

**As Reported by the Senate Highways and Transportation  
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, Barrett, Beatty, Brown,  
Carmichael, Chandler, Cirelli, Clancy, Collier, Domenick, Driehaus, C. Evans,  
Flowers, Gibbs, Harwood, Hughes, Jolivette, Miller, Niehaus, S. Patton, Perry,  
Price, Reidelbach, Schmidt, Seitz, Skindell, J. Stewart, Taylor, Williams,  
Woodard**

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**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, 4766.20, and 5111.151 of the	6
Revised Code to authorize the Ohio Ambulance	7
Licensing Board to license private nonemergency	8
medical service organizations that operate	9
ambulette vehicles for the transportation of	10
persons who require the use of a wheelchair and	11
private air medical service organizations that	12
operate air medical transportation, to add four	13
members to the Board, to rename the Board the Ohio	14
Medical Transportation Board, to codify portions	15
of the Ohio Administrative Code dealing with the	16
treatment of certain trusts for purposes of	17
determining an individual's eligibility for	18

medical assistance reimbursable by the Medicaid 19  
Program, and to amend the version of section 20  
4513.263 of the Revised Code that is scheduled to 21  
take effect January 1, 2004, to continue the 22  
provisions of this act on and after that effective 23  
date. 24

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

**Section 1.** That sections 307.051, 307.055, 505.37, 505.375, 25  
505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 4766.04, 26  
4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 27  
4766.12, 4766.13, and 5503.12 be amended and sections 4766.15, 28  
4766.17, 4766.20, and 5111.151 of the Revised Code be enacted to 29  
read as follows: 30

**Sec. 307.051.** As used in this section, "emergency medical 31  
service organization" has the same meaning as in section 4766.01 32  
of the Revised Code. 33

A board of county commissioners, by adoption of an 34  
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 35  
~~licensing~~ medical transportation board license any emergency 36  
medical service organization it operates. If a board adopts such a 37  
resolution, Chapter 4766. of the Revised Code, except for sections 38  
4766.06 and 4766.99 of the Revised Code, applies to the county 39  
emergency medical service organization. All rules adopted under 40  
the applicable sections of that chapter also apply to the 41  
organization. A board, by adoption of an appropriate resolution, 42  
may remove its emergency medical service organization from the 43  
jurisdiction of the Ohio ~~ambulance licensing~~ medical 44  
transportation board. 45

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

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

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

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

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

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

Such a contract may provide for a fixed annual charge to be paid at the times agreed upon and stipulated in the contract; or

for compensation based on a stipulated price for each run, call, 76  
or emergency or based on the elapsed time of service required for 77  
each run, call, or emergency, or based on any combination of 78  
these. 79

Expenditures of a district for ambulance service or emergency 80  
medical service, whether pursuant to contract or otherwise, are 81  
lawful expenditures, regardless of whether the district or the 82  
party with which it contracts charges an additional fee to users 83  
of the service. 84

(C) The board of trustees may enter into a contract with any 85  
person, municipal corporation, township, or other political 86  
subdivision, and any political subdivision may contract with the 87  
board, for the operation and maintenance of emergency medical 88  
services facilities regardless of whether the facilities used are 89  
owned or leased by the district, by another political subdivision, 90  
or by the contractor. 91

(D) The district may purchase, lease, and maintain all 92  
materials, buildings, land, and equipment, including vehicles, the 93  
board considers necessary for the district. 94

When the board finds, by resolution, that the district has 95  
personal property that is not needed for public use, or is 96  
obsolete or unfit for the use for which it was acquired, the board 97  
may dispose of the property in the same manner as provided in 98  
section 307.12 of the Revised Code. 99

(E) Any contract entered into by a joint emergency medical 100  
services district shall conform to the same bidding requirements 101  
that apply to county contracts under sections 307.86 to 307.92 of 102  
the Revised Code. 103

(F) A county participating in a joint district may contribute 104  
any of its rights or interests in real or personal property, 105  
including money, and may contribute services to the district. Any 106

such contributions shall be made by a written agreement between 107  
the contributing county and the district, specifying the 108  
contribution as well as the rights of the participating counties 109  
in the contributed property. Written agreements shall also be 110  
prepared specifying the rights of participating counties in 111  
property acquired by the district other than by contribution of a 112  
participating county. Written agreements required by this division 113  
may be amended only by written agreement of all parties to the 114  
original agreement. 115

(G) A district's board of trustees, by adoption of an 116  
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 117  
~~licensing~~ medical transportation board license any emergency 118  
medical service organization the district operates. If a board 119  
adopts such a resolution, Chapter 4766. of the Revised Code, 120  
except for sections 4766.06 and 4766.99 of the Revised Code, 121  
applies to the district emergency medical service organization. 122  
All rules adopted under the applicable sections of that chapter 123  
also apply to the organization. A board, by adoption of an 124  
appropriate resolution, may remove the district emergency medical 125  
service organization from the jurisdiction of the Ohio ~~ambulance~~ 126  
~~licensing~~ medical transportation board. 127

**Sec. 505.37.** (A) The board of township trustees may establish 128  
all necessary rules to guard against the occurrence of fires and 129  
to protect the property and lives of the citizens against damage 130  
and accidents, and may, with the approval of the specifications by 131  
the prosecuting attorney or, if the township has adopted limited 132  
home rule government under ~~chapter~~ Chapter 504~~7~~1. of the Revised 133  
Code, with the approval of the specifications by the township's 134  
law director, purchase or otherwise provide any fire apparatus, 135  
mechanical resuscitators, or other equipment, appliances, 136  
materials, fire hydrants, and water supply for fire-fighting 137  
purposes that seems advisable to the board. The board shall 138

provide for the care and maintenance of fire equipment, and, for 139  
these purposes, may purchase, lease, or construct and maintain 140  
necessary buildings, and it may establish and maintain lines of 141  
fire-alarm communications within the limits of the township. The 142  
board may employ one or more persons to maintain and operate 143  
fire-fighting equipment, or it may enter into an agreement with a 144  
volunteer fire company for the use and operation of fire-fighting 145  
equipment. The board may compensate the members of a volunteer 146  
fire company on any basis and in any amount that it considers 147  
equitable. 148

(B) The boards of township trustees of any two or more 149  
townships, or the legislative authorities of any two or more 150  
political subdivisions, or any combination thereof, may, through 151  
joint action, unite in the joint purchase, maintenance, use, and 152  
operation of fire-fighting equipment, or for any other purpose 153  
designated in sections 505.37 to 505.42 of the Revised Code, and 154  
may prorate the expense of the joint action on any terms that are 155  
mutually agreed upon. 156

(C) The board of township trustees of any township may, by 157  
resolution, whenever it is expedient and necessary to guard 158  
against the occurrence of fires or to protect the property and 159  
lives of the citizens against damages resulting from their 160  
occurrence, create a fire district of any portions of the township 161  
that it considers necessary. The board may purchase or otherwise 162  
provide any fire apparatus, appliances, materials, fire hydrants, 163  
and water supply for fire-fighting purposes, or may contract for 164  
the fire protection for the fire district as provided in section 165  
9.60 of the Revised Code. The fire district so created shall be 166  
given a separate name by which it shall be known. 167

Additional unincorporated territory of the township may be 168  
added to a fire district upon the board's adoption of a resolution 169

authorizing the addition. A municipal corporation that is within 170  
or adjoining the township may be added to a fire district upon the 171  
board's adoption of a resolution authorizing the addition and the 172  
municipal legislative authority's adoption of a resolution or 173  
ordinance requesting the addition of the municipal corporation to 174  
the fire district. 175

If the township fire district imposes a tax, additional 176  
unincorporated territory of the township or a municipal 177  
corporation that is within or adjoining the township shall become 178  
part of the fire district only after all of the following have 179  
occurred: 180

(1) Adoption by the board of township trustees of a 181  
resolution approving the expansion of the territorial limits of 182  
the district and, if the resolution proposes to add a municipal 183  
corporation, adoption by the municipal legislative authority of a 184  
resolution or ordinance requesting the addition of the municipal 185  
corporation to the district; 186

(2) Adoption by the board of township trustees of a 187  
resolution recommending the extension of the tax to the additional 188  
territory; 189

(3) Approval of the tax by the electors of the territory 190  
proposed for addition to the district. 191

Each resolution of the board adopted under division (C)(2) of 192  
this section shall state the name of the fire district, a 193  
description of the territory to be added, and the rate and 194  
termination date of the tax, which shall be the rate and 195  
termination date of the tax currently in effect in the fire 196  
district. 197

The board of trustees shall certify each resolution adopted 198  
under division (C)(2) of this section to the board of elections in 199  
accordance with section 5705.19 of the Revised Code. The election 200

required under division (C)(3) of this section shall be held, 201  
canvassed, and certified in the manner provided for the submission 202  
of tax levies under section 5705.25 of the Revised Code, except 203  
that the question appearing on the ballot shall read: 204

"Shall the territory within ..... 205  
(description of the proposed territory to be added) be added to 206  
..... (name) fire district, and a property tax 207  
at a rate of taxation not exceeding ..... (here insert tax rate) 208  
be in effect for ..... (here insert the number of years the 209  
tax is to be in effect or "a continuing period of time," as 210  
applicable)?" 211

If the question is approved by at least a majority of the 212  
electors voting on it, the joinder shall be effective as of the 213  
first day of July of the year following approval, and on that 214  
date, the township fire district tax shall be extended to the 215  
taxable property within the territory that has been added. If the 216  
territory that has been added is a municipal corporation and if it 217  
had adopted a tax levy for fire purposes, the levy is terminated 218  
on the effective date of the joinder. 219

Any municipal corporation may withdraw from a township fire 220  
district created under division (C) of this section by the 221  
adoption by the municipal legislative authority of a resolution or 222  
ordinance ordering withdrawal. On the first day of July of the 223  
year following the adoption of the resolution or ordinance of 224  
withdrawal, the municipal corporation withdrawing ceases to be a 225  
part of the district, and the power of the fire district to levy a 226  
tax upon taxable property in the withdrawing municipal corporation 227  
terminates, except that the fire district shall continue to levy 228  
and collect taxes for the payment of indebtedness within the 229  
territory of the fire district as it was composed at the time the 230  
indebtedness was incurred. 231

Upon the withdrawal of any municipal corporation from a 232



township fire district created under division (C) of this section, 233  
the county auditor shall ascertain, apportion, and order a 234  
division of the funds on hand, moneys and taxes in the process of 235  
collection except for taxes levied for the payment of 236  
indebtedness, credits, and real and personal property, either in 237  
money or in kind, on the basis of the valuation of the respective 238  
tax duplicates of the withdrawing municipal corporation and the 239  
remaining territory of the fire district. 240

A board of township trustees may remove unincorporated 241  
territory of the township from the fire district upon the adoption 242  
of a resolution authorizing the removal. On the first day of July 243  
of the year following the adoption of the resolution, the 244  
unincorporated township territory described in the resolution 245  
ceases to be a part of the district, and the power of the fire 246  
district to levy a tax upon taxable property in that territory 247  
terminates, except that the fire district shall continue to levy 248  
and collect taxes for the payment of indebtedness within the 249  
territory of the fire district as it was composed at the time the 250  
indebtedness was incurred. 251

(D) The board of township trustees of any township, the board 252  
of fire district trustees of a fire district created under section 253  
505.371 of the Revised Code, or the legislative authority of any 254  
municipal corporation may purchase the necessary fire-fighting 255  
equipment, buildings, and sites for the township, fire district, 256  
or municipal corporation and issue securities for that purpose 257  
with maximum maturities as provided in section 133.20 of the 258  
Revised Code. The board of township trustees, board of fire 259  
district trustees, or legislative authority may also construct any 260  
buildings necessary to house fire-fighting equipment and issue 261  
securities for that purpose with maximum maturities as provided in 262  
section 133.20 of the Revised Code. The board of township 263  
trustees, board of fire district trustees, or legislative 264

authority may issue the securities of the township, fire district, 265  
or municipal corporation, signed by the board or designated 266  
officer of the municipal corporation and attested by the signature 267  
of the township, fire district, or municipal clerk, covering any 268  
deferred payments and payable at the times provided, which 269  
securities shall bear interest not to exceed the rate determined 270  
as provided in section 9.95 of the Revised Code, and shall not be 271  
subject to Chapter 133. of the Revised Code. The legislation 272  
authorizing the issuance of the securities shall provide for 273  
levying and collecting annually by taxation, amounts sufficient to 274  
pay the interest on and principal of the securities. The 275  
securities shall be offered for sale on the open market or given 276  
to the vendor or contractor if no sale is made. 277

