

**As Reported by the House Transportation and Public Safety
Committee**

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

Sub. H. B. No. 85

**Representatives Raussen, Raga, Wagner, McGregor, Kearns, Husted, Ujvagi,
Allen, Schneider, Reinhard, Schlichter, Daniels**

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 medical service organizations that operate 8
ambulette vehicles for the transportation of 9
persons who require the use of a wheelchair and 10
air medical service organizations that operate air 11
medical transportation, to add four members to the 12
Board, to rename the Board the Ohio Medical 13
Transportation Board, and to amend the version of 14
section 4513.263 of the Revised Code that is 15
scheduled to take effect January 1, 2004, to 16
continue the provisions of this act on and after 17
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 81
board, for the operation and maintenance of emergency medical 82
services facilities regardless of whether the facilities used are 83
owned or leased by the district, by another political subdivision, 84
or by the contractor. 85

(D) The district may purchase, lease, and maintain all 86
materials, buildings, land, and equipment, including vehicles, the 87
board considers necessary for the district. 88

When the board finds, by resolution, that the district has 89
personal property that is not needed for public use, or is 90
obsolete or unfit for the use for which it was acquired, the board 91
may dispose of the property in the same manner as provided in 92
section 307.12 of the Revised Code. 93

(E) Any contract entered into by a joint emergency medical 94
services district shall conform to the same bidding requirements 95
that apply to county contracts under sections 307.86 to 307.92 of 96
the Revised Code. 97

(F) A county participating in a joint district may contribute 98
any of its rights or interests in real or personal property, 99
including money, and may contribute services to the district. Any 100
such contributions shall be made by a written agreement between 101
the contributing county and the district, specifying the 102
contribution as well as the rights of the participating counties 103
in the contributed property. Written agreements shall also be 104
prepared specifying the rights of participating counties in 105
property acquired by the district other than by contribution of a 106
participating county. Written agreements required by this division 107
may be amended only by written agreement of all parties to the 108
original agreement. 109

(G) A district's board of trustees, by adoption of an 110

appropriate resolution, may choose to have the Ohio ambulance 111
~~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~~, 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 townships, or the legislative authorities of any two or more political subdivisions, or any combination thereof, may, through joint action, unite in the joint purchase, maintenance, use, and operation of fire-fighting equipment, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon.

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

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

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

(1) Adoption by the board of township trustees of a 175
resolution approving the expansion of the territorial limits of 176
the 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 electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder.

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

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

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July

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 272
of fire district trustees of a fire district created under section 273
505.371 of the Revised Code may purchase a policy or policies of 274
liability insurance for the officers, employees, and appointees of 275
the fire department, fire district, or joint fire district 276
governed by the board that includes personal injury liability 277
coverage as to the civil liability of those officers, employees, 278
and appointees for false arrest, detention, or imprisonment, 279
malicious prosecution, libel, slander, defamation or other 280
violation of the right of privacy, wrongful entry or eviction, or 281
other invasion of the right of private occupancy, arising out of 282
the performance of their duties. 283

When a board of township trustees cannot, by deed of gift or 284
by purchase and upon terms it considers reasonable, procure land 285
for a township fire station that is needed in order to respond in 286
reasonable time to a fire or medical emergency, the board may 287
appropriate land for that purpose under sections 163.01 to 163.22 288
of the Revised Code. If it is necessary to acquire additional 289
adjacent land for enlarging or improving the fire station, the 290
board may purchase, appropriate, or accept a deed of gift for the 291
land for these purposes. 292

(F) As used in this division, "emergency medical service 293
organization" has the same meaning as in section 4766.01 of the 294
Revised Code. 295

A board of township trustees, by adoption of an appropriate 296
resolution, may choose to have the Ohio ~~ambulance licensing~~ 297
medical transportation board license any emergency medical service 298
it operates. If the board adopts such a resolution, Chapter 4766. 299
of the Revised Code, except for sections 4766.06 and 4766.99 of 300
the Revised Code, applies to the organization. All rules adopted 301
under the applicable sections of that chapter also apply to the 302

organization. A board of township trustees, by adoption of an 303
appropriate 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

