, or a law enforcement agency with regard to the physical condition of the equipment. 176
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(D) No driver shall be threatened, coerced, or otherwise retaliated against by an intermodal equipment provider or motor carrier for requesting that intermodal equipment be re-inspected or repaired, or for contacting a law enforcement agency with regard to the physical condition of the equipment. In the event that a driver is so threatened, coerced, or otherwise retaliated against, the driver has the protection against retaliatory action provided by sections 4113.51 to 4113.53 of the Revised Code. 180
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Sec. 4925.06. (A) An intermodal equipment provider shall make the records required by this chapter available during normal business hours upon request by any authorized employee of the public utilities commission or authorized employees of the commercial motor vehicle safety enforcement unit, or to any motor carrier or driver who has been engaged to transport the intermodal equipment inspected pursuant to this chapter and shall maintain records as follows: 188
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(1) Ninety days for each record of inspection conducted pursuant to this chapter and each request for re-inspection; 196
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(2) Three years for each record of maintenance or repair performed pursuant to this chapter. 198
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(B) No intermodal equipment provider shall fail to maintain records and make records available in accordance with division (A) of this section. 200
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(C) Whoever violates division (B) of this section shall be fined one hundred dollars per violation for each day of violation. 203
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Sec. 4925.07. (A)(1) The public utilities commission or the commercial motor vehicle safety enforcement unit shall conduct random, on-site inspections to determine whether an intermodal equipment provider is complying with the requirements of this chapter, including but not limited to equipment inspection, tagging, segregation, repair, and record-keeping requirements. 205
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(2) Following an inspection in which the commission or the commercial motor vehicle safety enforcement unit determines that a provider has failed to comply with any of the requirements of this chapter, the commission shall order the provider to comply immediately with the requirements of the chapter. The commission immediately may seek an injunction to prevent the continuation of any condition creating an imminent danger to public safety. 211
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(B) If an employee of the commercial motor vehicle safety enforcement unit stops a commercial motor vehicle in accordance with section 5503.34 of the Revised Code and determines that any intermodal equipment fails to comply with any of the requirements of this chapter, the employee, in addition to any other action authorized by law, shall issue a compliance order to the intermodal equipment provider last responsible for the inspection of the equipment, or to the motor carrier driver if the driver owns the equipment, or to the motor carrier or driver if the defective condition of the equipment was caused by the failure of the motor carrier or its driver to operate a commercial vehicle in a safe manner. 218
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(C) No person shall fail to comply with an order of the public utilities commission or the commercial motor vehicle safety enforcement unit issued under this section. 230
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(D) Whoever violates division (C) of this section is liable for any forfeiture ordered under section 4925.08 of the Revised Code. 233
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Sec. 4925.08. (A) The public utilities commission may order any person who violates an order issued under section 4925.07 of the Revised Code to pay a forfeiture of one hundred dollars for each day that the person fails to comply with the order. 236
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(B)(1) After thirty days of non-compliance with an order issued under section 4925.07 of the Revised Code, or if any inspection conducted under that section results in a finding that an intermodal equipment provider is creating an imminent danger to the public safety, the commission shall fix a time for a hearing and shall serve the person reasonable notice of the time and date of the hearing and the matters that are the subject of the hearing. 240
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(2) After notice and opportunity for hearing in accordance with procedural rules adopted under section 4901.13 of the Revised Code, upon a finding by the commission that the person violated an order issued under section 4925.07 of the Revised Code for more than thirty days or has created an imminent danger to public safety, the commission may assess the person a forfeiture of not more than one thousand dollars for each day of the violation. In determining the amount of any forfeiture, the commission shall consider all of the following: 248
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(a) The gravity of the violation; 257

(b) The person's history of prior violations; 258

(c) The person's good faith efforts to comply and undertake 259

<u>corrective action;</u>	260
<u>(d) The person's ability to pay the forfeiture;</u>	261
<u>(e) Such other matters as justice requires.</u>	262
<u>(C) The attorney general, upon written request of the</u>	263
<u>commission, shall bring a civil action to recover any forfeiture</u>	264
<u>assessed under this section but not paid, or to seek other</u>	265
<u>appropriate relief, including injunctive relief. The action shall</u>	266
<u>be brought in the court of common pleas of Franklin county.</u>	267
<u>(D) All forfeitures collected under this section shall be</u>	268
<u>deposited into the state treasury to the credit of the general</u>	269
<u>revenue fund.</u>	270
Sec. 4925.09. <u>(A) Any provision in a contract between an</u>	271
<u>intermodal equipment provider and a motor carrier or a driver that</u>	272
<u>is entered into after the effective date of this section shall be</u>	273
<u>void as against public policy if the provision does either of the</u>	274
<u>following:</u>	275
<u>(1) Contains a hold-harmless or indemnity clause concerning</u>	276
<u>defects in the physical condition of the intermodal equipment;</u>	277
<u>(2) Assigns the requirement to inspect and repair intermodal</u>	278
<u>equipment to the motor carrier or a driver.</u>	279
<u>(B) Division (A)(1) of this section does not apply to damage</u>	280
<u>to the intermodal equipment caused by the neglect or willful</u>	281
<u>failure of the motor carrier or its driver to operate the</u>	282
<u>commercial vehicle in a safe manner.</u>	283
Sec. 5502.01. <u>(A) The department of public safety shall</u>	284
<u>administer and enforce the laws relating to the registration,</u>	285
<u>licensing, sale, and operation of motor vehicles and the laws</u>	286
<u>pertaining to the licensing of drivers of motor vehicles.</u>	287