(E) A board of township trustees of any township or a board 278  
of fire district trustees of a fire district created under section 279  
505.371 of the Revised Code may purchase a policy or policies of 280  
liability insurance for the officers, employees, and appointees of 281  
the fire department, fire district, or joint fire district 282  
governed by the board that includes personal injury liability 283  
coverage as to the civil liability of those officers, employees, 284  
and appointees for false arrest, detention, or imprisonment, 285  
malicious prosecution, libel, slander, defamation or other 286  
violation of the right of privacy, wrongful entry or eviction, or 287  
other invasion of the right of private occupancy, arising out of 288  
the performance of their duties. 289

When a board of township trustees cannot, by deed of gift or 290  
by purchase and upon terms it considers reasonable, procure land 291  
for a township fire station that is needed in order to respond in 292  
reasonable time to a fire or medical emergency, the board may 293  
appropriate land for that purpose under sections 163.01 to 163.22 294  
of the Revised Code. If it is necessary to acquire additional 295  
adjacent land for enlarging or improving the fire station, the 296

board may purchase, appropriate, or accept a deed of gift for the 297  
land for these purposes. 298

(F) As used in this division, "emergency medical service 299  
organization" has the same meaning as in section 4766.01 of the 300  
Revised Code. 301

A board of township trustees, by adoption of an appropriate 302  
resolution, may choose to have the Ohio ~~ambulance licensing~~ 303  
medical transportation board license any emergency medical service 304  
it operates. If the board adopts such a resolution, Chapter 4766. 305  
of the Revised Code, except for sections 4766.06 and 4766.99 of 306  
the Revised Code, applies to the organization. All rules adopted 307  
under the applicable sections of that chapter also apply to the 308  
organization. A board of township trustees, by adoption of an 309  
appropriate resolution, may remove its emergency medical service 310  
organization from the jurisdiction of the Ohio ~~ambulance licensing~~ 311  
medical transportation board. 312

**Sec. 505.375.** (A) The board of a joint ambulance district 313  
created under section 505.71 of the Revised Code and the board of 314  
a joint fire district created under section 505.371 of the Revised 315  
Code may negotiate in accordance with this section to combine 316  
their two joint districts into a single district, called a fire 317  
and ambulance district, for the delivery of both fire and 318  
ambulance services, if the geographic area covered by the 319  
combining joint districts is exactly the same. Both boards shall 320  
adopt a joint resolution ratifying the agreement and setting a 321  
date on which the fire and ambulance district shall come into 322  
being. On that date, the joint fire district and the joint 323  
ambulance district shall cease to exist, and the power of each to 324  
levy a tax upon taxable property shall terminate, except that any 325  
levy of a tax for the payment of indebtedness within the territory 326  
of the joint fire or joint ambulance district as it was composed 327

at the time the indebtedness was incurred shall continue to be 328  
collected by the successor fire and ambulance district if the 329  
indebtedness remains unpaid. 330

All funds and other property of the joint districts that 331  
combined into the fire and ambulance district shall become the 332  
property of the fire and ambulance district, unless otherwise 333  
provided in the negotiated agreement. The agreement shall provide 334  
for the settlement of all debts and obligations of the joint 335  
districts. 336

(B) The governing body of the fire and ambulance district 337  
shall be a board of trustees of at least three but no more than 338  
nine members, appointed as provided in the agreement creating the 339  
district. Members of the board of trustees may be compensated at a 340  
rate not to exceed thirty dollars per meeting for not more than 341  
fifteen meetings per year, and may be reimbursed for all necessary 342  
expenses incurred, as provided in the agreement creating the 343  
district. 344

The board shall employ a clerk and other employees as it 345  
considers best, including a fire chief or fire prevention 346  
officers, and shall fix their compensation. Neither this section 347  
nor any other section of the Revised Code requires, or shall be 348  
construed to require, that the fire chief of a fire and ambulance 349  
district be a resident of the district. 350

Before entering upon the duties of office, the clerk shall 351  
execute a bond, in the amount and with surety to be approved by 352  
the board, payable to the state, conditioned for the faithful 353  
performance of all of the clerk's official duties. The clerk shall 354  
deposit the bond with the presiding officer of the board, who 355  
shall file a copy of it, certified by the presiding officer, with 356  
the county auditor of the county containing the most territory in 357  
the district. 358

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

Employees of the district shall not be removed from office except as provided by sections 733.35 to 733.39 of the Revised Code, except that, to initiate removal proceedings, the board shall designate a private citizen or, if the employee is employed as a firefighter, the board may designate the fire chief, to investigate, conduct the proceedings, and prepare the necessary charges in conformity with sections 733.35 to 733.39 of the Revised Code, and except that the board shall perform the functions and duties specified for the municipal legislative authority under those sections. The board may pay reasonable compensation to any private citizen hired for services rendered in the matter.

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

The board may choose, by adoption of an appropriate resolution, to have the Ohio ~~ambulance-licensing~~ medical transportation board license any emergency medical service

organization it operates. If the board adopts such a resolution, 391  
Chapter 4766. of the Revised Code, except for sections 4766.06 and 392  
4766.99 of the Revised Code, applies to the organization. All 393  
rules adopted under the applicable sections of that chapter also 394  
apply to the organization. The board may likewise, by resolution, 395  
remove its emergency medical service organization from the 396  
jurisdiction of the Ohio ~~ambulance licensing~~ medical 397  
transportation board. 398

(C) The board may exercise the following powers: 399

(1) Purchase or otherwise provide any fire apparatus, 400  
mechanical resuscitators, or other fire or ambulance equipment, 401  
appliances, or materials; fire hydrants; and water supply for 402  
fire-fighting purposes that seems advisable to the board; 403

(2) Provide for the care and maintenance of equipment and, 404  
for that purpose, purchase, lease, or construct and maintain 405  
necessary buildings; 406

(3) Establish and maintain lines of fire-alarm communications 407  
within the limits of the district; 408

(4) Appropriate land for a fire station or medical emergency 409  
unit needed in order to respond in reasonable time to a fire or 410  
medical emergency, in accordance with Chapter 163. of the Revised 411  
Code; 412

(5) Purchase, appropriate, or accept a deed or gift of land 413  
to enlarge or improve a fire station or medical emergency unit; 414

(6) Purchase, lease, maintain, and use all materials, 415  
equipment, vehicles, buildings, and land necessary to perform its 416  
duties; 417

(7) Contract for a period not to exceed three years with one 418  
or more townships, municipal corporations, counties, joint fire 419  
districts, governmental agencies, nonprofit corporations, or 420

private ambulance owners located either within or outside the 421  
state, to furnish or receive ambulance services or emergency 422  
medical services within the several territories of the contracting 423  
parties, if the contract is first authorized by all boards of 424  
trustees and legislative authorities concerned; 425

(8) Establish reasonable charges for the use of ambulance or 426  
emergency medical services under the same conditions under which a 427  
board of fire district trustees may establish those charges under 428  
section 505.371 of the Revised Code; 429

(9) Establish all necessary rules to guard against the 430  
occurrence of fires and to protect property and lives against 431  
damage and accidents; 432

(10) Adopt a standard code pertaining to fire, fire hazards, 433  
and fire prevention prepared and promulgated by the state or by a 434  
public or private organization that publishes a model or standard 435  
code; 436

(11) Provide for charges for false alarms at commercial 437  
establishments in the same manner as joint fire districts are 438  
authorized to do under section 505.391 of the Revised Code; 439

(12) Issue bonds and other evidences of indebtedness, subject 440  
to Chapter 133. of the Revised Code, but only after approval by a 441  
vote of the electors of the district as provided by section 133.18 442  
of the Revised Code; 443

(13) To provide the services and equipment it considers 444  
necessary, levy a sufficient tax, subject to Chapter 5705. of the 445  
Revised Code, on all the taxable property in the district. 446

(D) Any municipal corporation or township may join an 447  
existing fire and ambulance district by its legislative 448  
authority's adoption of a resolution requesting the membership and 449  
upon approval of the board of the district. Any municipal 450  
corporation or township may withdraw from a district by its 451

legislative authority's adoption of a resolution ordering 452  
withdrawal. Upon its withdrawal, the municipal corporation or 453  
township ceases to be a part of the district, and the district's 454  
power to levy a tax on taxable property in the withdrawing 455  
township or municipal corporation terminates, except that the 456  
district shall continue to levy and collect taxes for the payment 457  
of indebtedness within the territory of the district as it was 458  
composed at the time the indebtedness was incurred. 459

Upon the withdrawal of any township or municipal corporation 460  
from a district, the county auditor of the county containing the 461  
most territory in the district shall ascertain, apportion, and 462  
order a division of the funds on hand, including funds in the 463  
ambulance and emergency medical services fund, moneys and taxes in 464  
the process of collection, except for taxes levied for the payment 465  
of indebtedness, credits, and real and personal property on the 466  
basis of the valuation of the respective tax duplicates of the 467  
withdrawing municipal corporation or township and the remaining 468  
territory of the district. 469

(E) As used in this section: 470

(1) "Governmental agency" includes all departments, boards, 471  
offices, commissions, agencies, colleges, universities, 472  
institutions, and other instrumentalities of this or another 473  
state. 474

(2) "Emergency medical service organization" has the same 475  
meaning as in section 4766.01 of the Revised Code. 476

**Sec. 505.72.** (A) The board of trustees of a joint ambulance 477  
district shall provide for the employment of such employees as it 478  
considers best, and shall fix their compensation. Such employees 479  
shall continue in office until removed as provided by sections 480  
733.35 to 733.39 of the Revised Code. To initiate removal 481  
proceedings, and for such purpose, the board shall designate a 482



private citizen to investigate the conduct and prepare the 483  
necessary charges in conformity with sections 733.35 to 733.39 of 484  
the Revised Code. The board may pay reasonable compensation to 485  
such person for the person's services. 486

In case of the removal of an employee of the district, an 487  
appeal may be had from the decision of the board to the court of 488  
common pleas of the county in which such district, or part of it, 489  
is situated, to determine the sufficiency of the cause of removal. 490  
Such appeal from the findings of the board shall be taken within 491  
ten days. 492

(B) As used in this division, "emergency medical service 493  
organization" has the same meaning as in section 4765.01 of the 494  
Revised Code. 495

(1) In order to obtain the services of ambulance service 496  
organizations, to obtain additional services from ambulance 497  
service organizations in times of emergency, or to obtain the 498  
services of emergency medical service organizations, a district 499  
may enter into a contract, for a period not to exceed three years, 500  
with one or more townships, municipal corporations, joint fire 501  
districts, nonprofit corporations, any other governmental unit 502  
that provides ambulance services or emergency medical services, or 503  
with private ambulance owners, regardless of whether such 504  
townships, municipal corporations, joint fire districts, nonprofit 505  
corporations, governmental unit, or private ambulance owners are 506  
located within or without this state, upon such terms as are 507  
agreed to, to furnish or receive services from ambulance or 508  
emergency medical service organizations or the interchange of 509  
services from ambulance or emergency medical service organizations 510  
within the several territories of the contracting subdivisions, if 511  
such contract is first authorized by all boards of trustees and 512  
legislative authorities concerned. 513

The contract may provide for a fixed annual charge to be paid 514  
at the times agreed upon and stipulated in the contract, or for 515  
compensation based upon a stipulated price for each run, call, or 516  
emergency, or the elapsed time of service required in such run, 517  
call, or emergency, or any combination thereof. 518