~~licensing~~ medical transportation board license any emergency 521
medical service organization the district operates. If a board 522
adopts such a resolution, Chapter 4766. of the Revised Code, 523
except for sections 4766.06 and 4766.99 of the Revised Code, 524
applies to the district emergency medical service organization. 525
All rules adopted under the applicable sections of that chapter 526
also apply to the organization. A board, by adoption of an 527
appropriate resolution, may remove the district emergency medical 528
service organization from the jurisdiction of the Ohio ~~ambulance~~ 529
~~licensing~~ medical 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; 552
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(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. 554
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(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: 560
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(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; 563
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(2) Issue a validation sticker alone when so required by section 4503.191 of the Revised Code. 567
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Sec. 4513.263. (A) As used in this section and in section 4513.99 of the Revised Code: 569
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(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. 571
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(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. 577
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(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

seat 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 who require the use of a 765

wheelchair or are confined to a wheelchair to receive health care services at health care facilities or health care practitioners' offices in nonemergency circumstances; 766
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(b) Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, as defined in section 3702.51 of the Revised Code, or any other person or government entity. 769
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(2) "Medical service organization" does not include a health care facility, as defined in section 1751.01 of the Revised Code, that provides ambulette services only to patients of that facility. 773
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~~(K)~~(P) "Mobile intensive care unit" means an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports of patients whose conditions require care beyond the scope of a paramedic as provided in section 4765.39 of the Revised Code. 777
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~~(L)~~(O) "Nontransport vehicle" means a motor vehicle operated by a licensed emergency medical service organization not as an ambulance, but as a vehicle for providing services in conjunction with the ambulances operated by the organization or other emergency medical service organizations. 782
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~~(M)~~(R) "Patient" means any individual who as a result of illness or injury needs medical attention, whose physical or mental condition is such that there is imminent danger of loss of life or significant health impairment, ~~or~~ who may be otherwise incapacitated or helpless as a result of a physical or mental condition, or whose physical condition requires the use of a wheelchair. 787
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(S) "Rotorcraft air ambulance" means a helicopter or other aircraft capable of vertical takeoffs, vertical landings, and hovering. 794
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Sec. 4766.02. (A) There is hereby created the Ohio ambulance 797
~~licensing~~ medical transportation board, consisting of ~~five~~ nine 798
voting members and one nonvoting member who shall be residents of 799
this state and appointed by the governor with the advice and 800
consent of the senate. Except as provided in division (B) of this 801
section, members shall serve terms of two years. One voting member 802
shall be a member of the Ohio ambulance association; two voting 803
members, one of whom shall be a licensed funeral director, shall 804
be owners or operators of private emergency medical service 805
organizations operating in this state; one voting member shall be 806
a consumer of emergency medical services who is not associated 807
with any public or private emergency medical service organization; 808
~~and~~ one voting member shall be an official with a public emergency 809
medical service organization; two voting members shall be owners 810
or operators of medical service organizations that provide 811
ambulette services only, and two voting members shall be members 812
of the Ohio association of critical care transport, one member 813
representing air-based services and the other representing a 814
ground-based mobile intensive care unit organization. A physician 815
who holds a certificate to practice issued under Chapter 4731. of 816
the Revised Code who is a member of the American college of 817
emergency physicians shall serve as the nonvoting member. The 818
board shall annually select from its membership a chair and a 819
vice-chair to act as chair in the chair's absence. 820

(B) ~~Of the members initially appointed, three shall be~~ 821
~~appointed for terms of one year and three for terms of two years.~~ 822
Any member appointed to fill a vacancy occurring prior to the 823
expiration date of the term for which the member's predecessor was 824
appointed shall hold office for the remainder of that term. Every 825
member shall continue in office subsequent to the expiration date 826
of the member's term until the member's successor takes office, or 827
until a period of sixty days has elapsed, whichever occurs first. 828

(C) ~~Three voting~~ Five members shall constitute a quorum for 829
the transaction of business, and the affirmative vote of ~~three~~ 830
five members is required for the board to take any official 831
action. The board, after notice and hearing, may remove a member 832
by majority vote for malfeasance, misfeasance, or nonfeasance. 833

Members of the board shall be reimbursed for actual and 834
necessary expenses incurred in attending meetings of the board and 835
in the performance of their official duties. The board may hire 836
such employees as are necessary to enable it to execute its 837
duties. 838

(D) The division of emergency medical services within the 839
department of public safety shall provide the board with office 840
space, but the board shall not be a part of the division or the 841
department. 842

(E) The board is the sole supervisory body regarding the 843
licensing of private ambulance service organizations in this 844
state. 845

(F) The board is the sole supervisory body regarding the 846
licensing of medical service organizations in this state. 847

(G) The board is the sole supervisory body regarding the 848
licensing of air medical service organizations in this state. 849

Sec. 4766.03. (A) The Ohio ~~ambulance licensing~~ medical 850
transportation board shall adopt rules, in accordance with Chapter 851
119. of the Revised Code, implementing the requirements of this 852
chapter. The rules shall include provisions relating to the 853
following: 854

(1) Requirements for an emergency medical service 855
organization to receive a permit for an ambulance or nontransport 856
vehicle; 857