The department shall compile, analyze, and publish statistics 288
relative to motor vehicle accidents and the causes of them, 289
prepare and conduct educational programs for the purpose of 290
promoting safety in the operation of motor vehicles on the 291
highways, and conduct research and studies for the purpose of 292
promoting safety on the highways of this state. 293

(B) The department shall administer the laws and rules 294
relative to trauma and emergency medical services specified in 295
Chapter 4765. of the Revised Code. 296

(C) The department shall administer and enforce the laws 297
contained in Chapters 4301. and 4303. of the Revised Code and 298
enforce the rules and orders of the liquor control commission 299
pertaining to retail liquor permit holders. 300

(D) The department shall administer the laws governing the 301
state emergency management agency and shall enforce all additional 302
duties and responsibilities as prescribed in the Revised Code 303
related to emergency management services. 304

(E) The department shall conduct investigations pursuant to 305
Chapter 5101. of the Revised Code in support of the duty of the 306
department of job and family services to administer food stamp 307
programs throughout this state. The department of public safety 308
shall conduct investigations necessary to protect the state's 309
property rights and interests in the food stamp program. 310

(F) The department of public safety shall enforce compliance 311
with orders and rules of the public utilities commission and 312
applicable laws in accordance with Chapters 4919., 4921., ~~and~~ 313
4923., and 4925. of the Revised Code regarding commercial motor 314
vehicle transportation safety, economic, and hazardous materials 315
requirements. 316

(G) Notwithstanding Chapter 4117. of the Revised Code, the 317
department of public safety may establish requirements for its 318

enforcement personnel, including its enforcement agents described 319
in section 5502.14 of the Revised Code, that include standards of 320
conduct, work rules and procedures, and criteria for eligibility 321
as law enforcement personnel. 322

(H) The department shall administer, maintain, and operate 323
the Ohio criminal justice network. The Ohio criminal justice 324
network shall be a computer network that supports state and local 325
criminal justice activities. The network shall be an electronic 326
repository for various data, which may include arrest warrants, 327
notices of persons wanted by law enforcement agencies, criminal 328
records, prison inmate records, stolen vehicle records, vehicle 329
operator's licenses, and vehicle registrations and titles. 330

(I) The department shall coordinate all homeland security 331
activities of all state agencies and shall be a liaison between 332
state agencies and local entities for those activities and related 333
purposes. 334

(J) Beginning July 1, 2004, the department shall administer 335
and enforce the laws relative to private investigators and 336
security service providers specified in Chapter 4749. of the 337
Revised Code. 338

Sec. 5503.02. (A) The state highway patrol shall enforce the 339
laws of the state relating to the titling, registration, and 340
licensing of motor vehicles; enforce on all roads and highways, 341
notwithstanding section 4513.39 of the Revised Code, the laws 342
relating to the operation and use of vehicles on the highways; 343
enforce and prevent the violation of the laws relating to the 344
size, weight, and speed of commercial motor vehicles and all laws 345
designed for the protection of the highway pavements and 346
structures on the highways; investigate and enforce rules and laws 347
of the public utilities commission governing the transportation of 348
persons and property by motor carriers and report violations of 349

such rules and laws to the commission; enforce against any motor 350
transportation company as defined in section 4921.02 of the 351
Revised Code, any contract carrier by motor vehicle as defined in 352
section 4923.02 of the Revised Code, any private motor carrier as 353
defined in section 4923.20 of the Revised Code, and any motor 354
carrier as defined in section 4919.75 of the Revised Code those 355
rules and laws that, if violated, may result in a forfeiture as 356
provided in section 4905.83, 4919.99, 4921.99, ~~or~~ 4923.99, or 357
4925.08 of the Revised Code; investigate and report violations of 358
all laws relating to the collection of excise taxes on motor 359
vehicle fuels; and regulate the movement of traffic on the roads 360
and highways of the state, notwithstanding section 4513.39 of the 361
Revised Code. 362

