

As Introduced

125th General Assembly
Regular Session
2003-2004

H. B. No. 85

Representatives Raussen, Raga, Wagner, McGregor, Kearns, Husted, Ujvagi,
Allen, Schneider

A B I L L

To amend sections 307.051, 307.055, 505.37, 505.375,	1
505.72, 4503.49, 4513.263, 4766.01, 4766.02,	2
4766.03, 4766.04, 4766.05, 4766.06, 4766.07,	3
4766.08, 4766.09, 4766.10, 4766.11, 4766.12,	4
4766.13, and 5503.12 and to enact sections	5
4766.15, 4766.17, and 4766.20 of the Revised Code	6
to authorize the Ohio Ambulance Licensing Board to	7
license commercial medical service organizations	8
that operate ambulette vehicles for the	9
transportation of persons who require the use of a	10
wheelchair and air medical service organizations	11
that operate air medical transportation, to add	12
four members to the Board, to rename the Board the	13
Ohio Medical Transportation Board, and to amend	14
the version of section 4513.263 of the Revised	15
Code that is scheduled to take effect January 1,	16
2004, to continue the provisions of this act on	17
and after that effective date.	18

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

Section 1. That sections 307.051, 307.055, 505.37, 505.375,	19
505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 4766.04,	20

4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 21
4766.12, 4766.13, and 5503.12 be amended and sections 4766.15, 22
4766.17, and 4766.20 of the Revised Code be enacted to read as 23
follows: 24

Sec. 307.051. As used in this section, "emergency medical 25
service organization" has the same meaning as in section 4766.01 26
of the Revised Code. 27

A board of county commissioners, by adoption of an 28
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 29
~~licensing~~ medical transportation board license any emergency 30
medical service organization it operates. If a board adopts such a 31
resolution, Chapter 4766. of the Revised Code, except for sections 32
4766.06 and 4766.99 of the Revised Code, applies to the county 33
emergency medical service organization. All rules adopted under 34
the applicable sections of that chapter also apply to the 35
organization. A board, by adoption of an appropriate resolution, 36
may remove its emergency medical service organization from the 37
jurisdiction of the Ohio ~~ambulance licensing~~ medical 38
transportation board. 39

Sec. 307.055. (A) Subject to the terms and conditions of the 40
joint resolution creating it, each joint emergency medical 41
services district may furnish ambulance services and emergency 42
medical services by one of the following methods: 43

(1) By operating an emergency medical service organization as 44
defined in section 4765.01 of the Revised Code; 45

(2) By contracting for the operation of one or more 46
facilities pursuant to division (C) or (D) of this section; 47

(3) By providing necessary services and equipment to the 48
district either directly or under a contract entered into pursuant 49

to division (B) of this section; 50

(4) By providing service through any combination of methods 51
described in divisions (A)(1) to (3) of this section. 52

(B) In order to obtain ambulance service, to obtain 53
additional ambulance service in times of emergency, or to obtain 54
emergency medical services, a joint emergency medical services 55
district may enter into a contract, for a period not to exceed 56
three years, with one or more counties, townships, municipal 57
corporations, joint fire districts, other governmental units that 58
provide ambulance service or emergency medical services, nonprofit 59
corporations, or private ambulance owners, regardless of whether 60
the entities contracted with are located within or outside this 61
state, upon such terms as are agreed to, to furnish or receive 62
ambulance services or the interchange of ambulance services or 63
emergency medical services within the several territories of the 64
contracting subdivisions, if the contract is first authorized by 65
all boards of trustees and legislative authorities in the 66
territories to be served. 67

Such a contract may provide for a fixed annual charge to be 68
paid at the times agreed upon and stipulated in the contract; or 69
for compensation based on a stipulated price for each run, call, 70
or emergency or based on the elapsed time of service required for 71
each run, call, or emergency, or based on any combination of 72
these. 73

Expenditures of a district for ambulance service or emergency 74
medical service, whether pursuant to contract or otherwise, are 75
lawful expenditures, regardless of whether the district or the 76
party with which it contracts charges an additional fee to users 77
of the service. 78

(C) The board of trustees may enter into a contract with any 79
person, municipal corporation, township, or other political 80

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 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 original agreement.

(G) A district's board of trustees, by adoption of an appropriate resolution, may choose to have the Ohio ambulance

~~licensing~~ medical transportation board license any emergency 112
medical service organization the district operates. If a board 113
adopts such a resolution, Chapter 4766. of the Revised Code, 114
except for sections 4766.06 and 4766.99 of the Revised Code, 115
applies to the district emergency medical service organization. 116
All rules adopted under the applicable sections of that chapter 117
also apply to the organization. A board, by adoption of an 118
appropriate resolution, may remove the district emergency medical 119
service organization from the jurisdiction of the Ohio ~~ambulance~~ 120
~~licensing~~ medical transportation board. 121

Sec. 505.37. (A) The board of township trustees may establish 122
all necessary rules to guard against the occurrence of fires and 123
to protect the property and lives of the citizens against damage 124
and accidents, and may, with the approval of the specifications by 125
the prosecuting attorney or, if the township has adopted limited 126
home rule government under ~~chapter~~ Chapter 504~~7~~1, of the Revised 127
Code, with the approval of the specifications by the township's 128
law director, purchase or otherwise provide any fire apparatus, 129
mechanical resuscitators, or other equipment, appliances, 130
materials, fire hydrants, and water supply for fire-fighting 131
purposes that seems advisable to the board. The board shall 132
provide for the care and maintenance of fire equipment, and, for 133
these purposes, may purchase, lease, or construct and maintain 134
necessary buildings, and it may establish and maintain lines of 135
fire-alarm communications within the limits of the township. The 136
board may employ one or more persons to maintain and operate 137
fire-fighting equipment, or it may enter into an agreement with a 138
volunteer fire company for the use and operation of fire-fighting 139
equipment. The board may compensate the members of a volunteer 140
fire company on any basis and in any amount that it considers 141
equitable. 142

(B) The boards of township trustees of any two or more 143

townships, or the legislative authorities of any two or more 144
political subdivisions, or any combination thereof, may, through 145
joint action, unite in the joint purchase, maintenance, use, and 146
operation of fire-fighting equipment, or for any other purpose 147
designated in sections 505.37 to 505.42 of the Revised Code, and 148
may prorate the expense of the joint action on any terms that are 149
mutually agreed upon. 150

(C) The board of township trustees of any township may, by 151
resolution, whenever it is expedient and necessary to guard 152
against the occurrence of fires or to protect the property and 153
lives of the citizens against damages resulting from their 154
occurrence, create a fire district of any portions of the township 155
that it considers necessary. The board may purchase or otherwise 156
provide any fire apparatus, appliances, materials, fire hydrants, 157
and water supply for fire-fighting purposes, or may contract for 158
the fire protection for the fire district as provided in section 159
9.60 of the Revised Code. The fire district so created shall be 160
given a separate name by which it shall be known. 161

Additional unincorporated territory of the township may be 162
added to a fire district upon the board's adoption of a resolution 163
authorizing the addition. A municipal corporation that is within 164
or adjoining the township may be added to a fire district upon the 165
board's adoption of a resolution authorizing the addition and the 166
municipal legislative authority's adoption of a resolution or 167
ordinance requesting the addition of the municipal corporation to 168
the fire district. 169

If the township fire district imposes a tax, additional 170
unincorporated territory of the township or a municipal 171
corporation that is within or adjoining the township shall become 172
part of the fire district only after all of the following have 173
occurred: 174

(1) Adoption by the board of township trustees of a 175

on approving the expansion of the territorial limits of the 176
district and, if the resolution proposes to add a municipal 177
corporation, adoption by the municipal legislative authority of a 178
resolution or ordinance requesting the addition of the municipal 179
corporation to the district; 180

(2) Adoption by the board of township trustees of a 181
resolution recommending the extension of the tax to the additional 182
territory; 183

(3) Approval of the tax by the electors of the territory 184
proposed for addition to the district. 185

Each resolution of the board adopted under division (C)(2) of 186
this section shall state the name of the fire district, a 187
description of the territory to be added, and the rate and 188
termination date of the tax, which shall be the rate and 189
termination date of the tax currently in effect in the fire 190
district. 191

The board of trustees shall certify each resolution adopted 192
under division (C)(2) of this section to the board of elections in 193
accordance with section 5705.19 of the Revised Code. The election 194
required under division (C)(3) of this section shall be held, 195
canvassed, and certified in the manner provided for the submission 196
of tax levies under section 5705.25 of the Revised Code, except 197
that the question appearing on the ballot shall read: 198

"Shall the territory within 199
(description of the proposed territory to be added) be added to 200
..... (name) fire district, and a property tax 201
at a rate of taxation not exceeding (here insert tax rate) 202
be in effect for (here insert the number of years the 203
tax is to be in effect or "a continuing period of time," as 204
applicable)?" 205

If the question is approved by at least a majority of the 206

lectors voting on it, the joinder shall be effective as of the 207
first day of July of the year following approval, and on that 208
date, the township fire district tax shall be extended to the 209
taxable property within the territory that has been added. If the 210
territory that has been added is a municipal corporation and if it 211
had adopted a tax levy for fire purposes, the levy is terminated 212
on the effective date of the joinder. 213

Any municipal corporation may withdraw from a township fire 214
district created under division (C) of this section by the 215
adoption by the municipal legislative authority of a resolution or 216
ordinance ordering withdrawal. On the first day of July of the 217
year following the adoption of the resolution or ordinance of 218
withdrawal, the municipal corporation withdrawing ceases to be a 219
part of the district, and the power of the fire district to levy a 220
tax upon taxable property in the withdrawing municipal corporation 221
terminates, except that the fire district shall continue to levy 222
and collect taxes for the payment of indebtedness within the 223
territory of the fire district as it was composed at the time the 224
indebtedness was incurred. 225