(2) Requirements for an emergency medical service 858

organization to receive a license as a basic life-support,	859
intermediate life-support, or advanced life-support, <u>or mobile</u>	860
<u>intensive care unit</u> organization;	861
(3) <u>Requirements for a medical service organization to</u>	862
<u>receive a permit for an ambulette vehicle;</u>	863
(4) <u>Requirements for a medical service organization to</u>	864
<u>receive a license for an ambulette service;</u>	865
(5) <u>Requirements for an air medical service organization to</u>	866
<u>receive a permit for a rotorcraft air ambulance or fixed wing air</u>	867
<u>ambulance;</u>	868
(6) <u>Requirements for licensure of air medical service</u>	869
<u>organizations;</u>	870
(7) Forms for applications and renewals of licenses and	871
permits;	872
(4) (8) Requirements for record keeping of service responses	873
made by licensed emergency medical service organizations;	874
(5) (9) Fee amounts for licenses and permits, and renewals	875
thereof;	876
(6) (10) Inspection requirements for licensees' vehicles <u>or</u>	877
<u>aircraft</u> , records, and physical facilities;	878
(7) (11) Fee amounts for inspections of ambulances,	879
<u>ambulettes, rotorcraft air ambulances, fixed wing air ambulances,</u>	880
and nontransport vehicles;	881
(8) (12) Requirements for ambulances and nontransport vehicles	882
used by licensed emergency medical service organizations, <u>for</u>	883
<u>ambulette vehicles used by licensed medical service organizations,</u>	884
<u>and for rotorcraft air ambulances or fixed wing air ambulances</u>	885
<u>used by licensed air medical service organizations</u> that specify	886
for each type of vehicle <u>or aircraft</u> the types of equipment that	887
must be carried, the communication systems that must be	888

maintained, and the personnel who must staff the vehicle or 889
aircraft; 890

~~(9)~~(13) The level of care each type of emergency medical 891
service organization, medical service organization, and air 892
medical service organization is authorized to provide; 893

~~(10)~~(14) Eligibility requirements for employment as an 894
ambulette driver, including grounds for disqualification due to 895
the results of a motor vehicle law violation check, chemical test, 896
or criminal records check. The rule may require that an applicant 897
for employment as an ambulette driver provide a set of 898
fingerprints to law enforcement authorities if the applicant comes 899
under final consideration for employment. 900

(15) Any other rules that the board determines necessary for 901
the implementation and enforcement of this chapter. 902

(B) In the rules for ambulances and nontransport vehicles 903
adopted under division (A)~~(8)~~(12) of this section, the board may 904
establish requirements that vary according to whether the 905
emergency medical service organization using the vehicles is 906
licensed as a basic life-support, intermediate life-support, ~~or~~ 907
advanced life-support, or mobile intensive care unit organization. 908

(C) A mobile intensive care unit that is not dually certified 909
to provide advanced life-support and meets the requirements of the 910
rules adopted under this section is not required to carry 911
immobilization equipment, including board splint kits, traction 912
splints, backboards, backboard straps, cervical immobilization 913
devices, cervical collars, stairchairs, folding cots, or other 914
types of immobilization equipment determined by the board to be 915
unnecessary for mobile intensive care units. 916

A mobile intensive care unit is exempt from the emergency 917
medical technician staffing requirements of division (B) of 918
section 4765.43 of the Revised Code when it is staffed by at least 919

one physician or registered nurse and another person, designated 920
by a physician, who holds a valid license or certificate to 921
practice in a health care profession, and when at least one of the 922
persons staffing the mobile intensive care unit is a registered 923
nurse whose training meets or exceeds the training required for a 924
paramedic. 925

Sec. 4766.04. (A) Except as otherwise provided in this 926
chapter, no person or, where applicable, government entity, shall 927
furnish, operate, conduct, maintain, advertise, engage in, or 928
propose or profess to engage in the business or service in this 929
state of transporting persons who are seriously ill, injured, or 930
otherwise incapacitated in this state or who require the use of a 931
wheelchair or are confined to a wheelchair unless the person or 932
government entity is licensed pursuant to this section. 933

(B) To qualify for a license as a basic life-support, 934
intermediate life-support, ~~or~~ advanced life-support ~~service, or~~ 935
mobile intensive care unit organization, an emergency medical 936
service organization shall do all of the following: 937

(1) Apply for a permit for each ambulance and nontransport 938
vehicle owned or leased as provided in section 4766.07 of the 939
Revised Code; 940

(2) Meet all requirements established in rules adopted by the 941
Ohio ~~ambulance licensing~~ medical transportation board regarding 942
ambulances and nontransport vehicles, including requirements 943
pertaining to equipment, communications systems, staffing, and 944
level of care the particular organization is permitted to render; 945

(3) Maintain the appropriate type and amount of insurance ~~or~~ 946
~~self-insurance~~ as specified in section 4766.06 of the Revised 947
Code; 948