(2) Expenditures of a district for the services of ambulance 519  
service organizations or emergency medical service organizations, 520  
whether pursuant to contract or otherwise, are lawful 521  
expenditures, regardless of whether the district or the party with 522  
which it contracts charges additional fees to users of the 523  
services. 524

(3) A district's board of trustees, by adoption of an 525  
appropriate resolution, may choose to have the Ohio ~~ambulance~~ 526  
~~licensing~~ medical transportation board license any emergency 527  
medical service organization the district operates. If a board 528  
adopts such a resolution, Chapter 4766. of the Revised Code, 529  
except for sections 4766.06 and 4766.99 of the Revised Code, 530  
applies to the district emergency medical service organization. 531  
All rules adopted under the applicable sections of that chapter 532  
also apply to the organization. A board, by adoption of an 533  
appropriate resolution, may remove the district emergency medical 534  
service organization from the jurisdiction of the Ohio ~~ambulance~~ 535  
~~licensing~~ medical transportation board. 536

(C) Ambulance services or emergency medical services rendered 537  
for a joint ambulance district under this section and section 538  
505.71 of the Revised Code shall be deemed services of the 539  
district. These sections do not authorize suits against a district 540  
or any township or municipal corporation providing or receiving, 541  
or contracting to provide or receive, such services under these 542  
sections for damages for injury or loss to persons or property or 543  
for wrongful death caused by persons providing such services. 544

Sec. 4503.49. (A) As used in this section, "ambulance," 545  
"ambulette," "emergency medical service organization," 546  
"nonemergency medical service organization," and "nontransport 547  
vehicle" have the same meanings as in section 4766.01 of the 548  
Revised Code. 549

(B) Each private emergency medical service organization and 550  
each private nonemergency medical service organization shall apply 551  
to the registrar of motor vehicles for the registration of any 552  
ambulance, ambulette, or nontransport vehicle it owns or leases. 553  
The application shall be accompanied by a copy of the certificate 554  
of licensure issued to the organization by the Ohio ~~ambulance~~ 555  
licensing medical transportation board and the following fees: 556

(1) The regular license tax as prescribed under section 557  
4503.04 of the Revised Code; 558

(2) Any local license tax levied under Chapter 4504. of the 559  
Revised Code; 560

(3) An additional fee of seven dollars and fifty cents. The 561  
additional fee shall be for the purpose of compensating the bureau 562  
of motor vehicles for additional services required to be performed 563  
under this section and shall be transmitted by the registrar to 564  
the treasurer of state for deposit in the state bureau of motor 565  
vehicles fund created by section 4501.25 of the Revised Code. 566

(C) On receipt of a complete application, the registrar shall 567  
issue to the applicant the appropriate certificate of registration 568  
for the vehicle and do one of the following: 569

(1) Issue a set of license plates with a validation sticker 570  
and a set of stickers to be attached to the plates as an 571  
identification of the vehicle's classification as an ambulance, 572  
ambulette, or nontransport vehicle; 573

(2) Issue a validation sticker alone when so required by 574

section 4503.191 of the Revised Code. 575

**Sec. 4513.263.** (A) As used in this section and in section 576  
4513.99 of the Revised Code: 577

(1) "Automobile" means any commercial tractor, passenger car, 578  
commercial car, or truck that is required to be factory-equipped 579  
with an occupant restraining device for the operator or any 580  
passenger by regulations adopted by the United States secretary of 581  
transportation pursuant to the "National Traffic and Motor Vehicle 582  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 583

(2) "Occupant restraining device" means a seat safety belt, 584  
shoulder belt, harness, or other safety device for restraining a 585  
person who is an operator of or passenger in an automobile and 586  
that satisfies the minimum federal vehicle safety standards 587  
established by the United States department of transportation. 588

(3) "Passenger" means any person in an automobile, other than 589  
its operator, who is occupying a seating position for which an 590  
occupant restraining device is provided. 591

(4) "Commercial tractor," "passenger car," and "commercial 592  
car" have the same meanings as in section 4501.01 of the Revised 593  
Code. 594

(5) "Vehicle" and "motor vehicle," as used in the definitions 595  
of the terms set forth in division (A)(4) of this section, have 596  
the same meanings as in section 4511.01 of the Revised Code. 597

(B) No person shall do any of the following: 598

(1) Operate an automobile on any street or highway unless 599  
that person is wearing all of the available elements of a properly 600  
adjusted occupant restraining device, or operate a school bus that 601  
has an occupant restraining device installed for use in its 602  
operator's seat unless that person is wearing all of the available 603  
elements of the device, as properly adjusted; 604

(2) Operate an automobile on any street or highway unless 605  
each passenger in the automobile who is subject to the requirement 606  
set forth in division (B)(3) of this section is wearing all of the 607  
available elements of a properly adjusted occupant restraining 608  
device; 609

(3) Occupy, as a passenger, a seating position on the front 610  
seat of an automobile being operated on any street or highway 611  
unless that person is wearing all of the available elements of a 612  
properly adjusted occupant restraining device; 613

(4) Operate a taxicab on any street or highway unless all 614  
factory-equipped occupant restraining devices in the taxicab are 615  
maintained in usable form. 616

(C) Division (B)(3) of this section does not apply to a 617  
person who is required by section 4511.81 of the Revised Code to 618  
be secured in a child restraint device. Division (B)(1) of this 619  
section does not apply to a person who is an employee of the 620  
United States postal service or of a newspaper home delivery 621  
service, during any period in which the person is engaged in the 622  
operation of an automobile to deliver mail or newspapers to 623  
addressees. Divisions (B)(1) and (3) of this section do not apply 624  
to a person who has an affidavit signed by a physician licensed to 625  
practice in this state under Chapter 4731. of the Revised Code or 626  
a chiropractor licensed to practice in this state under Chapter 627  
4734. of the Revised Code that states that the person has a 628  
physical impairment that makes use of an occupant restraining 629  
device impossible or impractical. 630

(D) Notwithstanding any provision of law to the contrary, no 631  
law enforcement officer shall cause an operator of an automobile 632  
being operated on any street or highway to stop the automobile for 633  
the sole purpose of determining whether a violation of division 634  
(B) of this section has been or is being committed or for the sole 635

purpose of issuing a ticket, citation, or summons for a violation 636  
of that nature or causing the arrest of or commencing a 637  
prosecution of a person for a violation of that nature, and no law 638  
enforcement officer shall view the interior or visually inspect 639  
any automobile being operated on any street or highway for the 640  
sole purpose of determining whether a violation of that nature has 641  
been or is being committed. 642

(E) All fines collected for violations of division (B) of 643  
this section, or for violations of any ordinance or resolution of 644  
a political subdivision that is substantively comparable to that 645  
division, shall be forwarded to the treasurer of state for deposit 646  
as follows: 647

(1) Eight per cent shall be deposited into the seat belt 648  
education fund, which is hereby created in the state treasury, and 649  
shall be used by the department of public safety to establish a 650  
seat belt education program. 651

(2) Eight per cent shall be deposited into the elementary 652  
school program fund, which is hereby created in the state 653  
treasury, and shall be used by the department of public safety to 654  
establish and administer elementary school programs that encourage 655  
seat safety belt use. 656

(3) Two per cent shall be deposited into the Ohio ~~ambulance~~ 657  
~~licensing~~ medical transportation trust fund created by section 658  
4766.05 of the Revised Code. 659

(4) Twenty-eight per cent shall be deposited into the trauma 660  
and emergency medical services fund, which is hereby created in 661  
the state treasury, and shall be used by the department of public 662  
safety for the administration of the division of emergency medical 663  
services and the state board of emergency medical services. 664

(5) Fifty-four per cent shall be deposited into the trauma 665  
and emergency medical services grants fund, which is hereby 666

created in the state treasury, and shall be used by the state 667  
board of emergency medical services to make grants, in accordance 668  
with section 4765.07 of the Revised Code and rules the board 669  
adopts under section 4765.11 of the Revised Code. 670

(F)(1) Subject to division (F)(2) of this section, the 671  
failure of a person to wear all of the available elements of a 672  
properly adjusted occupant restraining device or to ensure that 673  
each passenger of an automobile being operated by the person is 674  
wearing all of the available elements of such a device, in 675  
violation of division (B) of this section, shall not be considered 676  
or used as evidence of negligence or contributory negligence, 677  
shall not diminish recovery for damages in any civil action 678  
involving the person arising from the ownership, maintenance, or 679  
operation of an automobile; shall not be used as a basis for a 680  
criminal prosecution of the person other than a prosecution for a 681  
violation of this section; and shall not be admissible as evidence 682  
in any civil or criminal action involving the person other than a 683  
prosecution for a violation of this section. 684

(2) If, at the time of an accident involving a passenger car 685  
equipped with occupant restraining devices, any occupant of the 686  
passenger car who sustained injury or death was not wearing an 687  
available occupant restraining device, was not wearing all of the 688  
available elements of such a device, or was not wearing such a 689  
device as properly adjusted, then, consistent with the Rules of 690  
Evidence, the fact that the occupant was not wearing the available 691  
occupant restraining device, was not wearing all of the available 692  
elements of such a device, or was not wearing such a device as 693  
properly adjusted is admissible in evidence in relation to any 694  
claim for relief in a tort action to the extent that the claim for 695  
relief satisfies all of the following: 696

(a) It seeks to recover damages for injury or death to the 697  
occupant. 698

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car. 699  
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(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy. 701  
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(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. 705  
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**Sec. 4766.01.** As used in this chapter: 711

(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform. 712  
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(B) "Air medical service organization" means a person that provides air medical transportation to the public. 715  
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(C) "Air medical transportation" is the use of a rotorcraft air ambulance or fixed wing air ambulance to provide transportation and advanced life support to seriously ill, injured, wounded, or otherwise incapacitated or helpless individuals who require use of a stretcher from airport to airport or from an emergency scene to a hospital or other medical care setting. 717  
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(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this 724  
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state of persons who are seriously ill, injured, wounded, or 729  
otherwise incapacitated or helpless. "Ambulance" does not include 730  
air medical transportation or a vehicle designed and used solely 731  
for the transportation of nonstretcher-bound persons, whether 732  
hospitalized or handicapped or whether ambulatory or confined to a 733  
wheelchair. 734

~~(C)~~(E) "Ambulette" means a motor vehicle that is specifically 735  
designed, constructed, or modified and equipped and is intended to 736  
be used for transportation upon the streets or highways of this 737  
state of persons who require use of a wheelchair. 738

(F) "Basic life support" means treatment described in section 739  
4765.37 of the Revised Code that an EMT-basic is certified to 740  
perform. 741

~~(D)~~(G) "Disaster situation" means any condition or situation 742  
described by rule of the Ohio ~~ambulance licensing~~ medical 743  
transportation board as a mass casualty, major emergency, natural 744  
disaster, or national emergency. 745

~~(E)~~(H) "Emergency medical service organization" means an 746  
organization that uses EMTs-basic, EMTs-I, or paramedics, or a 747  
combination thereof, to provide medical care to victims of illness 748  
or injury. An emergency medical service organization includes, but 749  
is not limited to, a commercial ambulance service organization, a 750  
hospital, and a funeral home. 751

~~(F)~~(I) "EMT-basic," "EMT-I," and "paramedic" have the same 752  
meanings as in section 4765.01 of the Revised Code. 753

~~(G)~~(J) "Fixed wing air ambulance" means a fixed wing aircraft 754  
operated as a means of air medical transportation. 755

(K) "Intermediate life support" means treatment described in 756  
section 4765.38 of the Revised Code that an EMT-I is certified to 757  
perform. 758

~~(H)~~(L) "Major emergency" means any emergency event that 759  
cannot be resolved through the use of locally available emergency 760  
resources. 761

~~(I)~~(M) "Mass casualty" means an emergency event that results 762  
in ten or more persons being injured, incapacitated, made ill, or 763  
killed. 764

~~(J)~~(N) "Medical emergency" means an unforeseen event 765  
affecting an individual in such a manner that a need for immediate 766  
care is created. 767

(O)(1) "Nonemergency medical service organization" means a 768  
person that does both of the following: 769