Upon the withdrawal of any municipal corporation from a 226
township fire district created under division (C) of this section, 227
the county auditor shall ascertain, apportion, and order a 228
division of the funds on hand, moneys and taxes in the process of 229
collection except for taxes levied for the payment of 230
indebtedness, credits, and real and personal property, either in 231
money or in kind, on the basis of the valuation of the respective 232
tax duplicates of the withdrawing municipal corporation and the 233
remaining territory of the fire district. 234

A board of township trustees may remove unincorporated 235
territory of the township from the fire district upon the adoption 236
of a resolution authorizing the removal. On the first day of July 237
of the year following the adoption of the resolution, the 238

unincorporated township territory described in the resolution 239
ceases to be a part of the district, and the power of the fire 240
district to levy a tax upon taxable property in that territory 241
terminates, except that the fire district shall continue to levy 242
and collect taxes for the payment of indebtedness within the 243
territory of the fire district as it was composed at the time the 244
indebtedness was incurred. 245

(D) The board of township trustees of any township, the board 246
of fire district trustees of a fire district created under section 247
505.371 of the Revised Code, or the legislative authority of any 248
municipal corporation may purchase the necessary fire-fighting 249
equipment, buildings, and sites for the township, fire district, 250
or municipal corporation and issue securities for that purpose 251
with maximum maturities as provided in section 133.20 of the 252
Revised Code. The board of township trustees, board of fire 253
district trustees, or legislative authority may also construct any 254
buildings necessary to house fire-fighting equipment and issue 255
securities for that purpose with maximum maturities as provided in 256
section 133.20 of the Revised Code. The board of township 257
trustees, board of fire district trustees, or legislative 258
authority may issue the securities of the township, fire district, 259
or municipal corporation, signed by the board or designated 260
officer of the municipal corporation and attested by the signature 261
of the township, fire district, or municipal clerk, covering any 262
deferred payments and payable at the times provided, which 263
securities shall bear interest not to exceed the rate determined 264
as provided in section 9.95 of the Revised Code, and shall not be 265
subject to Chapter 133. of the Revised Code. The legislation 266
authorizing the issuance of the securities shall provide for 267
levying and collecting annually by taxation, amounts sufficient to 268
pay the interest on and principal of the securities. The 269
securities shall be offered for sale on the open market or given 270
to the vendor or contractor if no sale is made. 271

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

A board of township trustees, by adoption of an appropriate resolution, may choose to have the Ohio ~~ambulance licensing~~ medical transportation board license any emergency medical service it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board of township trustees, by adoption of an

ropriate resolution, may remove its emergency medical service 304
organization from the jurisdiction of the Ohio ~~ambulance licensing~~ 305
medical transportation board. 306

Sec. 505.375. (A) The board of a joint ambulance district 307
created under section 505.71 of the Revised Code and the board of 308
a joint fire district created under section 505.371 of the Revised 309
Code may negotiate in accordance with this section to combine 310
their two joint districts into a single district, called a fire 311
and ambulance district, for the delivery of both fire and 312
ambulance services, if the geographic area covered by the 313
combining joint districts is exactly the same. Both boards shall 314
adopt a joint resolution ratifying the agreement and setting a 315
date on which the fire and ambulance district shall come into 316
being. On that date, the joint fire district and the joint 317
ambulance district shall cease to exist, and the power of each to 318
levy a tax upon taxable property shall terminate, except that any 319
levy of a tax for the payment of indebtedness within the territory 320
of the joint fire or joint ambulance district as it was composed 321
at the time the indebtedness was incurred shall continue to be 322
collected by the successor fire and ambulance district if the 323
indebtedness remains unpaid. 324

All funds and other property of the joint districts that 325
combined into the fire and ambulance district shall become the 326
property of the fire and ambulance district, unless otherwise 327
provided in the negotiated agreement. The agreement shall provide 328
for the settlement of all debts and obligations of the joint 329
districts. 330

(B) The governing body of the fire and ambulance district 331
shall be a board of trustees of at least three but no more than 332
nine members, appointed as provided in the agreement creating the 333
district. Members of the board of trustees may be compensated at a 334

rate not to exceed thirty dollars per meeting for not more than 335
fifteen meetings per year, and may be reimbursed for all necessary 336
expenses incurred, as provided in the agreement creating the 337
district. 338

The board shall employ a clerk and other employees as it 339
considers best, including a fire chief or fire prevention 340
officers, and shall fix their compensation. Neither this section 341
nor any other section of the Revised Code requires, or shall be 342
construed to require, that the fire chief of a fire and ambulance 343
district be a resident of the district. 344

Before entering upon the duties of office, the clerk shall 345
execute a bond, in the amount and with surety to be approved by 346
the board, payable to the state, conditioned for the faithful 347
performance of all of the clerk's official duties. The clerk shall 348
deposit the bond with the presiding officer of the board, who 349
shall file a copy of it, certified by the presiding officer, with 350
the county auditor of the county containing the most territory in 351
the district. 352

The board shall also provide for the appointment of a fiscal 353
officer for the district. The board may also enter into agreements 354
with volunteer fire companies for the use and operation of 355
fire-fighting equipment. Volunteer firefighters acting under such 356
an agreement are subject to the requirements for volunteer 357
firefighters set forth in division (A) of section 505.38 of the 358
Revised Code. 359

Employees of the district shall not be removed from office 360
except as provided by sections 733.35 to 733.39 of the Revised 361
Code, except that, to initiate removal proceedings, the board 362
shall designate a private citizen or, if the employee is employed 363
as a firefighter, the board may designate the fire chief, to 364
investigate, conduct the proceedings, and prepare the necessary 365
charges in conformity with sections 733.35 to 733.39 of the 366

Revised Code, and except that the board shall perform the 367
functions and duties specified for the municipal legislative 368
authority under those sections. The board may pay reasonable 369
compensation to any private citizen hired for services rendered in 370
the matter. 371

No person shall be appointed as a permanent full-time paid 372
member of the district whose duties include fire fighting, or be 373
appointed as a volunteer firefighter, unless that person has 374
received a certificate issued under former section 3303.07 or 375
section 4765.55 of the Revised Code evidencing satisfactory 376
completion of a firefighter training program. The board may send 377
its officers and firefighters to schools of instruction designed 378
to promote the efficiency of firefighters and, if authorized in 379
advance, may pay their necessary expenses from the funds used for 380
the maintenance and operation of the district. 381

The board may choose, by adoption of an appropriate 382
resolution, to have the Ohio ~~ambulance-licensing~~ medical 383
transportation board license any emergency medical service 384
organization it operates. If the board adopts such a resolution, 385
Chapter 4766. of the Revised Code, except for sections 4766.06 and 386
4766.99 of the Revised Code, applies to the organization. All 387
rules adopted under the applicable sections of that chapter also 388
apply to the organization. The board may likewise, by resolution, 389
remove its emergency medical service organization from the 390
jurisdiction of the Ohio ~~ambulance-licensing~~ medical 391
transportation board. 392

(C) The board may exercise the following powers: 393

(1) Purchase or otherwise provide any fire apparatus, 394
mechanical resuscitators, or other fire or ambulance equipment, 395
appliances, or materials; fire hydrants; and water supply for 396
fire-fighting purposes that seems advisable to the board; 397

- (2) Provide for the care and maintenance of equipment and, 398
for that purpose, purchase, lease, or construct and maintain 399
necessary buildings; 400
- (3) Establish and maintain lines of fire-alarm communications 401
within the limits of the district; 402
- (4) Appropriate land for a fire station or medical emergency 403
unit needed in order to respond in reasonable time to a fire or 404
medical emergency, in accordance with Chapter 163. of the Revised 405
Code; 406
- (5) Purchase, appropriate, or accept a deed or gift of land 407
to enlarge or improve a fire station or medical emergency unit; 408
- (6) Purchase, lease, maintain, and use all materials, 409
equipment, vehicles, buildings, and land necessary to perform its 410
duties; 411
- (7) Contract for a period not to exceed three years with one 412
or more townships, municipal corporations, counties, joint fire 413
districts, governmental agencies, nonprofit corporations, or 414
private ambulance owners located either within or outside the 415
state, to furnish or receive ambulance services or emergency 416
medical services within the several territories of the contracting 417
parties, if the contract is first authorized by all boards of 418
trustees and legislative authorities concerned; 419
- (8) Establish reasonable charges for the use of ambulance or 420
emergency medical services under the same conditions under which a 421
board of fire district trustees may establish those charges under 422
section 505.371 of the Revised Code; 423
- (9) Establish all necessary rules to guard against the 424
occurrence of fires and to protect property and lives against 425
damage and accidents; 426
- (10) Adopt a standard code pertaining to fire, fire hazards, 427

and fire prevention prepared and promulgated by the state or by a 428
public or private organization that publishes a model or standard 429
code; 430

(11) Provide for charges for false alarms at commercial 431
establishments in the same manner as joint fire districts are 432
authorized to do under section 505.391 of the Revised Code; 433

(12) Issue bonds and other evidences of indebtedness, subject 434
to Chapter 133. of the Revised Code, but only after approval by a 435
vote of the electors of the district as provided by section 133.18 436
of the Revised Code; 437

(13) To provide the services and equipment it considers 438
necessary, levy a sufficient tax, subject to Chapter 5705. of the 439
Revised Code, on all the taxable property in the district. 440