(4) Meet all other requirements established under rules 949

adopted by the board for the particular license. 950

(C) To ~~apply~~ qualify for a license to provide ambulette service, a medical service organization shall do all of the following: 951
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(1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code; 954
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(2) Meet all requirements established in rules adopted by the Ohio medical transportation board regarding ambulettes, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render; 956
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 961
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(4) Meet all other requirements established under rules adopted by the board for the license. 963
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(D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following: 965
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(1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code; 968
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(2) Meet all requirements established in rules adopted by the Ohio medical transportation board regarding rotorcraft air ambulances and fixed air ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render; 971
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 976
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(4) Meet all other requirements established under rules adopted by the board for the license. 978
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(E) An emergency medical service organization that applies 980
for a license as a basic life-support, intermediate life-support, 981
~~or advanced life-support service, or mobile intensive care unit~~ 982
~~organization, an emergency medical service organization;~~ a medical 983
service organization that applies for a license to provide 984
ambulette service; or an air medical service organization that 985
applies for a license to provide air medical transportation shall 986
submit a completed application to the board, on a form provided by 987
the board for each particular license, together with the 988
appropriate fees established under section 4766.05 of the Revised 989
Code. The application form shall include all of the following: 990

(1) The name and business address of the operator of the 991
organization for which licensure is sought; 992

(2) The name under which the applicant will operate the 993
organization; 994

(3) A list of the names and addresses of all officers and 995
directors of the organization; 996

(4) ~~A~~ For emergency medical service organizations and medical 997
service organizations, a description of each vehicle to be used, 998
including the make, model, year of manufacture, mileage, vehicle 999
identification number, and the color scheme, insignia, name, 1000
monogram, or other distinguishing characteristics to be used to 1001
designate the applicant's vehicle; 1002

(5) For air medical service organizations using fixed wing 1003
air ambulances, a description of each aircraft to be used, 1004
including the make, model, year of manufacture, and aircraft Hobbs 1005
meter hour reading; 1006

(6) For air medical service organizations using rotorcraft 1007
air ambulances, a description of each aircraft to be used, 1008
including the make, model, year of manufacture, aircraft Hobbs 1009
meter hour reading, aircraft identification number, and the color 1010

scheme, insignia, name, monogram, or other distinguishing 1011
characteristics to be used to designate the applicant's rotorcraft 1012
air ambulance; 1013

(7) The location and description of each place from which the 1014
organization will operate; 1015

~~(6)~~(8) A description of the geographic area to be served by 1016
the applicant; 1017

~~(7)~~(9) Any other information the board, by rule, determines 1018
necessary. 1019

~~(D)~~(F) Within sixty days after receiving a completed 1020
application for licensure as a basic life-support, intermediate 1021
life-support, ~~or~~ advanced life-support service, or mobile 1022
intensive care unit organization; an ambulette service; or an air 1023
medical service organization, the board shall approve or deny the 1024
application. The board shall deny an application if it determines 1025
that the applicant does not meet the requirements of this chapter 1026
or any rules adopted under it. The board shall send notice of the 1027
denial of an application by certified mail to the applicant. The 1028
applicant may request a hearing within ten days after receipt of 1029
the notice. If the board receives a timely request, it shall hold 1030
a hearing in accordance with Chapter 119. of the Revised Code. 1031

~~(E)~~(G) If an applicant or licensee operates or plans to 1032
operate an organization in more than one location under the same 1033
or different identities, the applicant or licensee shall apply for 1034
and meet all requirements for licensure or renewal of a license, 1035
other than payment of a license fee or renewal fee, for operating 1036
the organization at each separate location. An applicant or 1037
licensee that operates or plans to operate under the same 1038
organization identity in separate locations shall pay only a 1039
single license fee. 1040

~~(F)~~(H) An emergency medical service organization that wishes 1041

to provide ambulette services to the public must apply for a 1042
separate license under division (C) of this section. 1043

(I) Each license issued under this section and each permit 1044
issued under section 4766.07 of the Revised Code expires one year 1045
after the date of issuance and may be renewed in accordance with 1046
the standard renewal procedures of Chapter 4745. of the Revised 1047
Code, except that a license or permit issued in 1998 or in 1999 1048
prior to ~~the effective date of this amendment~~ June 30, 1999, shall 1049
expire two years after the date of issuance. An application for 1050
renewal shall include the license or permit renewal fee 1051
established under section 4766.05 of the Revised Code. An 1052
applicant for renewal of a permit also shall submit to the board 1053
proof of an annual inspection of the vehicle or aircraft for which 1054
permit renewal is sought. The board shall renew a license if the 1055
applicant meets the requirements for licensure and shall renew a 1056
permit if the applicant and vehicle or aircraft meet the 1057
requirements to maintain a permit for that vehicle or aircraft. 1058