The patrol, whenever possible, shall determine the identity 363
of the persons who are causing or who are responsible for the 364
breaking, damaging, or destruction of any improved surfaced 365
roadway, structure, sign, marker, guardrail, or other appurtenance 366
constructed or maintained by the department of transportation and 367
shall arrest the persons who are responsible for the breaking, 368
damaging, or destruction and bring them before the proper 369
officials for prosecution. 370

State highway patrol troopers shall investigate and report 371
all motor vehicle accidents on all roads and highways outside of 372
municipal corporations. The superintendent of the patrol or any 373
state highway patrol trooper may arrest, without a warrant, any 374
person, who is the driver of or a passenger in any vehicle 375
operated or standing on a state highway, whom the superintendent 376
or trooper has reasonable cause to believe is guilty of a felony, 377
under the same circumstances and with the same power that any 378
peace officer may make such an arrest. 379

The superintendent or any state highway patrol trooper may 380
enforce the criminal laws on all state properties and state 381

institutions, owned or leased by the state, and, when so ordered 382
by the governor in the event of riot, civil disorder, or 383
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 384
Revised Code, arrest offenders against the criminal laws wherever 385
they may be found within the state if the violations occurred 386
upon, or resulted in injury to person or property on, state 387
properties or state institutions, or under the conditions 388
described in division (B) of this section. 389

(B) In the event of riot, civil disorder, or insurrection, or 390
the reasonable threat of riot, civil disorder, or insurrection, 391
and upon request, as provided in this section, of the sheriff of a 392
county or the mayor or other chief executive of a municipal 393
corporation, the governor may order the state highway patrol to 394
enforce the criminal laws within the area threatened by riot, 395
civil disorder, or insurrection, as designated by the governor, 396
upon finding that law enforcement agencies within the counties 397
involved will not be reasonably capable of controlling the riot, 398
civil disorder, or insurrection and that additional assistance is 399
necessary. In cities in which the sheriff is under contract to 400
provide exclusive police services pursuant to section 311.29 of 401
the Revised Code, in villages, and in the unincorporated areas of 402
the county, the sheriff has exclusive authority to request the use 403
of the patrol. In cities in which the sheriff does not exclusively 404
provide police services, the mayor, or other chief executive 405
performing the duties of mayor, has exclusive authority to request 406
the use of the patrol. 407

The superintendent or any state highway patrol trooper may 408
enforce the criminal laws within the area designated by the 409
governor during the emergency arising out of the riot, civil 410
disorder, or insurrection until released by the governor upon 411
consultation with the requesting authority. State highway patrol 412
troopers shall never be used as peace officers in connection with 413

any strike or labor dispute.

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When a request for the use of the patrol is made pursuant to this division, the requesting authority shall notify the law enforcement authorities in contiguous communities and the sheriff of each county within which the threatened area, or any part of the threatened area, lies of the request, but the failure to notify the authorities or a sheriff shall not affect the validity of the request.

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(C) Any person who is arrested by the superintendent or a state highway patrol trooper shall be taken before any court or magistrate having jurisdiction of the offense with which the person is charged. Any person who is arrested or apprehended within the limits of a municipal corporation shall be brought before the municipal court or other tribunal of the municipal corporation.

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(D)(1) State highway patrol troopers have the same right and power of search and seizure as other peace officers.

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No state official shall command, order, or direct any state highway patrol trooper to perform any duty or service that is not authorized by law. The powers and duties conferred on the patrol are supplementary to, and in no way a limitation on, the powers and duties of sheriffs or other peace officers of the state.

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(2)(a) A state highway patrol trooper, pursuant to the policy established by the superintendent of the state highway patrol under division (D)(2)(b) of this section, may render emergency assistance to any other peace officer who has arrest authority under section 2935.03 of the Revised Code, if both of the following apply:

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(i) There is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation;

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(ii) Either the peace officer requests emergency assistance 445
or it appears that the peace officer is unable to request 446
emergency assistance and the circumstances observed by the state 447
highway patrol trooper reasonably indicate that emergency 448
assistance is appropriate. 449

(b) The superintendent of the state highway patrol shall 450
establish, within sixty days of August 8, 1991, a policy that sets 451
forth the manner and procedures by which a state highway patrol 452
trooper may render emergency assistance to any other peace officer 453
under division (D)(2)(a) of this section. The policy shall include 454
a provision that a state highway patrol trooper never be used as a 455
peace officer in connection with any strike or labor dispute. 456