(D) Any municipal corporation or township may join an 441
existing fire and ambulance district by its legislative 442
authority's adoption of a resolution requesting the membership and 443
upon approval of the board of the district. Any municipal 444
corporation or township may withdraw from a district by its 445
legislative authority's adoption of a resolution ordering 446
withdrawal. Upon its withdrawal, the municipal corporation or 447
township ceases to be a part of the district, and the district's 448
power to levy a tax on taxable property in the withdrawing 449
township or municipal corporation terminates, except that the 450
district shall continue to levy and collect taxes for the payment 451
of indebtedness within the territory of the district as it was 452
composed at the time the indebtedness was incurred. 453

Upon the withdrawal of any township or municipal corporation 454
from a district, the county auditor of the county containing the 455
most territory in the district shall ascertain, apportion, and 456
order a division of the funds on hand, including funds in the 457
ambulance and emergency medical services fund, moneys and taxes in 458

the process of collection, except for taxes levied for the payment 459
of indebtedness, credits, and real and personal property on the 460
basis of the valuation of the respective tax duplicates of the 461
withdrawing municipal corporation or township and the remaining 462
territory of the district. 463

(E) As used in this section: 464

(1) "Governmental agency" includes all departments, boards, 465
offices, commissions, agencies, colleges, universities, 466
institutions, and other instrumentalities of this or another 467
state. 468

(2) "Emergency medical service organization" has the same 469
meaning as in section 4766.01 of the Revised Code. 470

Sec. 505.72. (A) The board of trustees of a joint ambulance 471
district shall provide for the employment of such employees as it 472
considers best, and shall fix their compensation. Such employees 473
shall continue in office until removed as provided by sections 474
733.35 to 733.39 of the Revised Code. To initiate removal 475
proceedings, and for such purpose, the board shall designate a 476
private citizen to investigate the conduct and prepare the 477
necessary charges in conformity with sections 733.35 to 733.39 of 478
the Revised Code. The board may pay reasonable compensation to 479
such person for the person's services. 480

In case of the removal of an employee of the district, an 481
appeal may be had from the decision of the board to the court of 482
common pleas of the county in which such district, or part of it, 483
is situated, to determine the sufficiency of the cause of removal. 484
Such appeal from the findings of the board shall be taken within 485
ten days. 486

(B) As used in this division, "emergency medical service 487
organization" has the same meaning as in section 4765.01 of the 488

Revised Code. 489

(1) In order to obtain the services of ambulance service 490
organizations, to obtain additional services from ambulance 491
service organizations in times of emergency, or to obtain the 492
services of emergency medical service organizations, a district 493
may enter into a contract, for a period not to exceed three years, 494
with one or more townships, municipal corporations, joint fire 495
districts, nonprofit corporations, any other governmental unit 496
that provides ambulance services or emergency medical services, or 497
with private ambulance owners, regardless of whether such 498
townships, municipal corporations, joint fire districts, nonprofit 499
corporations, governmental unit, or private ambulance owners are 500
located within or without this state, upon such terms as are 501
agreed to, to furnish or receive services from ambulance or 502
emergency medical service organizations or the interchange of 503
services from ambulance or emergency medical service organizations 504
within the several territories of the contracting subdivisions, if 505
such contract is first authorized by all boards of trustees and 506
legislative authorities concerned. 507

The contract may provide for a fixed annual charge to be paid 508
at the times agreed upon and stipulated in the contract, or for 509
compensation based upon a stipulated price for each run, call, or 510
emergency, or the elapsed time of service required in such run, 511
call, or emergency, or any combination thereof. 512

(2) Expenditures of a district for the services of ambulance 513
service organizations or emergency medical service organizations, 514
whether pursuant to contract or otherwise, are lawful 515
expenditures, regardless of whether the district or the party with 516
which it contracts charges additional fees to users of the 517
services. 518

(3) A district's board of trustees, by adoption of an 519
appropriate resolution, may choose to have the Ohio ambulance 520

~~ensing~~ medical transportation board license any emergency medical 521
service organization the district operates. If a board adopts such 522
a resolution, Chapter 4766. of the Revised Code, except for 523
sections 4766.06 and 4766.99 of the Revised Code, applies to the 524
district emergency medical service organization. All rules adopted 525
under the applicable sections of that chapter also apply to the 526
organization. A board, by adoption of an appropriate resolution, 527
may remove the district emergency medical service organization 528
from the jurisdiction of the Ohio ~~ambulance licensing~~ medical 529
transportation board. 530

(C) Ambulance services or emergency medical services rendered 531
for a joint ambulance district under this section and section 532
505.71 of the Revised Code shall be deemed services of the 533
district. These sections do not authorize suits against a district 534
or any township or municipal corporation providing or receiving, 535
or contracting to provide or receive, such services under these 536
sections for damages for injury or loss to persons or property or 537
for wrongful death caused by persons providing such services. 538

Sec. 4503.49. (A) As used in this section, "ambulance," 539
"ambulette," "emergency medical service organization," "medical 540
service organization," and "nontransport vehicle" have the same 541
meanings as in section 4766.01 of the Revised Code. 542

(B) Each private emergency medical service organization and 543
medical service organization shall apply to the registrar of motor 544
vehicles for the registration of any ambulance, ambulette, or 545
nontransport vehicle it owns or leases. The application shall be 546
accompanied by a copy of the certificate of licensure issued to 547
the organization by the Ohio ~~ambulance licensing~~ medical 548
transportation board and the following fees: 549

(1) The regular license tax as prescribed under section 550
4503.04 of the Revised Code; 551

(2) Any local license tax levied under Chapter 4504. of the Revised Code;

(3) An additional fee of seven dollars and fifty cents. The additional fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required to be performed under this section and shall be transmitted by the registrar to the treasurer of state for deposit in the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(C) On receipt of a complete application, the registrar shall issue to the applicant the appropriate certificate of registration for the vehicle and do one of the following:

(1) Issue a set of license plates with a validation sticker and a set of stickers to be attached to the plates as an identification of the vehicle's classification as an ambulance, ambulette, or nontransport vehicle;

(2) Issue a validation sticker alone when so required by section 4503.191 of the Revised Code.

Sec. 4513.263. (A) As used in this section and in section 4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to

be secured in a child restraint device. Division (B)(1) of this 612
section does not apply to a person who is an employee of the 613
United States postal service or of a newspaper home delivery 614
service, during any period in which the person is engaged in the 615
operation of an automobile to deliver mail or newspapers to 616
addressees. Divisions (B)(1) and (3) of this section do not apply 617
to a person who has an affidavit signed by a physician licensed to 618
practice in this state under Chapter 4731. of the Revised Code or 619
a chiropractor licensed to practice in this state under Chapter 620
4734. of the Revised Code that states that the person has a 621
physical impairment that makes use of an occupant restraining 622
device impossible or impractical. 623

(D) Notwithstanding any provision of law to the contrary, no 624
law enforcement officer shall cause an operator of an automobile 625
being operated on any street or highway to stop the automobile for 626
the sole purpose of determining whether a violation of division 627
(B) of this section has been or is being committed or for the sole 628
purpose of issuing a ticket, citation, or summons for a violation 629
of that nature or causing the arrest of or commencing a 630
prosecution of a person for a violation of that nature, and no law 631
enforcement officer shall view the interior or visually inspect 632
any automobile being operated on any street or highway for the 633
sole purpose of determining whether a violation of that nature has 634
been or is being committed. 635

(E) All fines collected for violations of division (B) of 636
this section, or for violations of any ordinance or resolution of 637
a political subdivision that is substantively comparable to that 638
division, shall be forwarded to the treasurer of state for deposit 639
as follows: 640

(1) Eight per cent shall be deposited into the seat belt 641
education fund, which is hereby created in the state treasury, and 642
shall be used by the department of public safety to establish a 643

eat belt education program. 644

(2) Eight per cent shall be deposited into the elementary 645
school program fund, which is hereby created in the state 646
treasury, and shall be used by the department of public safety to 647
establish and administer elementary school programs that encourage 648
seat safety belt use. 649

(3) Two per cent shall be deposited into the Ohio ~~ambulance~~ 650
~~licensing~~ medical transportation trust fund created by section 651
4766.05 of the Revised Code. 652

(4) Twenty-eight per cent shall be deposited into the trauma 653
and emergency medical services fund, which is hereby created in 654
the state treasury, and shall be used by the department of public 655
safety for the administration of the division of emergency medical 656
services and the state board of emergency medical services. 657

(5) Fifty-four per cent shall be deposited into the trauma 658
and emergency medical services grants fund, which is hereby 659
created in the state treasury, and shall be used by the state 660
board of emergency medical services to make grants, in accordance 661
with section 4765.07 of the Revised Code and rules the board 662
adopts under section 4765.11 of the Revised Code. 663

(F)(1) Subject to division (F)(2) of this section, the 664
failure of a person to wear all of the available elements of a 665
properly adjusted occupant restraining device or to ensure that 666
each passenger of an automobile being operated by the person is 667
wearing all of the available elements of such a device, in 668
violation of division (B) of this section, shall not be considered 669
or used as evidence of negligence or contributory negligence, 670
shall not diminish recovery for damages in any civil action 671
involving the person arising from the ownership, maintenance, or 672
operation of an automobile; shall not be used as a basis for a 673
criminal prosecution of the person other than a prosecution for a 674

violation of this section; and shall not be admissible as evidence 675
in any civil or criminal action involving the person other than a 676
prosecution for a violation of this section. 677

(2) If, at the time of an accident involving a passenger car 678
equipped with occupant restraining devices, any occupant of the 679
passenger car who sustained injury or death was not wearing an 680
available occupant restraining device, was not wearing all of the 681
available elements of such a device, or was not wearing such a 682
device as properly adjusted, then, consistent with the Rules of 683
Evidence, the fact that the occupant was not wearing the available 684
occupant restraining device, was not wearing all of the available 685
elements of such a device, or was not wearing such a device as 686
properly adjusted is admissible in evidence in relation to any 687
claim for relief in a tort action to the extent that the claim for 688
relief satisfies all of the following: 689