~~(G)~~(J) Each licensee shall maintain accurate records of all 1059
service responses conducted. The records shall be maintained on 1060
forms prescribed by the board and shall contain information as 1061
specified by rule by the board. 1062

Sec. 4766.05. (A) The Ohio ~~ambulance licensing~~ medical 1063
transportation board shall establish by rule a license fee, a 1064
permit fee for each ambulance, ambulette, rotorcraft air 1065
ambulance, fixed wing air ambulance, and nontransport vehicle 1066
owned or leased by the licensee that is or will be used as 1067
provided in section 4766.07 of the Revised Code, and fees for 1068
renewals of licenses and permits, taking into consideration the 1069
actual costs incurred by the board in carrying out its duties 1070
under this chapter. However, the fee for each license and each 1071
renewal of a license shall not exceed one hundred dollars, and the 1072

fee for each permit and each renewal of a permit shall not exceed 1073
one hundred dollars for each ambulance, rotorcraft air ambulance, 1074
fixed wing air ambulance, and nontransport vehicle. The fee for 1075
each permit and each renewal of a permit shall be twenty-five 1076
dollars for each ambulette for one year after the effective date 1077
of this amendment. Thereafter, the board shall determine by rule 1078
the fee, which shall not exceed fifty dollars, for each permit and 1079
each renewal of a permit for each ambulette. For purposes of 1080
establishing fees, "actual costs" includes the costs of salaries, 1081
expenses, inspection equipment, supervision, and program 1082
administration. 1083

(B) The board shall deposit all fees and other moneys 1084
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 1085
the Revised Code in the state treasury to the credit of the 1086
~~ambulance licensing~~ Ohio medical transportation trust fund, which 1087
is hereby created. All moneys from the fund shall be used solely 1088
for the salaries and expenses of the board incurred in 1089
implementing and enforcing this chapter. 1090

(C) The board, subject to the approval of the controlling 1091
board, may establish fees in excess of the maximum amounts allowed 1092
under division (A) of this section, but such fees shall not exceed 1093
those maximum amounts by more than fifty per cent. 1094

Sec. 4766.06. (A)(1) Every emergency medical service 1095
organization and medical service organization licensee under this 1096
chapter shall furnish adequate evidence of liability insurance 1097
coverage, in an amount of not less than five hundred thousand 1098
dollars per occurrence and not less than five hundred thousand 1099
dollars in the aggregate, for any cause for which the licensee 1100
would be liable. 1101

(2) ~~In lieu of insurance coverage as provided in division~~ 1102

~~(A)(1) of this section, a licensee may furnish a certificate of self insurance evidencing that he has established a self insurance plan approved by the superintendent of insurance that is equivalent to or greater than the insurance coverage required in division (A)(1) of this section~~ 1103
Every air medical service organization licensee under this chapter shall furnish adequate evidence of liability insurance coverage, in an amount not less than twenty million dollars per occurrence and not less than twenty million dollars in the aggregate, for any cause for which the licensee would be liable. 1104
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~~(B)(1)~~ In addition to the insurance requirements of division (A) of this section, every licensee shall carry bodily injury and property damage insurance with solvent and responsible insurers licensed to do business in this state for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle. The insurance shall insure each vehicle for the sum of not less than one hundred thousand dollars for bodily injury to or death of any one person arising out of any one accident and the sum of not less than three hundred thousand dollars for bodily injury to or death of more than one person in any one accident and for the sum of fifty thousand dollars for damage to property arising from any one accident. 1113
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~~(2) In lieu of the insurance coverage as provided in division (B)(1) of this section, a licensee may furnish a certificate of self insurance evidencing that he has established a self insurance plan approved by the superintendent that provides the same or more comprehensive coverage than required in division (B)(1) of this section.~~ 1127
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(C) Each policy or contract of insurance issued shall provide for the payment and satisfaction of any financial judgment entered 1133
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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 <u>or</u>	1229
<u>aircraft</u> 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, <u>ambulette, rotorcraft air</u>	1232
<u>ambulance, fixed wing air ambulance,</u> 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
<u>record-keeping</u> procedures, or physical facilities of a licensee,	1242
or an ambulance, <u>ambulette, rotorcraft air ambulance, fixed wing</u>	1243
<u>air ambulance,</u> 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, <u>vehicle permit, or aircraft permit.</u> 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 1286
only on the corporation's premises, for the sole use by that 1287
corporation; 1288

(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;

(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;

(I) A public emergency medical service organization;

(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;

(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;

(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code when those personnel are practicing as emergency medical service personnel and engage in activities and render services that are regulated by that board under that chapter.

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.