(a) Provides services to the public on a regular basis for 770  
the purpose of transporting individuals who require the use of a 771  
wheelchair or are confined to a wheelchair to receive health care 772  
services at health care facilities or health care practitioners' 773  
offices in nonemergency circumstances; 774

(b) Provides the services for a fee, regardless of whether 775  
the fee is paid by the person being transported, a third party 776  
payer, as defined in section 3702.51 of the Revised Code, or any 777  
other person or government entity. 778

(2) "Nonemergency medical service organization" does not 779  
include a health care facility, as defined in section 1751.01 of 780  
the Revised Code, that provides ambulette services only to 781  
patients of that facility. 782

~~(K)~~(P) "Mobile intensive care unit" means an ambulance used 783  
only for maintaining specialized or intensive care treatment and 784  
used primarily for interhospital transports of patients whose 785  
conditions require care beyond the scope of a paramedic as 786  
provided in section 4765.39 of the Revised Code. 787

~~(L)~~(Q) "Nontransport vehicle" means a motor vehicle operated 788

by a licensed emergency medical service organization not as an 789  
ambulance, but as a vehicle for providing services in conjunction 790  
with the ambulances operated by the organization or other 791  
emergency medical service organizations. 792

~~(M)~~(R) "Patient" means any individual who as a result of 793  
illness or injury needs medical attention, whose physical or 794  
mental condition is such that there is imminent danger of loss of 795  
life or significant health impairment, ~~or~~ who may be otherwise 796  
incapacitated or helpless as a result of a physical or mental 797  
condition, or whose physical condition requires the use of a 798  
wheelchair. 799

(S) "Rotorcraft air ambulance" means a helicopter or other 800  
aircraft capable of vertical takeoffs, vertical landings, and 801  
hovering. 802

**Sec. 4766.02.** (A) There is hereby created the Ohio ~~ambulance~~ 803  
~~licensing~~ medical transportation board, consisting of ~~five~~ nine 804  
voting members and one nonvoting member who shall be residents of 805  
this state and appointed by the governor with the advice and 806  
consent of the senate. Except as provided in division (B) of this 807  
section, members shall serve terms of two years. One voting member 808  
shall be a member of the Ohio ambulance association; two voting 809  
members, one of whom shall be a licensed funeral director, shall 810  
be owners or operators of private emergency medical service 811  
organizations operating in this state; one voting member shall be 812  
a consumer of emergency medical services who is not associated 813  
with any public or private emergency medical service organization; 814  
~~and~~ one voting member shall be an official with a public emergency 815  
medical service organization; two voting members shall be owners 816  
or operators of nonemergency medical service organizations that 817  
provide ambulance services only, and two voting members shall be 818  
members of the Ohio association of critical care transport, one 819

member representing air-based services and the other representing 820  
a ground-based mobile intensive care unit organization. A 821  
physician who holds a certificate to practice issued under Chapter 822  
4731. of the Revised Code who is a member of the American college 823  
of emergency physicians shall serve as the nonvoting member. The 824  
board shall annually select from its membership a chair and a 825  
vice-chair to act as chair in the chair's absence. 826

(B) ~~Of the members initially appointed, three shall be~~ 827  
~~appointed for terms of one year and three for terms of two years.~~ 828  
Any member appointed to fill a vacancy occurring prior to the 829  
expiration date of the term for which the member's predecessor was 830  
appointed shall hold office for the remainder of that term. Every 831  
member shall continue in office subsequent to the expiration date 832  
of the member's term until the member's successor takes office, or 833  
until a period of sixty days has elapsed, whichever occurs first. 834

(C) ~~Three voting~~ Five members shall constitute a quorum for 835  
the transaction of business, and the affirmative vote of ~~three~~ 836  
five members is required for the board to take any official 837  
action. The board, after notice and hearing, may remove a member 838  
by majority vote for malfeasance, misfeasance, or nonfeasance. 839

Members of the board shall be reimbursed for actual and 840  
necessary expenses incurred in attending meetings of the board and 841  
in the performance of their official duties. The board may hire 842  
such employees as are necessary to enable it to execute its 843  
duties. 844

(D) The division of emergency medical services within the 845  
department of public safety shall provide the board with office 846  
space, but the board shall not be a part of the division or the 847  
department. 848

(E) The board is the sole supervisory body regarding the 849  
licensing of private ambulance service organizations in this 850

state. 851

(F) The board is the sole supervisory body regarding the 852  
licensing of private nonemergency medical service organizations in 853  
this state. 854

(G) The board is the sole supervisory body regarding the 855  
licensing of private air medical service organizations in this 856  
state. 857

**Sec. 4766.03.** (A) The Ohio ~~ambulance licensing~~ medical 858  
transportation board shall adopt rules, in accordance with Chapter 859  
119. of the Revised Code, implementing the requirements of this 860  
chapter. The rules shall include provisions relating to the 861  
following: 862

(1) Requirements for an emergency medical service 863  
organization to receive a permit for an ambulance or nontransport 864  
vehicle; 865

(2) Requirements for an emergency medical service 866  
organization to receive a license as a basic life-support, 867  
intermediate life-support, ~~or~~ advanced life-support, or mobile 868  
intensive care unit organization; 869

(3) Requirements for a nonemergency medical service 870  
organization to receive a permit for an ambulette vehicle; 871

(4) Requirements for a nonemergency medical service 872  
organization to receive a license for an ambulette service; 873

(5) Requirements for an air medical service organization to 874  
receive a permit for a rotorcraft air ambulance or fixed wing air 875  
ambulance; 876

(6) Requirements for licensure of air medical service 877  
organizations; 878

(7) Forms for applications and renewals of licenses and 879

permits;	880
<del>(4)</del> (8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;	881 882
<del>(5)</del> (9) Fee amounts for licenses and permits, and renewals thereof;	883 884
<del>(6)</del> (10) Inspection requirements for licensees' vehicles <u>or aircraft</u> , records, and physical facilities;	885 886
<del>(7)</del> (11) Fee amounts for inspections of ambulances, <u>ambulettes, rotorcraft air ambulances, fixed wing air ambulances,</u> and nontransport vehicles;	887 888 889
<del>(8)</del> (12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, <u>for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations</u> that specify for each type of vehicle <u>or aircraft</u> the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle <u>or aircraft</u> ;	890 891 892 893 894 895 896 897 898
<del>(9)</del> (13) The level of care each type of emergency medical service organization, <u>nonemergency medical service organization, and air medical service organization</u> is authorized to provide;	899 900 901
<del>(10)</del> (14) Eligibility requirements for employment as an <u>ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulette driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment.</u>	902 903 904 905 906 907 908
(15) Any other rules that the board determines necessary for	909

the implementation and enforcement of this chapter. 910

(B) In the rules for ambulances and nontransport vehicles 911  
adopted under division (A)~~(8)~~(12) of this section, the board may 912  
establish requirements that vary according to whether the 913  
emergency medical service organization using the vehicles is 914  
licensed as a basic life-support, intermediate life-support, ~~or~~ 915  
advanced life-support, or mobile intensive care unit organization. 916

(C) A mobile intensive care unit that is not dually certified 917  
to provide advanced life-support and meets the requirements of the 918  
rules adopted under this section is not required to carry 919  
immobilization equipment, including board splint kits, traction 920  
splints, backboards, backboard straps, cervical immobilization 921  
devices, cervical collars, stairchairs, folding cots, or other 922  
types of immobilization equipment determined by the board to be 923  
unnecessary for mobile intensive care units. 924

A mobile intensive care unit is exempt from the emergency 925  
medical technician staffing requirements of division (B) of 926  
section 4765.43 of the Revised Code when it is staffed by at least 927  
one physician or registered nurse and another person, designated 928  
by a physician, who holds a valid license or certificate to 929  
practice in a health care profession, and when at least one of the 930  
persons staffing the mobile intensive care unit is a registered 931  
nurse whose training meets or exceeds the training required for a 932  
paramedic. 933

**Sec. 4766.04.** (A) Except as otherwise provided in this 934  
chapter, no person shall furnish, operate, conduct, maintain, 935  
advertise, engage in, or propose or profess to engage in the 936  
business or service in this state of transporting persons who are 937  
seriously ill, injured, or otherwise incapacitated ~~in this state~~ 938  
or who require the use of a wheelchair or are confined to a 939  
wheelchair unless the person is licensed pursuant to this section. 940

(B) To qualify for a license as a basic life-support, 941  
intermediate life-support, ~~or~~ advanced life-support ~~service, or~~ 942  
mobile intensive care unit organization, an emergency medical 943  
service organization shall do all of the following: 944

(1) Apply for a permit for each ambulance and nontransport 945  
vehicle owned or leased as provided in section 4766.07 of the 946  
Revised Code; 947

(2) Meet all requirements established in rules adopted by the 948  
Ohio ~~ambulance licensing~~ medical transportation board regarding 949  
ambulances and nontransport vehicles, including requirements 950  
pertaining to equipment, communications systems, staffing, and 951  
level of care the particular organization is permitted to render; 952

(3) Maintain the appropriate type and amount of insurance ~~or~~ 953  
~~self-insurance~~ as specified in section 4766.06 of the Revised 954  
Code; 955

(4) Meet all other requirements established under rules 956  
adopted by the board for the particular license. 957

(C) To ~~apply~~ qualify for a license to provide ambulette 958  
service, a nonemergency medical service organization shall do all 959  
of the following: 960

(1) Apply for a permit for each ambulette owned or leased as 961  
provided in section 4766.07 of the Revised Code; 962

(2) Meet all requirements established in rules adopted by the 963  
Ohio medical transportation board regarding ambulettes, including 964  
requirements pertaining to equipment, communication systems, 965  
staffing, and level of care the organization is permitted to 966  
render; 967

(3) Maintain the appropriate type and amount of insurance as 968  
specified in section 4766.06 of the Revised Code; 969

(4) Meet all other requirements established under rules 970



adopted by the board for the license.

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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:

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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;

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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;

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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;

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

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

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

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- (2) The name under which the applicant will operate the organization; 1001  
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- (3) A list of the names and addresses of all officers and directors of the organization; 1003  
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- (4) ~~A~~ For emergency medical service organizations and nonemergency medical service organizations, a description of each vehicle to be used, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle; 1005  
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- (5) For air medical service organizations using fixed wing air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, and aircraft Hobbs meter hour reading; 1011  
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- (6) For air medical service organizations using rotorcraft air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, aircraft Hobbs meter hour reading, aircraft identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's rotorcraft air ambulance; 1015  
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- (7) The location and description of each place from which the organization will operate; 1022  
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- ~~(6)~~(8) A description of the geographic area to be served by the applicant; 1024  
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- ~~(7)~~(9) Any other information the board, by rule, determines necessary. 1026  
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- ~~(D)~~(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, ~~or~~ advanced life-support service, or mobile 1028  
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intensive care unit organization; an ambulette service; or an air 1031  
medical service organization, the board shall approve or deny the 1032  
application. The board shall deny an application if it determines 1033  
that the applicant does not meet the requirements of this chapter 1034  
or any rules adopted under it. The board shall send notice of the 1035  
denial of an application by certified mail to the applicant. The 1036  
applicant may request a hearing within ten days after receipt of 1037  
the notice. If the board receives a timely request, it shall hold 1038  
a hearing in accordance with Chapter 119. of the Revised Code. 1039

~~(E)~~(G) If an applicant or licensee operates or plans to 1040  
operate an organization in more than one location under the same 1041  
or different identities, the applicant or licensee shall apply for 1042  
and meet all requirements for licensure or renewal of a license, 1043  
other than payment of a license fee or renewal fee, for operating 1044  
the organization at each separate location. An applicant or 1045  
licensee that operates or plans to operate under the same 1046  
organization identity in separate locations shall pay only a 1047  
single license fee. 1048

~~(F)~~(H) An emergency medical service organization that wishes 1049  
to provide ambulette services to the public must apply for a 1050  
separate license under division (C) of this section. 1051