(a) It seeks to recover damages for injury or death to the 690
occupant. 691

(b) The defendant in question is the manufacturer, designer, 692
distributor, or seller of the passenger car. 693

(c) The claim for relief against the defendant in question is 694
that the injury or death sustained by the occupant was enhanced or 695
aggravated by some design defect in the passenger car or that the 696
passenger car was not crashworthy. 697

(3) As used in division (F)(2) of this section, "tort action" 698
means a civil action for damages for injury, death, or loss to 699
person or property. "Tort action" includes a product liability 700
claim that is subject to sections 2307.71 to 2307.80 of the 701
Revised Code, but does not include a civil action for damages for 702
a breach of a contract or another agreement between persons. 703

Sec. 4766.01. As used in this chapter: 704

(A) "Advanced life support" means treatment described in 705
section 4765.39 of the Revised Code that a paramedic is certified 706
to perform. 707

(B) "Air medical service organization" means a person or 708
government entity that provides air medical transportation to the 709
public. 710

(C) "Air medical transportation" is the use of a rotorcraft 711
air ambulance or fixed wing air ambulance to provide 712
transportation and advanced life support to seriously ill, 713
injured, wounded, or otherwise incapacitated or helpless 714
individuals who require use of a stretcher from airport to airport 715
or from an emergency scene to a hospital or other medical care 716
setting. 717

(D) "Ambulance" means any motor vehicle that is specifically 718
designed, constructed, or modified and equipped and is intended to 719
be used ~~for the~~ to provide basic life support, intermediate life 720
support, advanced life support, or mobile intensive care unit 721
services and transportation upon the streets or highways of this 722
state of persons who are seriously ill, injured, wounded, or 723
otherwise incapacitated or helpless. "Ambulance" does not include 724
air medical transportation or a vehicle designed and used solely 725
for the transportation of nonstretcher-bound persons, whether 726
hospitalized or handicapped or whether ambulatory or confined to a 727
wheelchair. 728

~~(C)~~(E) "Ambulette" means a motor vehicle that is specifically 729
designed, constructed, or modified and equipped and is intended to 730
be used for transportation upon the streets or highways of this 731
state of persons who require use of a wheelchair. 732

(F) "Basic life support" means treatment described in section 733
4765.37 of the Revised Code that an EMT-basic is certified to 734
perform. 735

~~(D)~~(G) "Disaster situation" means any condition or situation 736
described by rule of the Ohio ~~ambulance-licensing~~ medical 737
transportation board as a mass casualty, major emergency, natural 738
disaster, or national emergency. 739

~~(E)~~(H) "Emergency medical service organization" means an 740
organization that uses EMTs-basic, EMTs-I, or paramedics, or a 741
combination thereof, to provide medical care to victims of illness 742
or injury. An emergency medical service organization includes, but 743
is not limited to, a commercial ambulance service organization, a 744
hospital, and a funeral home. 745

~~(F)~~(I) "EMT-basic," "EMT-I," and "paramedic" have the same 746
meanings as in section 4765.01 of the Revised Code. 747

~~(G)~~(J) "Fixed wing air ambulance" means a fixed wing aircraft 748
operated as a means of air medical transportation. 749

(K) "Intermediate life support" means treatment described in 750
section 4765.38 of the Revised Code that an EMT-I is certified to 751
perform. 752

~~(H)~~(L) "Major emergency" means any emergency event that 753
cannot be resolved through the use of locally available emergency 754
resources. 755

~~(I)~~(M) "Mass casualty" means an emergency event that results 756
in ten or more persons being injured, incapacitated, made ill, or 757
killed. 758

~~(J)~~(N) "Medical emergency" means an unforeseen event 759
affecting an individual in such a manner that a need for immediate 760
care is created. 761

(O)(1) "Medical service organization" means a person or 762
government entity that does both of the following: 763

(a) Provides services to the public on a regular basis for 764
the purpose of transporting individuals to receive health care 765
services at health care facilities or health care practitioners' 766
offices in nonemergency circumstances; 767

(b) Provides the services for a fee, regardless of whether 768
the fee is paid by the person being transported, a third party 769
payer, as defined in section 3702.51 of the Revised Code, or any 770
other person or government entity. 771

(2) "Medical service organization" does not include a health 772
care facility, as defined in section 1751.01 of the Revised Code, 773
that provides ambulette services only to patients of that 774
facility. 775

~~(K)~~(P) "Mobile intensive care unit" means an ambulance used 776
only for maintaining specialized or intensive care treatment and 777
used primarily for interhospital transports of patients whose 778
conditions require care beyond the scope of a paramedic as 779
provided in section 4765.39 of the Revised Code. 780

~~(L)~~(Q) "Nontransport vehicle" means a motor vehicle operated 781
by a licensed emergency medical service organization not as an 782
ambulance, but as a vehicle for providing services in conjunction 783
with the ambulances operated by the organization or other 784
emergency medical service organizations. 785

~~(M)~~(R) "Patient" means any individual who as a result of 786
illness or injury needs medical attention, whose physical or 787
mental condition is such that there is imminent danger of loss of 788
life or significant health impairment, ~~or~~ who may be otherwise 789
incapacitated or helpless as a result of a physical or mental 790
condition, or whose physical condition requires the use of a 791
wheelchair. 792

(S) "Rotorcraft air ambulance" means a helicopter or other 793
aircraft capable of vertical takeoffs, vertical landings, and 794

hovering.

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Sec. 4766.02. (A) There is hereby created the Ohio ~~ambulance~~
~~licensing~~ medical transportation board, consisting of ~~five~~ nine
voting members and one nonvoting member who shall be residents of
this state and appointed by the governor with the advice and
consent of the senate. Except as provided in division (B) of this
section, members shall serve terms of two years. One voting member
shall be a member of the Ohio ambulance association; two voting
members, one of whom shall be a licensed funeral director, shall
be owners or operators of private emergency medical service
organizations operating in this state; one voting member shall be
a consumer of emergency medical services who is not associated
with any public or private emergency medical service organization;
~~and~~ one voting member shall be an official with a public emergency
medical service organization; two voting members shall be owners
or operators of medical service organizations that provide
ambulette services only, and two voting members shall be members
of the Ohio association of critical care transport, one member
representing air-based services and the other representing a
ground-based mobile intensive care unit organization. A physician
who holds a certificate to practice issued under Chapter 4731. of
the Revised Code who is a member of the American college of
emergency physicians shall serve as the nonvoting member. The
board shall annually select from its membership a chair and a
vice-chair to act as chair in the chair's absence.

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(B) ~~Of the members initially appointed, three shall be~~
~~appointed for terms of one year and three for terms of two years.~~
Any member appointed to fill a vacancy occurring prior to the
expiration date of the term for which the member's predecessor was
appointed shall hold office for the remainder of that term. Every
member shall continue in office subsequent to the expiration date

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of the member's term until the member's successor takes office, or 826
until a period of sixty days has elapsed, whichever occurs first. 827

(C) ~~Three-voting~~ Five members shall constitute a quorum for 828
the transaction of business, and the affirmative vote of ~~three~~ 829
five members is required for the board to take any official 830
action. The board, after notice and hearing, may remove a member 831
by majority vote for malfeasance, misfeasance, or nonfeasance. 832

Members of the board shall be reimbursed for actual and 833
necessary expenses incurred in attending meetings of the board and 834
in the performance of their official duties. The board may hire 835
such employees as are necessary to enable it to execute its 836
duties. 837

(D) The division of emergency medical services within the 838
department of public safety shall provide the board with office 839
space, but the board shall not be a part of the division or the 840
department. 841

(E) The board is the sole supervisory body regarding the 842
licensing of private ambulance service organizations in this 843
state. 844

(F) The board is the sole supervisory body regarding the 845
licensing of medical service organizations in this state. 846

(G) The board is the sole supervisory body regarding the 847
licensing of air medical service organizations in this state. 848

Sec. 4766.03. (A) The Ohio ~~ambulance-licensing~~ medical 849
transportation board shall adopt rules, in accordance with Chapter 850
119. of the Revised Code, implementing the requirements of this 851
chapter. The rules shall include provisions relating to the 852
following: 853

(1) Requirements for an emergency medical service 854
organization to receive a permit for an ambulance or nontransport 855

vehicle;	856
(2) Requirements for an emergency medical service organization to receive a license as a basic life-support, intermediate life-support, or advanced life-support, <u>or mobile intensive care unit</u> organization;	857 858 859 860
(3) <u>Requirements for a medical service organization to receive a permit for an ambulette vehicle;</u>	861 862
(4) <u>Requirements for a medical service organization to receive a license for an ambulette service;</u>	863 864
(5) <u>Requirements for an air medical service organization to receive a permit for a rotorcraft air ambulance or fixed wing air ambulance;</u>	865 866 867
(6) <u>Requirements for licensure of air medical service organizations;</u>	868 869
(7) Forms for applications and renewals of licenses and permits;	870 871
(4) (8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;	872 873
(5) (9) Fee amounts for licenses and permits, and renewals thereof;	874 875
(6) (10) Inspection requirements for licensees' vehicles <u>or aircraft</u> , records, and physical facilities;	876 877
(7) (11) Fee amounts for inspections of ambulances, <u>ambulettes, rotorcraft air ambulances, fixed wing air ambulances,</u> and nontransport vehicles;	878 879 880
(8) (12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, <u>for ambulette vehicles used by licensed medical service organizations,</u> <u>and for rotorcraft air ambulances or fixed wing air ambulances</u> used by licensed air medical service organizations that specify	881 882 883 884 885

for each type of vehicle or aircraft the types of equipment that 886
must be carried, the communication systems that must be 887
maintained, and the personnel who must staff the vehicle or 888
aircraft; 889