Emergency medical service organizations licensed by a

municipal corporation are subject to the jurisdiction of the Ohio 1319
~~ambulance licensing~~ medical transportation board, but the fees 1320
they pay to the board for licenses, permits, and renewals thereof 1321
shall not exceed fifty per cent of the fee amounts established by 1322
the board pursuant to section 4766.03 of the Revised Code. The 1323
board may choose to waive the vehicle inspection requirements and 1324
inspection fees, but not the permit fees, for the vehicles of 1325
organizations licensed by a municipal corporation. 1326

Sec. 4766.11. (A) The Ohio ~~ambulance licensing~~ medical 1327
transportation board may investigate alleged violations of this 1328
chapter or the rules adopted under it and may investigate any 1329
complaints received regarding alleged violations. 1330

In addition to any other remedies available and regardless of 1331
whether an adequate remedy at law exists, the board may apply to 1332
the court of common pleas in the county where a violation of any 1333
provision of this chapter or any rule adopted pursuant thereto is 1334
occurring for a temporary or permanent injunction restraining a 1335
person from continuing to commit that violation. On a showing that 1336
a person has committed a violation, the court shall grant the 1337
injunction. 1338

In conducting an investigation under this section, the board 1339
may issue subpoenas compelling the attendance and testimony of 1340
witnesses and the production of books, records, and other 1341
documents pertaining to the investigation. If a person fails to 1342
obey a subpoena from the board, the board may apply to the court 1343
of common pleas in the county where the investigation is being 1344
conducted for an order compelling the person to comply with the 1345
subpoena. On application by the board, the court shall compel 1346
obedience by attachment proceedings for contempt, as in the case 1347
of disobedience of the requirements of a subpoena from the court 1348
or a refusal to testify therein. 1349

(B) The medical transportation board may suspend a license 1350
issued under this chapter without a prior hearing if it determines 1351
that there is evidence that the license holder is subject to 1352
action under this section and that there is clear and convincing 1353
evidence that continued operation by the license holder presents a 1354
danger of immediate and serious harm to the public. The 1355
chairperson and executive director of the board shall make a 1356
preliminary determination and describe the evidence on which they 1357
made their determination to the board members. The board by 1358
resolution may designate another board member to act in place of 1359
the chairperson or another employee to act in place of the 1360
executive director in the event that the chairperson or executive 1361
director is unavailable or unable to act. Upon review of the 1362
allegations, the board, by the affirmative vote of at least four 1363
of its members, may suspend the license without a hearing. 1364

Any method of communication, including a telephone conference 1365
call, may be utilized for describing the evidence to the board 1366
members, for reviewing the allegations, and for voting on the 1367
suspension. 1368

Immediately following the decision by the board to suspend a 1369
license under this division, the board shall issue a written order 1370
of suspension and cause it to be delivered in accordance with 1371
section 119.07 of the Revised Code. If the license holder subject 1372
to the suspension requests an adjudication hearing by the board, 1373
the date set for the adjudication shall be within fifteen days but 1374
not earlier than seven days after the request unless another date 1375
is agreed to by the license holder and the board. 1376

Any summary suspension imposed under this division remains in 1377
effect, unless reversed by the board, until a final adjudicative 1378
order issued by the board pursuant to this section and Chapter 1379
119. of the Revised Code becomes effective. The board shall issue 1380
its final adjudicative order not less than ninety days after 1381

completion of its adjudication hearing. Failure to issue the order 1382
by that day shall cause the summary suspension order to end, but 1383
such failure shall not affect the validity of any subsequent final 1384
adjudication order. 1385

Sec. 4766.12. If a county, township, joint ambulance 1386
district, or joint emergency medical services district chooses to 1387
have the Ohio ~~ambulance licensing~~ medical transportation board 1388
license its emergency medical service organizations and issue 1389
permits for its vehicles pursuant to this chapter, except as may 1390
be otherwise provided, all provisions of this chapter and all 1391
rules adopted by the board thereunder are fully applicable. 1392
However, a county, township, joint ambulance district, or joint 1393
emergency medical services district is not required to obtain any 1394
type of permit from the board for any of its nontransport 1395
vehicles. 1396

Sec. 4766.13. The Ohio ~~ambulance licensing~~ medical 1397
transportation board, by endorsement, may license and issue 1398
vehicle permits to an emergency medical service organization or a 1399
medical service organization that is regulated by another state. 1400
To qualify for a license and vehicle permits by endorsement, an 1401
organization must submit evidence satisfactory to the board that 1402
it has met standards in another state that are equal to or more 1403
stringent than the standards established by this chapter and the 1404
rules adopted under it. 1405

Sec. 4766.15. (A) An applicant for employment as an ambulette 1406
driver with an organization licensed pursuant to this chapter 1407
shall submit proof to the organization of, or give consent to the 1408
employer to obtain, all of the following: 1409