(3)(a) A state highway patrol trooper who renders emergency 457
assistance to any other peace officer under the policy established 458
by the superintendent pursuant to division (D)(2)(b) of this 459
section shall be considered to be performing regular employment 460
for the purposes of compensation, pension, indemnity fund rights, 461
workers' compensation, and other rights or benefits to which the 462
trooper may be entitled as incident to regular employment. 463

(b) A state highway patrol trooper who renders emergency 464
assistance to any other peace officer under the policy established 465
by the superintendent pursuant to division (D)(2)(b) of this 466
section retains personal immunity from liability as specified in 467
section 9.86 of the Revised Code. 468

(c) A state highway patrol trooper who renders emergency 469
assistance under the policy established by the superintendent 470
pursuant to division (D)(2)(b) of this section has the same 471
authority as the peace officer for or with whom the state highway 472
patrol trooper is providing emergency assistance. 473

(E)(1) Subject to the availability of funds specifically 474
appropriated by the general assembly for security detail purposes, 475

the state highway patrol shall provide security as follows: 476

(a) For the governor; 477

(b) At the direction of the governor, for other officials of 478
the state government of this state; officials of the state 479
governments of other states who are visiting this state; officials 480
of the United States government who are visiting this state; 481
officials of the governments of foreign countries or their 482
political subdivisions who are visiting this state; or other 483
officials or dignitaries who are visiting this state, including, 484
but not limited to, members of trade missions; 485

(c) For the capitol square, as defined in section 105.41 of 486
the Revised Code; 487

(d) For other state property. 488

(2) To carry out the security responsibilities of the patrol 489
listed in division (E)(1) of this section, the superintendent may 490
assign state highway patrol troopers to a separate unit that is 491
responsible for security details. The number of troopers assigned 492
to particular security details shall be determined by the 493
superintendent. 494

(3) The superintendent and any state highway patrol trooper, 495
when providing security pursuant to division (E)(1)(a) or (b) of 496
this section, have the same arrest powers as other peace officers 497
to apprehend offenders against the criminal laws who endanger or 498
threaten the security of any person being protected, no matter 499
where the offense occurs. 500

The superintendent, any state highway patrol trooper, and any 501
special police officer designated under section 5503.09 of the 502
Revised Code, when providing security pursuant to division 503
(E)(1)(c) of this section, shall enforce any rules governing 504
capitol square adopted by the capitol square review and advisory 505

board. 506

(F) The governor may order the state highway patrol to 507
undertake major criminal investigations that involve state 508
property interests. If an investigation undertaken pursuant to 509
this division results in either the issuance of a no bill or the 510
filing of an indictment, the superintendent shall file a complete 511
and accurate report of the investigation with the president of the 512
senate, the speaker of the house of representatives, the minority 513
leader of the senate, and the minority leader of the house of 514
representatives within fifteen days after the issuance of the no 515
bill or the filing of an indictment. If the investigation does not 516
have as its result any prosecutorial action, the superintendent 517
shall, upon reporting this fact to the governor, file a complete 518
and accurate report of the investigation with the president of the 519
senate, the speaker of the house of representatives, the minority 520
leader of the senate, and the minority leader of the house of 521
representatives. 522

(G) The superintendent may purchase or lease real property 523
and buildings needed by the patrol, negotiate the sale of real 524
property owned by the patrol, rent or lease real property owned or 525
leased by the patrol, and make or cause to be made repairs to all 526
property owned or under the control of the patrol. Any instrument 527
by which real property is acquired pursuant to this division shall 528
identify the agency of the state that has the use and benefit of 529
the real property as specified in section 5301.012 of the Revised 530
Code. 531

Sections 123.01 and 125.02 of the Revised Code do not limit 532
the powers granted to the superintendent by this division. 533

Sec. 5503.34. There is hereby created in the department of 534
public safety, division of state highway patrol, a motor carrier 535
enforcement unit, to be administered by the superintendent of the 536

state highway patrol. This unit shall be responsible for 537
enforcement of commercial motor vehicle transportation safety, 538
economic, and hazardous materials requirements. 539

The superintendent, with the approval of the director of 540
public safety, may appoint and maintain necessary staff to carry 541
out the duties assigned under this section. 542

Employees of the motor carrier enforcement unit shall 543
cooperate with the public utilities commission to enforce 544
compliance with orders and rules of the commission, applicable 545
laws under Chapters 4919., 4921., ~~and 4923.~~ and 4925. of the 546
Revised Code, and any other applicable laws or rules. 547

Uniformed employees of the motor carrier enforcement unit may 548
stop commercial motor vehicles for the exclusive purpose of 549
inspecting such vehicles to enforce compliance with orders and 550
rules of the public utilities commission as required by division 551
(F) of section 5502.01 of the Revised Code. 552

Section 2. That existing sections 5502.01, 5503.02, and 553
5503.34 of the Revised Code are hereby repealed. 554