~~(9)~~(13) The level of care each type of emergency medical 890
service organization, medical service organization, and air 891
medical service organization is authorized to provide; 892

~~(10)~~(14) Eligibility requirements for employment as an 893
ambulette driver, including grounds for disqualification due to 894
the results of a motor vehicle law violation check, chemical test, 895
or criminal records check. The rule may require that an applicant 896
for employment as an ambulette driver provide a set of 897
fingerprints to law enforcement authorities if the applicant comes 898
under final consideration for employment. 899

(15) Any other rules that the board determines necessary for 900
the implementation and enforcement of this chapter. 901

(B) In the rules for ambulances and nontransport vehicles 902
adopted under division (A)~~(8)~~(12) of this section, the board may 903
establish requirements that vary according to whether the 904
emergency medical service organization using the vehicles is 905
licensed as a basic life-support, intermediate life-support, ~~or~~ 906
advanced life-support, or mobile intensive care unit organization. 907

(C) A mobile intensive care unit that is not dually certified 908
to provide advanced life-support and meets the requirements of the 909
rules adopted under this section is not required to carry 910
immobilization equipment, including board splint kits, traction 911
splints, backboards, backboard straps, cervical immobilization 912
devices, cervical collars, stairchairs, folding cots, or other 913
types of immobilization equipment determined by the board to be 914
unnecessary for mobile intensive care units. 915

A mobile intensive care unit is exempt from the emergency 916

medical technician staffing requirements of division (B) of 917
section 4765.43 of the Revised Code when it is staffed by at least 918
one physician or registered nurse and another person, designated 919
by a physician, who holds a valid license or certificate to 920
practice in a health care profession, and when at least one of the 921
persons staffing the mobile intensive care unit is a registered 922
nurse whose training meets or exceeds the training required for a 923
paramedic. 924

Sec. 4766.04. (A) Except as otherwise provided in this 925
chapter, no person shall furnish, operate, conduct, maintain, 926
advertise, engage in, or propose or profess to engage in the 927
business or service in this state of transporting persons who are 928
seriously ill, injured, or otherwise incapacitated ~~in this state~~ 929
unless the person is licensed pursuant to this section. 930

(B) To qualify for a license as a basic life-support, 931
intermediate life-support, ~~or~~ advanced life-support ~~service, or~~ 932
mobile intensive care unit organization, an emergency medical 933
service organization shall do all of the following: 934

(1) Apply for a permit for each ambulance and nontransport 935
vehicle owned or leased as provided in section 4766.07 of the 936
Revised Code; 937

(2) Meet all requirements established in rules adopted by the 938
Ohio ~~ambulance licensing~~ medical transportation board regarding 939
ambulances and nontransport vehicles, including requirements 940
pertaining to equipment, communications systems, staffing, and 941
level of care the particular organization is permitted to render; 942

(3) Maintain the appropriate type and amount of insurance or 943
self-insurance as specified in section 4766.06 of the Revised 944
Code; 945

(4) Meet all other requirements established under rules 946

adopted by the board for the particular license. 947

(C) To ~~apply~~ qualify for a license to provide ambulette 948
service, a medical service organization shall do all of the 949
following: 950

(1) Apply for a permit for each ambulette owned or leased as 951
provided in section 4766.07 of the Revised Code; 952

(2) Meet all requirements established in rules adopted by the 953
Ohio medical transportation board regarding ambulettes, including 954
requirements pertaining to equipment, communication systems, 955
staffing, and level of care the organization is permitted to 956
render; 957

(3) Maintain the appropriate type and amount of insurance or 958
self-insurance as specified in section 4766.06 of the Revised 959
Code; 960

(4) Meet all other requirements established under rules 961
adopted by the board for the license. 962

(D) To qualify for a license to provide air medical 963
transportation, an air medical service organization shall do all 964
of the following: 965

(1) Apply for a permit for each rotorcraft air ambulance and 966
fixed wing air ambulance owned or leased as provided in section 967
4766.07 of the Revised Code; 968

(2) Meet all requirements established in rules adopted by the 969
Ohio medical transportation board regarding rotorcraft air 970
ambulances and fixed air ambulances, including requirements 971
pertaining to equipment, communication systems, staffing, and 972
level of care the organization is permitted to render; 973

(3) Maintain the appropriate type and amount of insurance or 974
self-insurance as specified in section 4766.06 of the Revised 975
Code; 976

(4) Meet all other requirements established under rules 977
adopted by the board for the license. 978

(E) An emergency medical service organization that applies 979
for a license as a basic life-support, intermediate life-support, 980
~~or advanced life-support service, or mobile intensive care unit~~ 981
~~organization, an emergency medical service organization; a medical~~ 982
service organization that applies for a license to provide 983
ambulette service; or an air medical service organization that 984
applies for a license to provide air medical transportation shall 985
submit a completed application to the board, on a form provided by 986
the board for each particular license, together with the 987
appropriate fees established under section 4766.05 of the Revised 988
Code. The application form shall include all of the following: 989

(1) The name and business address of the operator of the 990
organization for which licensure is sought; 991

(2) The name under which the applicant will operate the 992
organization; 993

(3) A list of the names and addresses of all officers and 994
directors of the organization; 995

(4) ~~A~~ For emergency medical service organizations and medical 996
service organizations, a description of each vehicle to be used, 997
including the make, model, year of manufacture, mileage, vehicle 998
identification number, and the color scheme, insignia, name, 999
monogram, or other distinguishing characteristics to be used to 1000
designate the applicant's vehicle; 1001

(5) For air medical service organizations using fixed wing 1002
air ambulances, a description of each aircraft to be used, 1003
including the make, model, year of manufacture, and aircraft Hobbs 1004
meter hour reading; 1005

(6) For air medical service organizations using rotorcraft 1006

air ambulances, a description of each aircraft to be used, 1007
including the make, model, year of manufacture, aircraft Hobbs 1008
meter hour reading, aircraft identification number, and the color 1009
scheme, insignia, name, monogram, or other distinguishing 1010
characteristics to be used to designate the applicant's rotorcraft 1011
air ambulance; 1012

(7) The location and description of each place from which the 1013
organization will operate; 1014

~~(6)~~(8) A description of the geographic area to be served by 1015
the applicant; 1016

~~(7)~~(9) Any other information the board, by rule, determines 1017
necessary. 1018

~~(D)~~(F) Within sixty days after receiving a completed 1019
application for licensure as a basic life-support, intermediate 1020
life-support, ~~or~~ advanced life-support service, or mobile 1021
intensive care unit organization; an ambulette service; or an air 1022
medical service organization, the board shall approve or deny the 1023
application. The board shall deny an application if it determines 1024
that the applicant does not meet the requirements of this chapter 1025
or any rules adopted under it. The board shall send notice of the 1026
denial of an application by certified mail to the applicant. The 1027
applicant may request a hearing within ten days after receipt of 1028
the notice. If the board receives a timely request, it shall hold 1029
a hearing in accordance with Chapter 119. of the Revised Code. 1030

~~(E)~~(G) If an applicant or licensee operates or plans to 1031
operate an organization in more than one location under the same 1032
or different identities, the applicant or licensee shall apply for 1033
and meet all requirements for licensure or renewal of a license, 1034
other than payment of a license fee or renewal fee, for operating 1035
the organization at each separate location. An applicant or 1036
licensee that operates or plans to operate under the same 1037

organization identity in separate locations shall pay only a 1038
single license fee. 1039

~~(F)~~(H) An emergency medical service organization that wishes 1040
to provide ambulette services to the public must apply for a 1041
separate license under division (C) of this section. 1042

(I) Each license issued under this section and each permit 1043
issued under section 4766.07 of the Revised Code expires one year 1044
after the date of issuance and may be renewed in accordance with 1045
the standard renewal procedures of Chapter 4745. of the Revised 1046
Code, except that a license or permit issued in 1998 or in 1999 1047
prior to ~~the effective date of this amendment~~ June 30, 1999, shall 1048
expire two years after the date of issuance. An application for 1049
renewal shall include the license or permit renewal fee 1050
established under section 4766.05 of the Revised Code. An 1051
applicant for renewal of a permit also shall submit to the board 1052
proof of an annual inspection of the vehicle or aircraft for which 1053
permit renewal is sought. The board shall renew a license if the 1054
applicant meets the requirements for licensure and shall renew a 1055
permit if the applicant and vehicle or aircraft meet the 1056
requirements to maintain a permit for that vehicle or aircraft. 1057

~~(G)~~(J) Each licensee shall maintain accurate records of all 1058
service responses conducted. The records shall be maintained on 1059
forms prescribed by the board and shall contain information as 1060
specified by rule by the board. 1061

Sec. 4766.05. (A) The Ohio ~~ambulance licensing~~ medical 1062
transportation board shall establish by rule a license fee, a 1063
permit fee for each ambulance, ambulette, rotorcraft air 1064
ambulance, fixed wing air ambulance, and nontransport vehicle 1065
owned or leased by the licensee that is or will be used as 1066
provided in section 4766.07 of the Revised Code, and fees for 1067
renewals of licenses and permits, taking into consideration the 1068

actual costs incurred by the board in carrying out its duties 1069
under this chapter. However, the fee for each license and each 1070
renewal of a license shall not exceed one hundred dollars, and the 1071
fee for each permit and each renewal of a permit shall not exceed 1072
one hundred dollars for each ambulance, rotorcraft air ambulance, 1073
fixed wing air ambulance, and nontransport vehicle. The fee for 1074
each permit and each renewal of a permit shall be twenty-five 1075
dollars for each ambulette for one year after the effective date 1076
of this amendment. Thereafter, the board shall determine by rule 1077
the fee, which shall not exceed fifty dollars, for each permit and 1078
each renewal of a permit for each ambulette. For purposes of 1079
establishing fees, "actual costs" includes the costs of salaries, 1080
expenses, inspection equipment, supervision, and program 1081
administration. 1082