(1)(a) A valid driver's license issued pursuant to Chapter 1410
4506. or 4507. of the Revised Code, or its equivalent, if the 1411

applicant is a resident of another state; 1412

(b) A recent certified abstract of the applicant's record of 1413
convictions for violations of motor vehicle laws provided by the 1414
registrar of motor vehicles pursuant to section 4509.05 of the 1415
Revised Code, or its equivalent, if the applicant is a resident of 1416
another state. 1417

(2)(a) A certificate of completion of a course in first aid 1418
techniques offered by the American red cross or an equivalent 1419
organization; 1420

(b) A certificate of completion of a course in 1421
cardiopulmonary resuscitation, or its equivalent, offered by an 1422
organization approved by the Ohio medical transportation board. 1423

(3) The result of a chemical test or tests of the applicant's 1424
blood, breath, or urine conducted at a hospital or other 1425
institution approved by the board for the purpose of determining 1426
the alcohol or drug of abuse content of the applicant's blood, 1427
breath, or urine; 1428

(4) The result of a criminal records check conducted by the 1429
bureau of criminal identification and investigation. 1430

(B) An organization may employ an applicant on a temporary 1431
provisional basis pending the completion of all of the 1432
requirements of this section. The length of the provisional period 1433
shall be determined by the board. 1434

(C) An organization licensed pursuant to this chapter shall 1435
use information received pursuant to this section to determine in 1436
accordance with rules adopted by the Ohio medical transportation 1437
board under section 4766.03 of the Revised Code whether an 1438
applicant is disqualified for employment. 1439

No applicant shall be accepted for permanent employment as an 1440
ambulette driver by an organization licensed pursuant to this 1441

chapter until all of the requirements of division (A) of this 1442
section have been met. 1443

Sec. 4766.17. (A) An air medical service organization 1444
licensed under this chapter shall do both of the following: 1445

(1) Use at a minimum both of the following to provide 1446
advanced life support to seriously ill, injured, wounded, or 1447
otherwise incapacitated or helpless individuals who require use of 1448
a stretcher: 1449

(a) A paramedic or registered nurse, both as defined in 1450
section 4765.01 of the Revised Code; 1451

(b) One other person, designated by the medical director of 1452
the air medical service organization, who holds a current, valid 1453
certificate or license to practice a health care profession in 1454
this state. 1455

(2) Employ as a medical director an individual who holds a 1456
current, valid certificate issued under Chapter 4731. of the 1457
Revised Code authorizing the practice of medicine and surgery or 1458
osteopathic medicine and surgery. 1459

(B) The medical director employed by a licensed air medical 1460
service organization pursuant to division (A)(2) of this section 1461
is ultimately responsible for the medical care provided to each 1462
patient by the organization. 1463

Sec. 4766.20. The Ohio medical transportation board may 1464
create committees to review and make recommendations regarding 1465
medical transportation services provided in this state. A 1466
committee created under this section may receive information about 1467
medical transportation services provided in this state from 1468
emergency medical service organizations, medical service 1469
organizations, air medical service organizations, experts in the 1470

field of medical transportation, and other entities or individuals 1471
designated by the board. 1472

A committee created under this section shall meet all of the 1473
following requirements: 1474

(A) Be composed of at least one member of the board and any 1475
experts in the field of medical transportation designated by the 1476
board; 1477

(B) Not exceed a total of six members; 1478

(C) Cease to exist at the pleasure of the board; 1479

(D) Meet any other requirements established by the board. 1480

Sec. 5503.12. (A) The superintendent of the state highway 1481
patrol, with the approval of the director of public safety, may 1482
authorize the registrar of motor vehicles and designated deputy 1483
registrars to collect inspection and testing fees on behalf of the 1484
state highway patrol. The superintendent and the registrar jointly 1485
shall determine and designate the deputy registrars who shall 1486
collect inspection and testing fees under this section. 1487

(B)(1) In addition to collecting the inspection and testing 1488
fees, the registrar and each designated deputy registrar may 1489
collect and retain a service fee in the amount specified in 1490
division (D) of section 4503.10 of the Revised Code for each 1491
inspection and testing fee collected on behalf of the state 1492
highway patrol. 1493

(2) Each designated deputy registrar, upon receipt of any 1494
inspection and testing fee, shall transmit the fees to the 1495
registrar in the manner prescribed by the registrar. 1496

(3) The registrar shall deposit the inspection and testing 1497
fees collected by and transmitted to the registrar to the credit 1498
of the fund specified by law. 1499

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

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

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

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

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

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

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

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 1528
transportation pursuant to the "National Traffic and Motor Vehicle 1529
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 1530