(I) Each license issued under this section and each permit 1052  
issued under section 4766.07 of the Revised Code expires one year 1053  
after the date of issuance and may be renewed in accordance with 1054  
the standard renewal procedures of Chapter 4745. of the Revised 1055  
Code, except that a license or permit issued in 1998 or in 1999 1056  
prior to ~~the effective date of this amendment~~ June 30, 1999, shall 1057  
expire two years after the date of issuance. An application for 1058  
renewal shall include the license or permit renewal fee 1059  
established under section 4766.05 of the Revised Code. An 1060  
applicant for renewal of a permit also shall submit to the board 1061  
proof of an annual inspection of the vehicle or aircraft for which 1062

permit renewal is sought. The board shall renew a license if the 1063  
applicant meets the requirements for licensure and shall renew a 1064  
permit if the applicant and vehicle or aircraft meet the 1065  
requirements to maintain a permit for that vehicle or aircraft. 1066

~~(G)~~(J) Each licensee shall maintain accurate records of all 1067  
service responses conducted. The records shall be maintained on 1068  
forms prescribed by the board and shall contain information as 1069  
specified by rule by the board. 1070

**Sec. 4766.05.** (A) The Ohio ~~ambulance licensing~~ medical 1071  
transportation board shall establish by rule a license fee, a 1072  
permit fee for each ambulance, ambulette, rotorcraft air 1073  
ambulance, fixed wing air ambulance, and nontransport vehicle 1074  
owned or leased by the licensee that is or will be used as 1075  
provided in section 4766.07 of the Revised Code, and fees for 1076  
renewals of licenses and permits, taking into consideration the 1077  
actual costs incurred by the board in carrying out its duties 1078  
under this chapter. However, the fee for each license and each 1079  
renewal of a license shall not exceed one hundred dollars, and the 1080  
fee for each permit and each renewal of a permit shall not exceed 1081  
one hundred dollars for each ambulance, rotorcraft air ambulance, 1082  
fixed wing air ambulance, and nontransport vehicle. The fee for 1083  
each permit and each renewal of a permit shall be twenty-five 1084  
dollars for each ambulette for one year after the effective date 1085  
of this amendment. Thereafter, the board shall determine by rule 1086  
the fee, which shall not exceed fifty dollars, for each permit and 1087  
each renewal of a permit for each ambulette. For purposes of 1088  
establishing fees, "actual costs" includes the costs of salaries, 1089  
expenses, inspection equipment, supervision, and program 1090  
administration. 1091

(B) The board shall deposit all fees and other moneys 1092  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 1093

the Revised Code in the state treasury to the credit of the 1094  
~~ambulance licensing~~ Ohio medical transportation trust fund, which 1095  
is hereby created. All moneys from the fund shall be used solely 1096  
for the salaries and expenses of the board incurred in 1097  
implementing and enforcing this chapter. 1098

(C) The board, subject to the approval of the controlling 1099  
board, may establish fees in excess of the maximum amounts allowed 1100  
under division (A) of this section, but such fees shall not exceed 1101  
those maximum amounts by more than fifty per cent. 1102

**Sec. 4766.06.** (A)(1) Every emergency medical service 1103  
organization and nonemergency medical service organization 1104  
licensee under this chapter shall furnish adequate evidence of 1105  
liability insurance coverage, in an amount of not less than five 1106  
hundred thousand dollars per occurrence and not less than five 1107  
hundred thousand dollars in the aggregate, for any cause for which 1108  
the licensee would be liable. 1109

(2) ~~In lieu of insurance coverage as provided in division~~ 1110  
~~(A)(1) of this section, a licensee may furnish a certificate of~~ 1111  
~~self insurance evidencing that he has established a self insurance~~ 1112  
~~plan approved by the superintendent of insurance that is~~ 1113  
~~equivalent to or greater than the insurance coverage required in~~ 1114  
~~division (A)(1) of this section~~ Every air medical service 1115  
organization licensee under this chapter shall furnish adequate 1116  
evidence of liability insurance coverage, in an amount not less 1117  
than twenty million dollars per occurrence and not less than 1118  
twenty million dollars in the aggregate, for any cause for which 1119  
the licensee would be liable. 1120

(B)~~(1)~~ In addition to the insurance requirements of division 1121  
(A) of this section, every licensee shall carry bodily injury and 1122  
property damage insurance with solvent and responsible insurers 1123  
licensed to do business in this state for any loss or damage 1124

resulting from any occurrence arising out of or caused by the 1125  
operation or use of any ambulance, ambulette, rotorcraft air 1126  
ambulance, fixed wing air ambulance, or nontransport vehicle. The 1127  
insurance shall insure each vehicle for the sum of not less than 1128  
one hundred thousand dollars for bodily injury to or death of any 1129  
one person arising out of any one accident and the sum of not less 1130  
than three hundred thousand dollars for bodily injury to or death 1131  
of more than one person in any one accident and for the sum of 1132  
fifty thousand dollars for damage to property arising from any one 1133  
accident. 1134

~~(2) In lieu of the insurance coverage as provided in division 1135  
(B)(1) of this section, a licensee may furnish a certificate of 1136  
self insurance evidencing that he has established a self insurance 1137  
plan approved by the superintendent that provides the same or more 1138  
comprehensive coverage than required in division (B)(1) of this 1139  
section. 1140~~

(C) Each policy or contract of insurance issued shall provide 1141  
for the payment and satisfaction of any financial judgment entered 1142  
against the licensee and any person operating the vehicle and for 1143  
a thirty-day cancellation notice to the board. 1144

**Sec. 4766.07.** (A) Each emergency medical service 1145  
organization, nonemergency medical service organization, and air 1146  
medical service organization subject to licensure under this 1147  
chapter shall possess a valid permit for each ambulance, 1148  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 1149  
nontransport vehicle it owns or leases that is or will be used by 1150  
the licensee to perform the services permitted by the license. 1151  
Each licensee and license applicant shall submit the appropriate 1152  
fee and an application for a permit for each ambulance, ambulette, 1153  
rotorcraft air ambulance, fixed wing air ambulance, and 1154  
nontransport vehicle to the Ohio ~~ambulance licensing~~ medical 1155

transportation board on forms provided by the board. The 1156  
application shall include documentation that the vehicle or 1157  
aircraft meets the appropriate standards set by the board, that 1158  
the vehicle or aircraft has been inspected pursuant to division 1159  
(C) of this section, that the permit applicant maintains insurance 1160  
~~or self insurance~~ as provided in section 4766.06 of the Revised 1161  
Code, and that the vehicle or aircraft and permit applicant meet 1162  
any other requirements established under rules adopted by the 1163  
board. 1164

(B)(1) Within sixty days after receiving a completed 1165  
application for a permit, the board shall issue or deny the 1166  
permit. The board shall deny an application if it determines that 1167  
the permit applicant ~~or,~~ vehicle, or aircraft does not meet the 1168  
requirements of this chapter and the rules adopted under it that 1169  
apply to permits for ambulances, ambulettes, rotorcraft air 1170  
ambulances, fixed wing air ambulances, and nontransport vehicles. 1171  
The board shall send notice of the denial of an application by 1172  
certified mail to the permit applicant. The permit applicant may 1173  
request a hearing within ten days after receipt of the notice. If 1174  
the board receives a timely request, it shall hold a hearing in 1175  
accordance with Chapter 119. of the Revised Code. 1176

(2) If the board issues the vehicle permit for an ambulance, 1177  
ambulette, or nontransport vehicle, it also shall issue a decal, 1178  
in a form prescribed by rule, to be displayed on the rear window 1179  
of the vehicle. The board shall not issue a decal until all of the 1180  
requirements for licensure and permit issuance have been met. 1181

(3) If the board issues the aircraft permit for a rotorcraft 1182  
air ambulance or fixed wing air ambulance, it also shall issue a 1183  
decal, in a form prescribed by rule, to be displayed on the left 1184  
fuselage aircraft window in a manner that complies with all 1185  
applicable federal aviation regulations. The board shall not issue 1186

a decal until all of the requirements for licensure and permit  
issuance have been met. 1187  
1188

(C) In addition to any other requirements that the board 1189  
establishes by rule, a licensee or license applicant applying for 1190  
an initial vehicle or aircraft permit under division (A) of this 1191  
section shall submit to ~~the state highway patrol~~ and the board the 1192  
vehicle or aircraft for which the permit is sought. Thereafter, a 1193  
licensee shall annually submit to ~~the state highway patrol~~ and the 1194  
board each vehicle or aircraft for which a permit has been issued. 1195

(1) The ~~state highway patrol~~ board shall conduct a physical 1196  
inspection of an ambulance, ambulette, or nontransport vehicle to 1197  
determine its roadworthiness and compliance with standard motor 1198  
vehicle requirements. 1199

(2) The board shall conduct a physical inspection of the 1200  
medical equipment, communication system, and interior of an 1201  
ambulance to determine the operational condition and safety of the 1202  
equipment and the ambulance's interior and to determine whether 1203  
the ambulance is in compliance with the federal requirements for 1204  
ambulance construction that were in effect at the time the 1205  
ambulance was manufactured, as specified by the general services 1206  
administration in the various versions of its publication titled 1207  
"federal specification for the star-of-life ambulance, 1208  
KKK-A-1822." 1209

(3) The board shall conduct a physical inspection of the 1210  
equipment, communication system, and interior of an ambulette to 1211  
determine the operational condition and safety of the equipment 1212  
and the ambulette's interior and to determine whether the 1213  
ambulette is in compliance with state requirements for ambulette 1214  
construction. The board shall determine by rule requirements for 1215  
the equipment, communication system, interior, and construction of 1216  
an ambulette. 1217



(4) The board shall conduct a physical inspection of the 1218  
medical equipment, communication system, and interior of a 1219  
rotorcraft air ambulance or fixed wing air ambulance to determine 1220  
the operational condition and safety of the equipment and the 1221  
aircraft's interior. 1222

(5) The board ~~and state highway patrol~~ shall issue a 1223  
certificate to the applicant for each vehicle or aircraft that 1224  
passes the inspection and may assess a fee for each inspection, as 1225  
established by the board. 1226

~~(4)~~(6) The board, ~~in consultation with the state highway~~ 1227  
~~patrol,~~ shall adopt rules regarding the implementation and 1228  
coordination of ~~the state highway patrol and board~~ inspections. 1229  
The rules may permit the board to contract with a third party to 1230  
conduct the inspections required of the board under this section. 1231

**Sec. 4766.08.** (A) The Ohio ~~ambulance licensing~~ medical 1232  
transportation board may, pursuant to an adjudication conducted in 1233  
accordance with Chapter 119. of the Revised Code, suspend or 1234  
revoke any license or permit or renewal thereof issued under this 1235  
chapter for any one or combination of the following causes: 1236

(1) Violation of this chapter or any rule adopted thereunder; 1237

(2) Refusal to permit the board to inspect a vehicle or 1238  
aircraft used under the terms of a permit or to inspect the 1239  
records or physical facilities of a licensee; 1240

(3) Failure to meet the ambulance, ambulette, rotorcraft air 1241  
ambulance, fixed wing air ambulance, and nontransport vehicle 1242  
requirements specified in this chapter or the rules adopted 1243  
thereunder; 1244

(4) Violation of an order issued by the board; 1245

(5) Failure to comply with any of the terms of an agreement 1246  
entered into with the board regarding the suspension or revocation 1247

of a license or permit or the imposition of a penalty under this section. 1248  
1249

(B) If the board determines that the records, ~~recordkeeping~~ 1250  
record-keeping procedures, or physical facilities of a licensee, 1251  
or an ambulance, ambulette, rotorcraft air ambulance, fixed wing 1252  
air ambulance, or nontransport vehicle for which a valid permit 1253  
has been issued, do not meet the standards specified in this 1254  
chapter and the rules adopted thereunder, the board shall notify 1255  
the licensee of any deficiencies within thirty days of finding the 1256  
deficiencies. If the board determines that the deficiencies exist 1257  
and they remain uncorrected after thirty days, the board may 1258  
suspend the license ~~or~~, vehicle permit, or aircraft permit. The 1259  
licensee, notwithstanding the suspension under this division, may 1260  
operate until all appeals have been exhausted. 1261