(B) The board shall deposit all fees and other moneys 1083
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 1084
the Revised Code in the state treasury to the credit of the 1085
~~ambulance licensing~~ Ohio medical transportation trust fund, which 1086
is hereby created. All moneys from the fund shall be used solely 1087
for the salaries and expenses of the board incurred in 1088
implementing and enforcing this chapter. 1089

(C) The board, subject to the approval of the controlling 1090
board, may establish fees in excess of the maximum amounts allowed 1091
under division (A) of this section, but such fees shall not exceed 1092
those maximum amounts by more than fifty per cent. 1093

Sec. 4766.06. (A)(1) Every emergency medical service 1094
organization and medical service organization licensee under this 1095
chapter shall furnish adequate evidence of liability insurance 1096
coverage, in an amount of not less than five hundred thousand 1097
dollars per occurrence and not less than five hundred thousand 1098
dollars in the aggregate, for any cause for which the licensee 1099

would be liable. 1100

(2) Every air medical service organization licensee under 1101
this chapter shall furnish adequate evidence of liability 1102
insurance coverage, in an amount not less than twenty million 1103
dollars per occurrence and not less than twenty million dollars in 1104
the aggregate, for any cause for which the licensee would be 1105
liable. 1106

(3) In lieu of insurance coverage as provided in division 1107
(A)(1) or (2) of this section, a licensee may furnish a 1108
certificate of self-insurance evidencing that ~~he~~ the licensee has 1109
established a self-insurance plan approved by the superintendent 1110
of insurance that is equivalent to or greater than the insurance 1111
coverage required in division (A)(1) or (2) of this section. 1112

(B)(1) In addition to the insurance requirements of division 1113
(A) of this section, every licensee shall carry bodily injury and 1114
property damage insurance with solvent and responsible insurers 1115
licensed to do business in this state for any loss or damage 1116
resulting from any occurrence arising out of or caused by the 1117
operation or use of any ambulance, ambulette, rotorcraft air 1118
ambulance, fixed wing air ambulance, or nontransport vehicle. The 1119
insurance shall insure each vehicle for the sum of not less than 1120
one hundred thousand dollars for bodily injury to or death of any 1121
one person arising out of any one accident and the sum of not less 1122
than three hundred thousand dollars for bodily injury to or death 1123
of more than one person in any one accident and for the sum of 1124
fifty thousand dollars for damage to property arising from any one 1125
accident. 1126

(2) In lieu of the insurance coverage as provided in division 1127
(B)(1) of this section, a licensee may furnish a certificate of 1128
self-insurance evidencing that ~~he~~ the licensee has established a 1129
self-insurance plan approved by the superintendent that provides 1130

the same or more comprehensive coverage than required in division 1131
(B)(1) of this section. 1132

(C) Each policy or contract of insurance issued shall provide 1133
for the payment and satisfaction of any financial judgment entered 1134
against the licensee and any person operating the vehicle and for 1135
a thirty-day cancellation notice to the board. 1136

Sec. 4766.07. (A) Each emergency medical service 1137
organization, medical service organization, and air medical 1138
service organization subject to licensure under this chapter shall 1139
possess a valid permit for each ambulance, ambulette, rotorcraft 1140
air ambulance, fixed wing air ambulance, and nontransport vehicle 1141
it owns or leases that is or will be used by the licensee to 1142
perform the services permitted by the license. Each licensee and 1143
license applicant shall submit the appropriate fee and an 1144
application for a permit for each ambulance, ambulette, rotorcraft 1145
air ambulance, fixed wing air ambulance, and nontransport vehicle 1146
to the Ohio ~~ambulance licensing~~ medical transportation board on 1147
forms provided by the board. The application shall include 1148
documentation that the vehicle or aircraft meets the appropriate 1149
standards set by the board, that the vehicle or aircraft has been 1150
inspected pursuant to division (C) of this section, that the 1151
permit applicant maintains insurance or self-insurance as provided 1152
in section 4766.06 of the Revised Code, and that the vehicle or 1153
aircraft and permit applicant meet any other requirements 1154
established under rules adopted by the board. 1155

(B)(1) Within sixty days after receiving a completed 1156
application for a permit, the board shall issue or deny the 1157
permit. The board shall deny an application if it determines that 1158
the permit applicant ~~or,~~ vehicle, or aircraft does not meet the 1159
requirements of this chapter and the rules adopted under it that 1160
apply to permits for ambulances, ambulettes, rotorcraft air 1161

ambulances, fixed wing air ambulances, and nontransport vehicles. 1162
The board shall send notice of the denial of an application by 1163
certified mail to the permit applicant. The permit applicant may 1164
request a hearing within ten days after receipt of the notice. If 1165
the board receives a timely request, it shall hold a hearing in 1166
accordance with Chapter 119. of the Revised Code. 1167

(2) If the board issues the vehicle permit for an ambulance, 1168
ambulette, or nontransport vehicle, it also shall issue a decal, 1169
in a form prescribed by rule, to be displayed on the rear window 1170
of the vehicle. The board shall not issue a decal until all of the 1171
requirements for licensure and permit issuance have been met. 1172

(3) If the board issues the aircraft permit for a rotorcraft 1173
air ambulance or fixed wing air ambulance, it also shall issue a 1174
decal, in a form prescribed by rule, to be displayed on the left 1175
fuselage aircraft window in a manner that complies with all 1176
applicable federal aviation regulations. The board shall not issue 1177
a decal until all of the requirements for licensure and permit 1178
issuance have been met. 1179

(C) In addition to any other requirements that the board 1180
establishes by rule, a licensee or license applicant applying for 1181
an initial vehicle or aircraft permit under division (A) of this 1182
section shall submit to ~~the state highway patrol and~~ the board the 1183
vehicle or aircraft for which the permit is sought. Thereafter, a 1184
licensee shall annually submit to ~~the state highway patrol and~~ the 1185
board each vehicle or aircraft for which a permit has been issued. 1186

(1) The ~~state highway patrol~~ board shall conduct a physical 1187
inspection of an ambulance, ambulette, or nontransport vehicle to 1188
determine its roadworthiness and compliance with standard motor 1189
vehicle requirements. 1190

(2) The board shall conduct a physical inspection of the 1191
medical equipment, communication system, and interior of an 1192

ambulance to determine the operational condition and safety of the 1193
equipment and the ambulance's interior and to determine whether 1194
the ambulance is in compliance with the federal requirements for 1195
ambulance construction that were in effect at the time the 1196
ambulance was manufactured, as specified by the general services 1197
administration in the various versions of its publication titled 1198
"federal specification for the star-of-life ambulance, 1199
KKK-A-1822." 1200

(3) The board shall conduct a physical inspection of the 1201
equipment, communication system, and interior of an ambulette to 1202
determine the operational condition and safety of the equipment 1203
and the ambulette's interior and to determine whether the 1204
ambulette is in compliance with state requirements for ambulette 1205
construction. The board shall determine by rule requirements for 1206
the equipment, communication system, interior, and construction of 1207
an ambulette. 1208

(4) The board shall conduct a physical inspection of the 1209
medical equipment, communication system, and interior of a 1210
rotorcraft air ambulance or fixed wing air ambulance to determine 1211
the operational condition and safety of the equipment and the 1212
aircraft's interior. 1213

(5) ~~The board and state highway patrol~~ shall issue a 1214
certificate to the applicant for each vehicle or aircraft that 1215
passes the inspection and may assess a fee for each inspection, as 1216
established by the board. 1217

~~(4)(6)~~ The board, ~~in consultation with the state highway~~ 1218
~~patrol,~~ shall adopt rules regarding the implementation and 1219
coordination of ~~the state highway patrol and board~~ inspections. 1220
The rules may permit the board to contract with a third party to 1221
conduct the inspections required of the board under this section. 1222

Sec. 4766.08. (A) The Ohio ~~ambulance licensing~~ medical 1223

transportation board may, pursuant to an adjudication conducted in 1224
accordance with Chapter 119. of the Revised Code, suspend or 1225
revoke any license or permit or renewal thereof issued under this 1226
chapter for any one or combination of the following causes: 1227

(1) Violation of this chapter or any rule adopted thereunder; 1228

(2) Refusal to permit the board to inspect a vehicle or 1229
aircraft used under the terms of a permit or to inspect the 1230
records or physical facilities of a licensee; 1231

(3) Failure to meet the ambulance, ambulette, rotorcraft air 1232
ambulance, fixed wing air ambulance, and nontransport vehicle 1233
requirements specified in this chapter or the rules adopted 1234
thereunder; 1235

(4) Violation of an order issued by the board; 1236

(5) Failure to comply with any of the terms of an agreement 1237
entered into with the board regarding the suspension or revocation 1238
of a license or permit or the imposition of a penalty under this 1239
section. 1240

(B) If the board determines that the records, ~~recordkeeping~~ 1241
record-keeping procedures, or physical facilities of a licensee, 1242
or an ambulance, ambulette, rotorcraft air ambulance, fixed wing 1243
air ambulance, or nontransport vehicle for which a valid permit 1244
has been issued, do not meet the standards specified in this 1245
chapter and the rules adopted thereunder, the board shall notify 1246
the licensee of any deficiencies within thirty days of finding the 1247
deficiencies. If the board determines that the deficiencies exist 1248
and they remain uncorrected after thirty days, the board may 1249
suspend the license ~~or,~~ vehicle permit, or aircraft permit. The 1250
licensee, notwithstanding the suspension under this division, may 1251
operate until all appeals have been exhausted. 1252