(2) "Occupant restraining device" means a seat safety belt, 1531
shoulder belt, harness, or other safety device for restraining a 1532
person who is an operator of or passenger in an automobile and 1533
that satisfies the minimum federal vehicle safety standards 1534
established by the United States department of transportation. 1535

(3) "Passenger" means any person in an automobile, other than 1536
its operator, who is occupying a seating position for which an 1537
occupant restraining device is provided. 1538

(4) "Commercial tractor," "passenger car," and "commercial 1539
car" have the same meanings as in section 4501.01 of the Revised 1540
Code. 1541

(5) "Vehicle" and "motor vehicle," as used in the definitions 1542
of the terms set forth in division (A)(4) of this section, have 1543
the same meanings as in section 4511.01 of the Revised Code. 1544

(B) No person shall do any of the following: 1545

(1) Operate an automobile on any street or highway unless 1546
that person is wearing all of the available elements of a properly 1547
adjusted occupant restraining device, or operate a school bus that 1548
has an occupant restraining device installed for use in its 1549
operator's seat unless that person is wearing all of the available 1550
elements of the device, as properly adjusted; 1551

(2) Operate an automobile on any street or highway unless 1552
each passenger in the automobile who is subject to the requirement 1553
set forth in division (B)(3) of this section is wearing all of the 1554
available elements of a properly adjusted occupant restraining 1555
device; 1556

(3) Occupy, as a passenger, a seating position on the front 1557

seat of an automobile being operated on any street or highway 1558
unless that person is wearing all of the available elements of a 1559
properly adjusted occupant restraining device; 1560

(4) Operate a taxicab on any street or highway unless all 1561
factory-equipped occupant restraining devices in the taxicab are 1562
maintained in usable form. 1563

(C) Division (B)(3) of this section does not apply to a 1564
person who is required by section 4511.81 of the Revised Code to 1565
be secured in a child restraint device. Division (B)(1) of this 1566
section does not apply to a person who is an employee of the 1567
United States postal service or of a newspaper home delivery 1568
service, during any period in which the person is engaged in the 1569
operation of an automobile to deliver mail or newspapers to 1570
addressees. Divisions (B)(1) and (3) of this section do not apply 1571
to a person who has an affidavit signed by a physician licensed to 1572
practice in this state under Chapter 4731. of the Revised Code or 1573
a chiropractor licensed to practice in this state under Chapter 1574
4734. of the Revised Code that states that the person has a 1575
physical impairment that makes use of an occupant restraining 1576
device impossible or impractical. 1577

(D) Notwithstanding any provision of law to the contrary, no 1578
law enforcement officer shall cause an operator of an automobile 1579
being operated on any street or highway to stop the automobile for 1580
the sole purpose of determining whether a violation of division 1581
(B) of this section has been or is being committed or for the sole 1582
purpose of issuing a ticket, citation, or summons for a violation 1583
of that nature or causing the arrest of or commencing a 1584
prosecution of a person for a violation of that nature, and no law 1585
enforcement officer shall view the interior or visually inspect 1586
any automobile being operated on any street or highway for the 1587
sole purpose of determining whether a violation of that nature has 1588
been or is being committed. 1589

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that

each passenger of an automobile being operated by the person is 1621
wearing all of the available elements of such a device, in 1622
violation of division (B) of this section, shall not be considered 1623
or used as evidence of negligence or contributory negligence, 1624
shall not diminish recovery for damages in any civil action 1625
involving the person arising from the ownership, maintenance, or 1626
operation of an automobile; shall not be used as a basis for a 1627
criminal prosecution of the person other than a prosecution for a 1628
violation of this section; and shall not be admissible as evidence 1629
in any civil or criminal action involving the person other than a 1630
prosecution for a violation of this section. 1631

(2) If, at the time of an accident involving a passenger car 1632
equipped with occupant restraining devices, any occupant of the 1633
passenger car who sustained injury or death was not wearing an 1634
available occupant restraining device, was not wearing all of the 1635
available elements of such a device, or was not wearing such a 1636
device as properly adjusted, then, consistent with the Rules of 1637
Evidence, the fact that the occupant was not wearing the available 1638
occupant restraining device, was not wearing all of the available 1639
elements of such a device, or was not wearing such a device as 1640
properly adjusted is admissible in evidence in relation to any 1641
claim for relief in a tort action to the extent that the claim for 1642
relief satisfies all of the following: 1643

(a) It seeks to recover damages for injury or death to the 1644
occupant. 1645

(b) The defendant in question is the manufacturer, designer, 1646
distributor, or seller of the passenger car. 1647

(c) The claim for relief against the defendant in question is 1648
that the injury or death sustained by the occupant was enhanced or 1649
aggravated by some design defect in the passenger car or that the 1650
passenger car was not crashworthy. 1651

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

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

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

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

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

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

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