(C) At the discretion of the board, a licensee whose license 1262  
has been suspended or revoked under this section may be ineligible 1263  
to be licensed under this chapter for a period of not more than 1264  
three years from the date of the violation, provided that the 1265  
board shall make no determination on a period of ineligibility 1266  
until all the licensee's appeals relating to the suspension or 1267  
revocation have been exhausted. 1268

(D) The board may, in addition to any other action taken 1269  
under this section and after a hearing conducted pursuant to 1270  
Chapter 119. of the Revised Code, impose a penalty of not more 1271  
than fifteen hundred dollars for any violation specified in this 1272  
section. The attorney general shall institute a civil action for 1273  
the collection of any such penalty imposed. 1274

**Sec. 4766.09.** This chapter does not apply to any of the 1275  
following: 1276

(A) A person rendering services with an ambulance in the 1277  
event of a disaster situation when licensees' vehicles based in 1278

the locality of the disaster situation are incapacitated or	1279
insufficient in number to render the services needed;	1280
(B) Any person operating an ambulance, <u>ambulette, rotorcraft</u>	1281
<u>air ambulance, or fixed wing air ambulance</u> outside this state	1282
unless receiving a person within this state for transport to a	1283
location within this state;	1284
(C) A publicly owned or operated emergency medical service	1285
organization and the vehicles it owns or leases and operates,	1286
except as provided in section 307.051, division (G) of section	1287
307.055, division (F) of section 505.37, division (B) of section	1288
505.375, and division (B)(3) of section 505.72 of the Revised	1289
Code;	1290
(D) An ambulance, <u>ambulette, rotorcraft air ambulance, fixed</u>	1291
<u>wing air ambulance,</u> or nontransport vehicle owned or leased and	1292
operated by the federal government;	1293
(E) A publicly owned and operated fire department vehicle;	1294
(F) Emergency vehicles owned by a corporation and operating	1295
only on the corporation's premises, for the sole use by that	1296
corporation;	1297
(G) An ambulance, nontransport vehicle, or other emergency	1298
medical service organization vehicle owned and operated by a	1299
municipal corporation;	1300
(H) A motor vehicle titled in the name of a volunteer rescue	1301
service organization, as defined in section 4503.172 of the	1302
Revised Code;	1303
(I) A public emergency medical service organization;	1304
(J) A fire department, rescue squad, or life squad comprised	1305
of volunteers who provide services without expectation of	1306
remuneration and do not receive payment for services other than	1307
reimbursement for expenses;	1308

(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;

(M) A public nonemergency medical service organization.

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

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

In addition to any other remedies available and regardless of

whether an adequate remedy at law exists, the board may apply to 1339  
the court of common pleas in the county where a violation of any 1340  
provision of this chapter or any rule adopted pursuant thereto is 1341  
occurring for a temporary or permanent injunction restraining a 1342  
person from continuing to commit that violation. On a showing that 1343  
a person has committed a violation, the court shall grant the 1344  
injunction. 1345

In conducting an investigation under this section, the board 1346  
may issue subpoenas compelling the attendance and testimony of 1347  
witnesses and the production of books, records, and other 1348  
documents pertaining to the investigation. If a person fails to 1349  
obey a subpoena from the board, the board may apply to the court 1350  
of common pleas in the county where the investigation is being 1351  
conducted for an order compelling the person to comply with the 1352  
subpoena. On application by the board, the court shall compel 1353  
obedience by attachment proceedings for contempt, as in the case 1354  
of disobedience of the requirements of a subpoena from the court 1355  
or a refusal to testify therein. 1356

(B) The medical transportation board may suspend a license 1357  
issued under this chapter without a prior hearing if it determines 1358  
that there is evidence that the license holder is subject to 1359  
action under this section and that there is clear and convincing 1360  
evidence that continued operation by the license holder presents a 1361  
danger of immediate and serious harm to the public. The 1362  
chairperson and executive director of the board shall make a 1363  
preliminary determination and describe the evidence on which they 1364  
made their determination to the board members. The board by 1365  
resolution may designate another board member to act in place of 1366  
the chairperson or another employee to act in place of the 1367  
executive director in the event that the chairperson or executive 1368  
director is unavailable or unable to act. Upon review of the 1369  
allegations, the board, by the affirmative vote of at least four 1370

of its members, may suspend the license without a hearing. 1371

Any method of communication, including a telephone conference call, may be utilized for describing the evidence to the board members, for reviewing the allegations, and for voting on the suspension. 1372  
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Immediately following the decision by the board to suspend a license under this division, the board shall issue a written order of suspension and cause it to be delivered in accordance with section 119.07 of the Revised Code. If the license holder subject to the suspension requests an adjudication hearing by the board, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the request unless another date is agreed to by the license holder and the board. 1376  
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Any summary suspension imposed under this division remains in effect, unless reversed by the board, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not less than ninety days after completion of its adjudication hearing. Failure to issue the order by that day shall cause the summary suspension order to end, but such failure shall not affect the validity of any subsequent final adjudication order. 1384  
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**Sec. 4766.12.** If a county, township, joint ambulance district, or joint emergency medical services district chooses to have the Ohio ~~ambulance licensing~~ medical transportation board license its emergency medical service organizations and issue permits for its vehicles pursuant to this chapter, except as may be otherwise provided, all provisions of this chapter and all rules adopted by the board thereunder are fully applicable. 1393  
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However, a county, township, joint ambulance district, or joint emergency medical services district is not required to obtain any 1400  
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type of permit from the board for any of its nontransport 1402  
vehicles. 1403

**Sec. 4766.13.** The Ohio ~~ambulance licensing~~ medical 1404  
transportation board, by endorsement, may license and issue 1405  
vehicle permits to an emergency medical service organization or a 1406  
nonemergency medical service organization that is regulated by 1407  
another state. To qualify for a license and vehicle permits by 1408  
endorsement, an organization must submit evidence satisfactory to 1409  
the board that it has met standards in another state that are 1410  
equal to or more stringent than the standards established by this 1411  
chapter and the rules adopted under it. 1412

**Sec. 4766.15.** (A) An applicant for employment as an ambulette 1413  
driver with an organization licensed pursuant to this chapter 1414  
shall submit proof to the organization of, or give consent to the 1415  
employer to obtain, all of the following: 1416

(1)(a) A valid driver's license issued pursuant to Chapter 1417  
4506. or 4507. of the Revised Code, or its equivalent, if the 1418  
applicant is a resident of another state; 1419

(b) A recent certified abstract of the applicant's record of 1420  
convictions for violations of motor vehicle laws provided by the 1421  
registrar of motor vehicles pursuant to section 4509.05 of the 1422  
Revised Code, or its equivalent, if the applicant is a resident of 1423  
another state. 1424

(2)(a) A certificate of completion of a course in first aid 1425  
techniques offered by the American red cross or an equivalent 1426  
organization; 1427

(b) A certificate of completion of a course in 1428  
cardiopulmonary resuscitation, or its equivalent, offered by an 1429  
organization approved by the Ohio medical transportation board. 1430

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

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

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

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

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

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

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

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

(b) One other person, designated by the medical director of the air medical service organization, who holds a current, valid



certificate or license to practice a health care profession in 1461  
this state. 1462

(2) Employ as a medical director an individual who holds a 1463  
current, valid certificate issued under Chapter 4731. of the 1464  
Revised Code authorizing the practice of medicine and surgery or 1465  
osteopathic medicine and surgery. 1466

(B) The medical director employed by a licensed air medical 1467  
service organization pursuant to division (A)(2) of this section 1468  
is ultimately responsible for the medical care provided to each 1469  
patient by the organization. 1470

Sec. 4766.20. The Ohio medical transportation board may 1471  
create committees to review and make recommendations regarding 1472  
medical transportation services provided in this state. A 1473  
committee created under this section may receive information about 1474  
medical transportation services provided in this state from 1475  
emergency medical service organizations, nonemergency medical 1476  
service organizations, air medical service organizations, experts 1477  
in the field of medical transportation, and other entities or 1478  
individuals designated by the board. 1479

A committee created under this section shall meet all of the 1480  
following requirements: 1481

(A) Be composed of at least one member of the board and any 1482  
experts in the field of medical transportation designated by the 1483  
board; 1484

(B) Not exceed a total of six members; 1485

(C) Cease to exist at the pleasure of the board; 1486

(D) Meet any other requirements established by the board. 1487

Sec. 5111.151. (A) This section applies to eligibility 1488  
determinations for all cases involving medical assistance provided 1489

pursuant to this chapter, qualified medicare beneficiaries, 1490  
specified low-income medicare beneficiaries, qualifying 1491  
individuals-1, qualifying individuals-2, and medical assistance 1492  
for covered families and children. 1493

(B) As used in this section: 1494

(1) "Trust" means any arrangement in which a grantor 1495  
transfers real or personal property to a trust with the intention 1496  
that it be held, managed, or administered by at least one trustee 1497  
for the benefit of the grantor or beneficiaries. "Trust" includes 1498  
any legal instrument or device similar to a trust. 1499

(2) "Legal instrument or device similar to a trust" includes, 1500  
but is not limited to, escrow accounts, investment accounts, 1501  
partnerships, contracts, and other similar arrangements that are 1502  
not called trusts under state law but are similar to a trust and 1503  
to which all of the following apply: 1504

(a) The property in the trust is held, managed, retained, or 1505  
administered by a trustee. 1506

(b) The trustee has an equitable, legal, or fiduciary duty to 1507  
hold, manage, retain, or administer the property for the benefit 1508  
of the beneficiary. 1509

(c) The trustee holds identifiable property for the 1510  
beneficiary. 1511

(3) "Grantor" is a person who creates a trust, including all 1512  
of the following: 1513

(a) An individual; 1514

(b) An individual's spouse; 1515

(c) A person, including a court or administrative body, with 1516  
legal authority to act in place of or on behalf of an individual 1517  
or an individual's spouse; 1518

(d) A person, including a court or administrative body, that 1519  
acts at the direction or on request of an individual or the 1520  
individual's spouse. 1521

(4) "Beneficiary" is a person or persons, including a 1522  
grantor, who benefits in some way from a trust. 1523

(5) "Trustee" is a person who manages a trust's principal and 1524  
income for the benefit of the beneficiaries. 1525

(6) "Person" has the same meaning as in section 1.59 of the 1526  
Revised Code and includes an individual, corporation, business 1527  
trust, estate, trust, partnership, and association. 1528

(7) "Applicant" is an individual who applies for medical 1529  
assistance benefits or the individual's spouse. 1530

(8) "Recipient" is an individual who receives medical 1531  
assistance benefits or the individual's spouse. 1532

(9) "Revocable trust" is a trust that can be revoked by the 1533  
grantor or the beneficiary, including all of the following, even 1534  
if the terms of the trust state that it is irrevocable: 1535

(a) A trust that provides that the trust can be terminated 1536  
only by a court; 1537

(b) A trust that terminates on the happening of an event, but 1538  
only if the event occurs at the direction or control of the 1539  
grantor, beneficiary, or trustee. 1540

(10) "Irrevocable trust" is a trust that cannot be revoked by 1541  
the grantor or terminated by a court and that terminates only on 1542  
the occurrence of an event outside of the control or direction of 1543  
the beneficiary or grantor. 1544

(11) "Payment" is any disbursement from the principal or income 1545  
of the trust, including actual cash, noncash or property 1546  
disbursements, or the right to use and occupy real property. 1547

(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 1548  
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(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust. 1551  
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(C) If an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted by the department of job and family services governing trusts. The county department of job and family services may determine that the trust or portion of the trust is one of the following: 1554  
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(1) A countable resource; 1561

(2) Countable income; 1562

(3) A countable resource and countable income; 1563

(4) Not a countable resource or countable income. 1564

(D)(1) A trust or legal instrument or device similar to a trust shall be considered a medicaid qualifying trust if all of the following apply: 1565  
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(a) The trust was established on or prior to August 10, 1993. 1568