(C) At the discretion of the board, a licensee whose license 1253

has been suspended or revoked under this section may be ineligible 1254
to be licensed under this chapter for a period of not more than 1255
three years from the date of the violation, provided that the 1256
board shall make no determination on a period of ineligibility 1257
until all the licensee's appeals relating to the suspension or 1258
revocation have been exhausted. 1259

(D) The board may, in addition to any other action taken 1260
under this section and after a hearing conducted pursuant to 1261
Chapter 119. of the Revised Code, impose a penalty of not more 1262
than fifteen hundred dollars for any violation specified in this 1263
section. The attorney general shall institute a civil action for 1264
the collection of any such penalty imposed. 1265

Sec. 4766.09. This chapter does not apply to any of the 1266
following: 1267

(A) A person rendering services with an ambulance in the 1268
event of a disaster situation when licensees' vehicles based in 1269
the locality of the disaster situation are incapacitated or 1270
insufficient in number to render the services needed; 1271

(B) Any person operating an ambulance, rotorcraft air 1272
ambulance, or fixed wing air ambulance outside this state unless 1273
receiving a person within this state for transport to a location 1274
within this state; 1275

(C) A publicly owned or operated emergency medical service 1276
organization and the vehicles it owns or leases and operates, 1277
except as provided in section 307.051, division (G) of section 1278
307.055, division (F) of section 505.37, division (B) of section 1279
505.375, and division (B)(3) of section 505.72 of the Revised 1280
Code; 1281

(D) An ambulance, rotorcraft air ambulance, fixed wing air 1282
ambulance, or nontransport vehicle owned or leased and operated by 1283

the federal government;	1284
(E) A publicly owned and operated fire department vehicle;	1285
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	1286 1287 1288
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	1289 1290 1291
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	1292 1293 1294
(I) A public emergency medical service organization;	1295
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	1296 1297 1298 1299
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code.	1300 1301 1302
Sec. 4766.10. This chapter does not invalidate any ordinance or resolution adopted by a municipal corporation that establishes standards for the licensure of emergency medical service organizations as basic life-support, intermediate life-support, or advanced life-support service organizations that have their principal places of business located within the limits of the municipal corporation, as long as the licensure standards meet or exceed the standards established in this chapter and the rules adopted thereunder.	1303 1304 1305 1306 1307 1308 1309 1310 1311
Emergency medical service organizations licensed by a municipal corporation are subject to the jurisdiction of the Ohio	1312 1313

~~ambulance licensing~~ medical transportation board, but the fees 1314
they pay to the board for licenses, permits, and renewals thereof 1315
shall not exceed fifty per cent of the fee amounts established by 1316
the board pursuant to section 4766.03 of the Revised Code. The 1317
board may choose to waive the vehicle inspection requirements and 1318
inspection fees, but not the permit fees, for the vehicles of 1319
organizations licensed by a municipal corporation. 1320

Sec. 4766.11. The Ohio ~~ambulance licensing~~ medical 1321
transportation board may investigate alleged violations of this 1322
chapter or the rules adopted under it and may investigate any 1323
complaints received regarding alleged violations. 1324

In addition to any other remedies available and regardless of 1325
whether an adequate remedy at law exists, the board may apply to 1326
the court of common pleas in the county where a violation of any 1327
provision of this chapter or any rule adopted pursuant thereto is 1328
occurring for a temporary or permanent injunction restraining a 1329
person from continuing to commit that violation. On a showing that 1330
a person has committed a violation, the court shall grant the 1331
injunction. 1332

In conducting an investigation under this section, the board 1333
may issue subpoenas compelling the attendance and testimony of 1334
witnesses and the production of books, records, and other 1335
documents pertaining to the investigation. If a person fails to 1336
obey a subpoena from the board, the board may apply to the court 1337
of common pleas in the county where the investigation is being 1338
conducted for an order compelling the person to comply with the 1339
subpoena. On application by the board, the court shall compel 1340
obedience by attachment proceedings for contempt, as in the case 1341
of disobedience of the requirements of a subpoena from the court 1342
or a refusal to testify therein. 1343

Sec. 4766.12. If a county, township, joint ambulance 1344
district, or joint emergency medical services district chooses to 1345
have the Ohio ~~ambulance licensing~~ medical transportation board 1346
license its emergency medical service organizations and issue 1347
permits for its vehicles pursuant to this chapter, except as may 1348
be otherwise provided, all provisions of this chapter and all 1349
rules adopted by the board thereunder are fully applicable. 1350
However, a county, township, joint ambulance district, or joint 1351
emergency medical services district is not required to obtain any 1352
type of permit from the board for any of its nontransport 1353
vehicles. 1354

Sec. 4766.13. The Ohio ~~ambulance licensing~~ medical 1355
transportation board, by endorsement, may license and issue 1356
vehicle permits to an emergency medical service organization or a 1357
medical service organization that is regulated by another state. 1358
To qualify for a license and vehicle permits by endorsement, an 1359
organization must submit evidence satisfactory to the board that 1360
it has met standards in another state that are equal to or more 1361
stringent than the standards established by this chapter and the 1362
rules adopted under it. 1363

Sec. 4766.15. (A) An applicant for employment as an ambulette 1364
driver with an organization licensed pursuant to this chapter 1365
shall submit proof to the organization of, or give consent to the 1366
employer to obtain, all of the following: 1367

(1)(a) A valid driver's license issued pursuant to Chapter 1368
4506. or 4507. of the Revised Code, or its equivalent, if the 1369
applicant is a resident of another state; 1370

(b) A recent certified abstract of the applicant's record of 1371
convictions for violations of motor vehicle laws provided by the 1372
registrar of motor vehicles pursuant to section 4509.05 of the 1373

Revised Code, or its equivalent, if the applicant is a resident of 1374
another state. 1375

(2)(a) A certificate of completion of a course in first aid 1376
techniques offered by the American red cross or an equivalent 1377
organization; 1378

(b) A certificate of completion of a course in 1379
cardiopulmonary resuscitation, or its equivalent, offered by an 1380
organization approved by the Ohio medical transportation board. 1381

(3) The result of a chemical test or tests of the applicant's 1382
blood, breath, or urine conducted at a hospital or other 1383
institution approved by the board for the purpose of determining 1384
the alcohol or drug of abuse content of the applicant's blood, 1385
breath, or urine; 1386

(4) The result of a criminal records check conducted by the 1387
bureau of criminal identification and investigation. 1388

(B) An organization may employ an applicant on a temporary 1389
provisional basis pending the completion of all of the 1390
requirements of this section. The length of the provisional period 1391
shall be determined by the board. 1392

(C) An organization licensed pursuant to this chapter shall 1393
use information received pursuant to this section to determine in 1394
accordance with rules adopted by the Ohio medical transportation 1395
board under section 4766.03 of the Revised Code whether an 1396
applicant is disqualified for employment. 1397

No applicant shall be accepted for permanent employment as an 1398
ambulette driver by an organization licensed pursuant to this 1399
chapter until all of the requirements of division (A) of this 1400
section have been met. 1401

Sec. 4766.17. (A) An air medical service organization 1402
licensed under this chapter shall do both of the following: 1403

(1) Use at a minimum both of the following to provide 1404
advanced life support to seriously ill, injured, wounded, or 1405
otherwise incapacitated or helpless individuals who require use of 1406
a stretcher: 1407

(a) A paramedic or registered nurse, both as defined in 1408
section 4765.01 of the Revised Code; 1409

(b) One other person, designated by the medical director of 1410
the air medical service organization, who holds a current, valid 1411
certificate or license to practice a health care profession in 1412
this state. 1413

(2) Employ as a medical director an individual who holds a 1414
current, valid certificate issued under Chapter 4731. of the 1415
Revised Code authorizing the practice of medicine and surgery or 1416
osteopathic medicine and surgery. 1417

(B) The medical director employed by a licensed air medical 1418
service organization pursuant to division (A)(2) of this section 1419
is ultimately responsible for the medical care provided to each 1420
patient by the organization. 1421

Sec. 4766.20. The Ohio medical transportation board may 1422
create committees to review and make recommendations regarding 1423
medical transportation services provided in this state. A 1424
committee created under this section may receive information about 1425
medical transportation services provided in this state from 1426
emergency medical service organizations, medical service 1427
organizations, air medical service organizations, experts in the 1428
field of medical transportation, and other entities or individuals 1429
designated by the board. 1430

A committee created under this section shall meet all of the 1431
following requirements: 1432

(A) Be composed of at least one member of the board and any 1433

experts in the field of medical transportation designated by the 1434
board; 1435

(B) Not exceed a total of six members; 1436

(C) Cease to exist at the pleasure of the board; 1437

(D) Meet any other requirements established by the board. 1438

Sec. 5503.12. (A) The superintendent of the state highway 1439
patrol, with the approval of the director of public safety, may 1440
authorize the registrar of motor vehicles and designated deputy 1441
registrars to collect inspection and testing fees on behalf of the 1442
state highway patrol. The superintendent and the registrar jointly 1443
shall determine and designate the deputy registrars who shall 1444
collect inspection and testing fees under this section. 1445

(B)(1) In addition to collecting the inspection and testing 1446
fees, the registrar and each designated deputy registrar may 1447
collect and retain a service fee in the amount specified in 1448
division (D) of section 4503.10 of the Revised Code for each 1449
inspection and testing fee collected on behalf of the state 1450
highway patrol. 1451

(2) Each designated deputy registrar, upon receipt of any 1452
inspection and testing fee, shall transmit the fees to the 1453
registrar in the manner prescribed by the registrar. 1454

(3) The registrar shall deposit the inspection and testing 1455
fees collected by and transmitted to the registrar to the credit 1456
of the fund specified by law. 1457

(C) The superintendent, with the approval of the director, 1458
shall establish appropriate procedures to be used by the registrar 1459
and designated deputy registrars for determining proof of payment 1460
of inspection and testing fees. 1461

(D) As used in this section, "inspection and testing fees" 1462

cludes the following: 1463

(1) Fees for vehicle inspections conducted under sections 1464
4505.11, 4505.111, 4513.52, 4513.53, 4519.56, and 4519.61, ~~and~~ 1465
~~4766.07~~ of the Revised Code; 1466

(2) Fees for testing of commercial driver's license 1467
applicants under section 4506.09 of the Revised Code; 1468

(3) Except as may otherwise be specifically provided by law, 1469
any statutory fees for similar vehicle inspections or driver 1470
testing conducted by the state highway patrol that the 1471
superintendent may specify for collection under this section. 1472

Section 2. That existing sections 307.051, 307.055, 505.37, 1473
505.375, 505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 1474
4766.04, 4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 1475
4766.11, 4766.12, 4766.13, and 5503.12 of the Revised Code are 1476
hereby repealed. 1477

Section 3. That the version of section 4513.263 of the 1478
Revised Code that is scheduled to take effect January 1, 2004, be 1479
amended to read as follows: 1480

Sec. 4513.263. (A) As used in this section and in section 1481
4513.99 of the Revised Code: 1482

(1) "Automobile" means any commercial tractor, passenger car, 1483
commercial car, or truck that is required to be factory-equipped 1484
with an occupant restraining device for the operator or any 1485
passenger by regulations adopted by the United States secretary of 1486
transportation pursuant to the "National Traffic and Motor Vehicle 1487
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 1488

(2) "Occupant restraining device" means a seat safety belt, 1489
shoulder belt, harness, or other safety device for restraining a 1490
person who is an operator of or passenger in an automobile and 1491

that satisfies the minimum federal vehicle safety standards 1492
established by the United States department of transportation. 1493

(3) "Passenger" means any person in an automobile, other than 1494
its operator, who is occupying a seating position for which an 1495
occupant restraining device is provided. 1496

(4) "Commercial tractor," "passenger car," and "commercial 1497
car" have the same meanings as in section 4501.01 of the Revised 1498
Code. 1499

(5) "Vehicle" and "motor vehicle," as used in the definitions 1500
of the terms set forth in division (A)(4) of this section, have 1501
the same meanings as in section 4511.01 of the Revised Code. 1502

(B) No person shall do any of the following: 1503

(1) Operate an automobile on any street or highway unless 1504
that person is wearing all of the available elements of a properly 1505
adjusted occupant restraining device, or operate a school bus that 1506
has an occupant restraining device installed for use in its 1507
operator's seat unless that person is wearing all of the available 1508
elements of the device, as properly adjusted; 1509

(2) Operate an automobile on any street or highway unless 1510
each passenger in the automobile who is subject to the requirement 1511
set forth in division (B)(3) of this section is wearing all of the 1512
available elements of a properly adjusted occupant restraining 1513
device; 1514

(3) Occupy, as a passenger, a seating position on the front 1515
seat of an automobile being operated on any street or highway 1516
unless that person is wearing all of the available elements of a 1517
properly adjusted occupant restraining device; 1518

(4) Operate a taxicab on any street or highway unless all 1519
factory-equipped occupant restraining devices in the taxicab are 1520
maintained in usable form. 1521

(C) Division (B)(3) of this section does not apply to a 1522
person who is required by section 4511.81 of the Revised Code to 1523
be secured in a child restraint device. Division (B)(1) of this 1524
section does not apply to a person who is an employee of the 1525
United States postal service or of a newspaper home delivery 1526
service, during any period in which the person is engaged in the 1527
operation of an automobile to deliver mail or newspapers to 1528
addressees. Divisions (B)(1) and (3) of this section do not apply 1529
to a person who has an affidavit signed by a physician licensed to 1530
practice in this state under Chapter 4731. of the Revised Code or 1531
a chiropractor licensed to practice in this state under Chapter 1532
4734. of the Revised Code that states that the person has a 1533
physical impairment that makes use of an occupant restraining 1534
device impossible or impractical. 1535

(D) Notwithstanding any provision of law to the contrary, no 1536
law enforcement officer shall cause an operator of an automobile 1537
being operated on any street or highway to stop the automobile for 1538
the sole purpose of determining whether a violation of division 1539
(B) of this section has been or is being committed or for the sole 1540
purpose of issuing a ticket, citation, or summons for a violation 1541
of that nature or causing the arrest of or commencing a 1542
prosecution of a person for a violation of that nature, and no law 1543
enforcement officer shall view the interior or visually inspect 1544
any automobile being operated on any street or highway for the 1545
sole purpose of determining whether a violation of that nature has 1546
been or is being committed. 1547

(E) All fines collected for violations of division (B) of 1548
this section, or for violations of any ordinance or resolution of 1549
a political subdivision that is substantively comparable to that 1550
division, shall be forwarded to the treasurer of state for deposit 1551
as follows: 1552

(1) Eight per cent shall be deposited into the seat belt 1553

education fund, which is hereby created in the state treasury, and 1554
shall be used by the department of public safety to establish a 1555
seat belt education program. 1556

(2) Eight per cent shall be deposited into the elementary 1557
school program fund, which is hereby created in the state 1558
treasury, and shall be used by the department of public safety to 1559
establish and administer elementary school programs that encourage 1560
seat safety belt use. 1561

(3) Two per cent shall be deposited into the Ohio ~~ambulance~~ 1562
~~licensing~~ medical transportation trust fund created by section 1563
4766.05 of the Revised Code. 1564

(4) Twenty-eight per cent shall be deposited into the trauma 1565
and emergency medical services fund, which is hereby created in 1566
the state treasury, and shall be used by the department of public 1567
safety for the administration of the division of emergency medical 1568
services and the state board of emergency medical services. 1569

(5) Fifty-four per cent shall be deposited into the trauma 1570
and emergency medical services grants fund, which is hereby 1571
created in the state treasury, and shall be used by the state 1572
board of emergency medical services to make grants, in accordance 1573
with section 4765.07 of the Revised Code and rules the board 1574
adopts under section 4765.11 of the Revised Code. 1575

(F)(1) Subject to division (F)(2) of this section, the 1576
failure of a person to wear all of the available elements of a 1577
properly adjusted occupant restraining device or to ensure that 1578
each passenger of an automobile being operated by the person is 1579
wearing all of the available elements of such a device, in 1580
violation of division (B) of this section, shall not be considered 1581
or used as evidence of negligence or contributory negligence, 1582
shall not diminish recovery for damages in any civil action 1583
involving the person arising from the ownership, maintenance, or 1584

operation of an automobile; shall not be used as a basis for a 1585
criminal prosecution of the person other than a prosecution for a 1586
violation of this section; and shall not be admissible as evidence 1587
in any civil or criminal action involving the person other than a 1588
prosecution for a violation of this section. 1589

(2) If, at the time of an accident involving a passenger car 1590
equipped with occupant restraining devices, any occupant of the 1591
passenger car who sustained injury or death was not wearing an 1592
available occupant restraining device, was not wearing all of the 1593
available elements of such a device, or was not wearing such a 1594
device as properly adjusted, then, consistent with the Rules of 1595
Evidence, the fact that the occupant was not wearing the available 1596
occupant restraining device, was not wearing all of the available 1597
elements of such a device, or was not wearing such a device as 1598
properly adjusted is admissible in evidence in relation to any 1599
claim for relief in a tort action to the extent that the claim for 1600
relief satisfies all of the following: 1601

(a) It seeks to recover damages for injury or death to the 1602
occupant. 1603

(b) The defendant in question is the manufacturer, designer, 1604
distributor, or seller of the passenger car. 1605

(c) The claim for relief against the defendant in question is 1606
that the injury or death sustained by the occupant was enhanced or 1607
aggravated by some design defect in the passenger car or that the 1608
passenger car was not crashworthy. 1609

(3) As used in division (F)(2) of this section, "tort action" 1610
means a civil action for damages for injury, death, or loss to 1611
person or property. "Tort action" includes a product liability 1612
claim that is subject to sections 2307.71 to 2307.80 of the 1613
Revised Code, but does not include a civil action for damages for 1614
a breach of a contract or another agreement between persons. 1615

(G)(1) Whoever violates division (B)(1) of this section shall 1616
be fined thirty dollars. 1617

(2) Whoever violates division (B)(3) of this section shall be 1618
fined twenty dollars. 1619

(3) Except as otherwise provided in this division, whoever 1620
violates division (B)(4) of this section is guilty of a minor 1621
misdemeanor. If the offender previously has been convicted of or 1622
pleaded guilty to a violation of division (B)(4) of this section, 1623
whoever violates division (B)(4) of this section is guilty of a 1624
misdemeanor of the third degree. 1625

Section 4. That the existing version of section 4513.263 of 1626
the Revised Code that is scheduled to take effect January 1, 2004, 1627
is hereby repealed. 1628

Section 5. Sections 3 and 4 of this act take effect January 1, 2004. 1629
1, 2004. 1630

Section 6. Within 60 days after the effective date of this 1631
act, the Governor shall appoint the additional members of the Ohio 1632
Medical Transportation Board required by section 4766.02 of the 1633
Revised Code, as amended by this act. The terms of the first two 1634
new members shall expire July 5, 2004, and the terms of the second 1635
two new members shall expire on July 5, 2005. Thereafter, the 1636
terms of office shall be as specified in section 4766.02 of the 1637
Revised Code. 1638