(b) The trust was not established by a will. 1569

(c) The trust was established by an applicant or recipient. 1570

(d) The applicant or recipient is or may become the beneficiary of all or part of the trust. 1571  
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(e) Payment from the trust is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the applicant or recipient. 1573  
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(2) If a trust meets the requirement of division (D)(1) of 1576

this section, the amount of the trust that is considered by the 1577  
county department of job and family services as an available 1578  
resource to the applicant or recipient shall be the maximum amount 1579  
of payments permitted under the terms of the trust to be 1580  
distributed to the applicant or recipient, assuming the full 1581  
exercise of discretion by the trustee or trustees. The maximum 1582  
amount shall include only amounts that are permitted to be 1583  
distributed but are not distributed from either the income or 1584  
principal of the trust. 1585

(3) Amounts that are actually distributed from a Medicaid 1586  
qualifying trust to a beneficiary for any purpose shall be treated 1587  
in accordance with rules adopted by the department of job and 1588  
family services governing income. 1589

(4) Availability of a medicaid qualifying trust shall be 1590  
considered without regard to any of the following: 1591

(a) Whether or not the trust is irrevocable or was 1592  
established for purposes other than to enable a grantor to qualify 1593  
for medicaid, medical assistance for covered families and 1594  
children, or as a qualified medicare beneficiary, specified 1595  
low-income medicare beneficiary, qualifying individual-1, or 1596  
qualifying individual-2; 1597

(b) Whether or not the trustee actually exercises discretion. 1598

(5) If any real or personal property is transferred to a 1599  
medicaid qualifying trust that is not distributable to the 1600  
applicant or recipient, the transfer shall be considered an 1601  
improper transfer of resources and shall be subject to rules 1602  
adopted by the department of job and family services governing 1603  
improper transfers of resources. 1604

(6) The baseline date for the look-back period for transfers 1605  
of assets involving a medicaid qualifying trust shall be the date 1606  
on which the applicant or recipient is both institutionalized and 1607

first applies for medical assistance. The following conditions 1608  
also apply to look-back periods for transfers of assets involving 1609  
medicaid qualifying trusts: 1610

(a) If a medicaid qualifying trust is a revocable trust and a 1611  
portion of the trust is distributed to someone other than the 1612  
applicant or recipient for the benefit of someone other than the 1613  
applicant or recipient, the distribution shall be considered an 1614  
improper transfer of resources. The look-back period shall be 1615  
sixty months from the baseline date. The transfer shall be 1616  
considered to have taken place on the date on which the payment to 1617  
someone other than the applicant or recipient was made. 1618

(b) If a medicaid qualifying trust is an irrevocable trust 1619  
and a portion of the trust is not distributable to the applicant 1620  
or recipient, the trust shall be treated as an improper transfer 1621  
of resources. The look-back period shall be sixty months from the 1622  
baseline date. The transfer is considered to have been made as of 1623  
the later of the date the trust was established or the date on 1624  
which payment to the applicant or recipient was foreclosed. The 1625  
value of the assets shall not be reduced by any payments from the 1626  
trust that may be made from these unavailable assets at a later 1627  
date. 1628

(c) If a medicaid qualifying trust is an irrevocable trust 1629  
and a portion or all of the trust may be disbursed to or for the 1630  
benefit of the applicant or recipient, any payment that is made to 1631  
another person other than the applicant or recipient shall be 1632  
considered an improper transfer of resources. The look-back period 1633  
shall be thirty-six months from the baseline date. The transfer 1634  
shall be considered to have been made as of the date of payment to 1635  
the other person. 1636

(E)(1) A trust or legal instrument or device similar to a 1637  
trust shall be considered a self-settled trust if all of the 1638

following apply: 1639

(a) The trust was established on or after August 11, 1993. 1640

(b) The trust was not established by a will. 1641

(c) The trust was established by an applicant or recipient, 1642  
spouse of an applicant or recipient, or a person, including a 1643  
court or administrative body, with legal authority to act in place 1644  
of or on behalf of an applicant, recipient, or spouse, or acting 1645  
at the direction or on request of an applicant, recipient, or 1646  
spouse. 1647

(2) A trust that meets the requirements of division (E)(1) of 1648  
this section and is a revocable trust shall be treated by the 1649  
county department of job and family services as follows: 1650

(a) The corpus of the trust shall be considered a resource 1651  
available to the applicant or recipient. 1652

(b) Payments from the trust to or for the benefit of the 1653  
applicant or recipient shall be considered unearned income of the 1654  
applicant or recipient. 1655

(c) Any other payments from the trust shall be considered an 1656  
improper transfer of resources and shall be subject to rules 1657  
adopted by the department of job and family services governing 1658  
improper transfers of resources. 1659

(3) A trust that meets the requirements of division (E)(1) of 1660  
this section and is an irrevocable trust shall be treated by the 1661  
county department of job and family services as follows: 1662

(a) If there are any circumstances under which payment from 1663  
the trust could be made to or for the benefit of the applicant or 1664  
recipient, including a payment that can be made only in the 1665  
future, the portion from which payments could be made shall be 1666  
considered a resource available to the applicant or recipient. The 1667  
county department of job and family services shall not take into 1668

account when payments can be made. 1669

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income. 1670  
1671  
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(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper transfer of resources and shall be subject to rules adopted by the department of job and family services governing improper transfers of resources. 1673  
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(d) The date of the transfer shall be the later of the date of establishment of the trust or the date of the occurrence of the event. 1679  
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(e) When determining the value of the transferred resource under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed. 1682  
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(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust. 1685  
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(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 1688  
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(h) Any addition of resources after the foreclosure date shall be considered a separate transfer. 1692  
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(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted by the department of job and family services governing trusts shall apply only to the portion of the trust attributable to the applicant or 1694  
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<u>recipient.</u>	1699
<u>(5) The availability of a self-settled trust shall be</u>	1700
<u>considered without regard to any of the following:</u>	1701
<u>(a) The purpose for which the trust is established;</u>	1702
<u>(b) Whether the trustees have exercised or may exercise</u>	1703
<u>discretion under the trust;</u>	1704
<u>(c) Any restrictions on when or whether distributions may be</u>	1705
<u>made from the trust;</u>	1706
<u>(d) Any restrictions on the use of distributions from the</u>	1707
<u>trust.</u>	1708
<u>(6) The baseline date for the look-back period for transfers</u>	1709
<u>of assets involving a self-settled trust shall be the date on</u>	1710
<u>which the applicant or recipient is both institutionalized and</u>	1711
<u>first applies for medical assistance. The following conditions</u>	1712
<u>also apply to look-back periods for transfers of assets involving</u>	1713
<u>self-settled trusts:</u>	1714
<u>(a) If a self-settled trust is a revocable trust and a</u>	1715
<u>portion of the trust is distributed to someone other than the</u>	1716
<u>applicant or recipient for the benefit of someone other than the</u>	1717
<u>applicant or recipient, the distribution shall be considered an</u>	1718
<u>improper transfer of resources. The look-back period shall be</u>	1719
<u>sixty months from the baseline date. The transfer shall be</u>	1720
<u>considered to have taken place on the date on which the payment to</u>	1721
<u>someone other than the applicant or recipient was made.</u>	1722
<u>(b) If a self-settled trust is an irrevocable trust and a</u>	1723
<u>portion of the trust is not distributable to the applicant or</u>	1724
<u>recipient, the trust shall be treated as an improper transfer of</u>	1725
<u>resources. The look-back period shall be sixty months from the</u>	1726
<u>baseline date. The transfer is considered to have been made as of</u>	1727
<u>the later of the date the trust was established or the date on</u>	1728

which payment to the applicant or recipient was foreclosed. The 1729  
value of these assets shall not be reduced by any payments from 1730  
the trust that may be made from these unavailable assets at a 1731  
later date. 1732

(c) If a self-settled trust is an irrevocable trust and a 1733  
portion or all of the trust may be disbursed to or for the benefit 1734  
of the applicant or recipient, any payment that is made to another 1735  
person other than the applicant or recipient shall be considered 1736  
an improper transfer of resources. The look-back period shall be 1737  
thirty-six months from the baseline date. The transfer shall be 1738  
considered to have been made as of the date of payment to the 1739  
other person. 1740

(F) The principal or income from any of the following shall 1741  
be exempt from being counted as a resource by a county department 1742  
of job and family services: 1743

(1)(a) A special needs trust that meets all of the following 1744  
requirements: 1745

(i) The trust contains assets of an applicant or recipient 1746  
under sixty-five years of age and may contain the assets of other 1747  
individuals. 1748

(ii) The applicant or recipient is disabled as defined in 1749  
rules adopted by the department of job and family services. 1750

(iii) The trust is established for the benefit of the 1751  
applicant or recipient by a parent, grandparent, legal guardian, 1752  
or a court. 1753

(iv) The trust requires that on the death of the applicant or 1754  
recipient the state will receive all amounts remaining in the 1755  
trust up to an amount equal to the total amount of medical 1756  
assistance paid on behalf of the applicant or recipient. 1757

(b) If a special needs trust meets the requirements of 1758

division (F)(1)(a) of this section and has been established for a 1759  
disabled applicant or recipient under sixty-five years of age, the 1760  
exemption for the trust granted pursuant to division (F) of this 1761  
section shall continue after the disabled applicant or recipient 1762  
becomes sixty-five years of age if the applicant or recipient 1763  
continues to be disabled as defined in rules adopted by the 1764  
department of job and family services. Except for income earned by 1765  
the trust, the grantor shall not add to or otherwise augment the 1766  
trust after the applicant or recipient attains sixty-five years of 1767  
age. An addition or augmentation of the trust by the applicant or 1768  
recipient with the applicant's own assets after the applicant or 1769  
recipient attains sixty-five years of age shall be treated as an 1770  
improper transfer of resources. 1771

(c) Cash distributions to the applicant or recipient shall be 1772  
counted as unearned income. All other distributions from the trust 1773  
shall be treated as provided in rules adopted by the department of 1774  
job and family services governing in-kind income. 1775

(d) Transfers of assets to a special needs trust shall not be 1776  
treated as an improper transfer of resources. Assets held prior to 1777  
the transfer to the trust shall be considered as countable assets 1778  
or countable income or countable assets and income. 1779

(2)(a) A qualifying income trust that meets all of the 1780  
following requirements: 1781

(i) The trust is composed only of pension, social security, 1782  
and other income to the applicant or recipient, including 1783  
accumulated interest in the trust. 1784

(ii) The income is received by the individual and the right 1785  
to receive the income is not assigned or transferred to the trust. 1786

(iii) The trust requires that on the death of the applicant 1787  
or recipient the state will receive all amounts remaining in the 1788  
trust up to an amount equal to the total amount of medical 1789

assistance paid on behalf of the applicant or recipient. 1790

(b) No resources shall be used to establish or augment the trust. 1791  
1792

(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services. 1793  
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(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medical assistance. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medical assistance. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient. 1797  
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(e) All income placed in a qualifying income trust shall be combined with any countable income not placed in the trust to arrive at a base income figure to be used for spend down calculations. 1805  
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(f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations. 1809  
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(g) The base income figure shall be used when determining the spend down budget for the applicant or recipient. Any income remaining after allowable deductions are permitted as provided under rules adopted by the department of job and family services shall be considered the applicant's or recipient's spend down 1816  
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<u>liability.</u>	1821
<u>(3)(a) A pooled trust that meets all of the following requirements:</u>	1822
<u>(i) The trust contains the assets of the applicant or recipient of any age who is disabled as defined in rules adopted by the department of job and family services.</u>	1823
<u>(ii) The trust is established and managed by a nonprofit association.</u>	1824
<u>(iii) A separate account is maintained for each beneficiary of the trust but, for purposes of investment and management of funds, the trust pools the funds in these accounts.</u>	1825
<u>(iv) Accounts in the trust are established by the applicant or recipient, the applicant's or recipient's parent, grandparent, or legal guardian, or a court solely for the benefit of individuals who are disabled.</u>	1826
<u>(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of medical assistance paid on behalf of the beneficiary.</u>	1827
<u>(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted by the department of job and family services governing in-kind income.</u>	1828
<u>(c) Transfers of assets to a pooled trust shall not be treated as an improper transfer of resources. Assets held prior to the transfer to the trust shall be considered as countable assets, countable income, or countable assets and income.</u>	1829
<u>(4) A supplemental services trust that meets the requirements</u>	1830
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of section 1339.51 of the Revised Code and to which all of the 1851  
following apply: 1852

(a) A person may establish a supplemental services trust 1853  
pursuant to section 1339.51 of the Revised Code only for another 1854  
person who is eligible to receive services through one of the 1855  
following agencies: 1856

(i) The department of mental retardation and developmental 1857  
disabilities; 1858

(ii) A county board of mental retardation and developmental 1859  
disabilities; 1860

(iii) The department of mental health; 1861

(iv) A board of alcohol, drug addiction, and mental health 1862  
services. 1863

(b) A county department of job and family services shall not 1864  
determine eligibility for another agency's program. An applicant 1865  
or recipient shall do one of the following: 1866

(i) Provide documentation from one of the agencies listed in 1867  
division (F)(4)(a) of this section that establishes that the 1868  
applicant or recipient was determined to be eligible for services 1869  
from the agency at the time of the creation of the trust; 1870

(ii) Provide an order from a court of competent jurisdiction 1871  
that states that the applicant or recipient was eligible for 1872  
services from one of the agencies listed in division (F)(4)(a) of 1873  
this section at the time of the creation of the trust. 1874

(c) At the time the trust is created, the trust principal 1875  
does not exceed the maximum amount permitted. The maximum amount 1876  
permitted in calendar year 2002 is two hundred fourteen thousand 1877  
dollars. Each year thereafter, the maximum amount permitted is the 1878  
prior year's amount plus two thousand dollars. 1879

(d) A county department of job and family services shall 1880

review the trust to determine whether it complies with the 1881  
provisions of section 1339.51 of the Revised Code. 1882

(e) Payments from supplemental services trusts shall be 1883  
exempt as long as the payments are for supplemental services as 1884  
defined in rules adopted by the department of job and family 1885  
services. All supplemental services shall be purchased by the 1886  
trustee and shall not be purchased through direct cash payments to 1887  
the beneficiary. 1888

(f) If a trust is represented as a supplemental services 1889  
trust and a county department of job and family services 1890  
determines that the trust does not meet the requirements provided 1891  
in division (F)(4) of this section and section 1339.51 of the 1892  
Revised Code, the county department of job and family services 1893  
shall not consider it an exempt trust. 1894

(G)(1) A trust or legal instrument or device similar to a 1895  
trust shall be considered a trust established by an individual for 1896  
the benefit of the applicant or recipient if all of the following 1897  
apply: 1898

(a) The trust is created by a person other than the applicant 1899  
or recipient. 1900

(b) The trust names the applicant or recipient as a 1901  
beneficiary. 1902

(c) The trust is funded with assets or property in which the 1903  
applicant or recipient has never held an ownership interest prior 1904  
to the establishment of the trust. 1905

(2) Any portion of a trust that meets the requirements of 1906  
division (G)(1) of this section shall be an available resource 1907  
only if the trust permits the trustee to expend principal, corpus, 1908  
or assets of the trust for the applicant's or recipient's medical 1909  
care, care, comfort, maintenance, health, welfare, general well 1910

being, or any combination of these purposes. 1911

(3) A trust that meets the requirements of division (G)(1) of this section shall be considered an available resource even if the trust contains any of the following types of provisions: 1912

(a) A provision that prohibits the trustee from making payments that would supplant or replace medical assistance or other public assistance; 1913  
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(b) A provision that prohibits the trustee from making payments that would impact or have an effect on the applicant's or recipient's right, ability, or opportunity to receive medical assistance or other public assistance; 1915  
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(c) A provision that attempts to prevent the trust or its corpus or principal from being counted as an available resource. 1918  
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(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as an available resource if at least one of the following circumstances applies: 1922  
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(a) If a trust contains a clear statement requiring the trustee to preserve a portion of the trust for another beneficiary or remainderman, that portion of the trust shall not be counted as an available resource. Terms of a trust that grant discretion to preserve a portion of the trust shall not qualify as a clear statement requiring the trustee to preserve a portion of the trust. 1924  
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(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as an available resource. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to 1934  
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use a portion of the trust for a particular purpose. 1941

(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as an available resource and payments shall be treated in accordance with rules adopted by the department of job and family services governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments. 1942  
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(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as an available resource, the trust shall not be counted as an available resource. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust. 1949  
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(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource. 1955  
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(f) If a trust is specifically exempt from being counted as an available resource by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as a resource. 1961  
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(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as an available resource. 1964  
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(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited 1969  
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or periodic payments, the trust shall not be counted as an 1972  
available resource and payments shall be treated in accordance 1973  
with rules adopted by the department of job and family services 1974  
governing income. 1975

(i) If an applicant or recipient provides written 1976  
documentation showing that the cost of a civil action brought to 1977  
compel payments from the trust would be cost prohibitive, the 1978  
trust shall not be counted as an available resource. 1979

(5) Any actual payments to the applicant or recipient from a 1980  
trust that meet the requirements of division (G)(1) of this 1981  
section, including trusts that are not counted as an available 1982  
resource, shall be treated as provided in rules adopted by the 1983  
department of job and family services governing income. Payments 1984  
to any person other than the applicant or recipient shall not be 1985  
considered income to the applicant or recipient. Payments from the 1986  
trust to a person other than the applicant or recipient shall not 1987  
be considered an improper transfer of assets. 1988

**Sec. 5503.12.** (A) The superintendent of the state highway 1989  
patrol, with the approval of the director of public safety, may 1990  
authorize the registrar of motor vehicles and designated deputy 1991  
registrars to collect inspection and testing fees on behalf of the 1992  
state highway patrol. The superintendent and the registrar jointly 1993  
shall determine and designate the deputy registrars who shall 1994  
collect inspection and testing fees under this section. 1995

(B)(1) In addition to collecting the inspection and testing 1996  
fees, the registrar and each designated deputy registrar may 1997  
collect and retain a service fee in the amount specified in 1998  
division (D) of section 4503.10 of the Revised Code for each 1999  
inspection and testing fee collected on behalf of the state 2000  
highway patrol. 2001

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

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

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

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

(1) Fees for vehicle inspections conducted under sections 4505.11, 4505.111, 4513.52, 4513.53, 4519.56, 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	2031
4513.99 of the Revised Code:	2032
(1) "Automobile" means any commercial tractor, passenger car,	2033
commercial car, or truck that is required to be factory-equipped	2034
with an occupant restraining device for the operator or any	2035
passenger by regulations adopted by the United States secretary of	2036
transportation pursuant to the "National Traffic and Motor Vehicle	2037
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.	2038
(2) "Occupant restraining device" means a seat safety belt,	2039
shoulder belt, harness, or other safety device for restraining a	2040
person who is an operator of or passenger in an automobile and	2041
that satisfies the minimum federal vehicle safety standards	2042
established by the United States department of transportation.	2043
(3) "Passenger" means any person in an automobile, other than	2044
its operator, who is occupying a seating position for which an	2045
occupant restraining device is provided.	2046
(4) "Commercial tractor," "passenger car," and "commercial	2047
car" have the same meanings as in section 4501.01 of the Revised	2048
Code.	2049
(5) "Vehicle" and "motor vehicle," as used in the definitions	2050
of the terms set forth in division (A)(4) of this section, have	2051
the same meanings as in section 4511.01 of the Revised Code.	2052
(B) No person shall do any of the following:	2053
(1) Operate an automobile on any street or highway unless	2054
that person is wearing all of the available elements of a properly	2055
adjusted occupant restraining device, or operate a school bus that	2056
has an occupant restraining device installed for use in its	2057
operator's seat unless that person is wearing all of the available	2058
elements of the device, as properly adjusted;	2059
(2) Operate an automobile on any street or highway unless	2060

each passenger in the automobile who is subject to the requirement 2061  
set forth in division (B)(3) of this section is wearing all of the 2062  
available elements of a properly adjusted occupant restraining 2063  
device; 2064

(3) Occupy, as a passenger, a seating position on the front 2065  
seat of an automobile being operated on any street or highway 2066  
unless that person is wearing all of the available elements of a 2067  
properly adjusted occupant restraining device; 2068

(4) Operate a taxicab on any street or highway unless all 2069  
factory-equipped occupant restraining devices in the taxicab are 2070  
maintained in usable form. 2071

(C) Division (B)(3) of this section does not apply to a 2072  
person who is required by section 4511.81 of the Revised Code to 2073  
be secured in a child restraint device. Division (B)(1) of this 2074  
section does not apply to a person who is an employee of the 2075  
United States postal service or of a newspaper home delivery 2076  
service, during any period in which the person is engaged in the 2077  
operation of an automobile to deliver mail or newspapers to 2078  
addressees. Divisions (B)(1) and (3) of this section do not apply 2079  
to a person who has an affidavit signed by a physician licensed to 2080  
practice in this state under Chapter 4731. of the Revised Code or 2081  
a chiropractor licensed to practice in this state under Chapter 2082  
4734. of the Revised Code that states that the person has a 2083  
physical impairment that makes use of an occupant restraining 2084  
device impossible or impractical. 2085

(D) Notwithstanding any provision of law to the contrary, no 2086  
law enforcement officer shall cause an operator of an automobile 2087  
being operated on any street or highway to stop the automobile for 2088  
the sole purpose of determining whether a violation of division 2089  
(B) of this section has been or is being committed or for the sole 2090  
purpose of issuing a ticket, citation, or summons for a violation 2091  
of that nature or causing the arrest of or commencing a 2092

prosecution of a person for a violation of that nature, and no law 2093  
enforcement officer shall view the interior or visually inspect 2094  
any automobile being operated on any street or highway for the 2095  
sole purpose of determining whether a violation of that nature has 2096  
been or is being committed. 2097

(E) All fines collected for violations of division (B) of 2098  
this section, or for violations of any ordinance or resolution of 2099  
a political subdivision that is substantively comparable to that 2100  
division, shall be forwarded to the treasurer of state for deposit 2101  
as follows: 2102

(1) Eight per cent shall be deposited into the seat belt 2103  
education fund, which is hereby created in the state treasury, and 2104  
shall be used by the department of public safety to establish a 2105  
seat belt education program. 2106

(2) Eight per cent shall be deposited into the elementary 2107  
school program fund, which is hereby created in the state 2108  
treasury, and shall be used by the department of public safety to 2109  
establish and administer elementary school programs that encourage 2110  
seat safety belt use. 2111

(3) Two per cent shall be deposited into the Ohio ~~ambulance~~ 2112  
~~licensing~~ medical transportation trust fund created by section 2113  
4766.05 of the Revised Code. 2114

(4) Twenty-eight per cent shall be deposited into the trauma 2115  
and emergency medical services fund, which is hereby created in 2116  
the state treasury, and shall be used by the department of public 2117  
safety for the administration of the division of emergency medical 2118  
services and the state board of emergency medical services. 2119

(5) Fifty-four per cent shall be deposited into the trauma 2120  
and emergency medical services grants fund, which is hereby 2121  
created in the state treasury, and shall be used by the state 2122  
board of emergency medical services to make grants, in accordance 2123

with section 4765.07 of the Revised Code and rules the board 2124  
adopts under section 4765.11 of the Revised Code. 2125

(F)(1) Subject to division (F)(2) of this section, the 2126  
failure of a person to wear all of the available elements of a 2127  
properly adjusted occupant restraining device or to ensure that 2128  
each passenger of an automobile being operated by the person is 2129  
wearing all of the available elements of such a device, in 2130  
violation of division (B) of this section, shall not be considered 2131  
or used as evidence of negligence or contributory negligence, 2132  
shall not diminish recovery for damages in any civil action 2133  
involving the person arising from the ownership, maintenance, or 2134  
operation of an automobile; shall not be used as a basis for a 2135  
criminal prosecution of the person other than a prosecution for a 2136  
violation of this section; and shall not be admissible as evidence 2137  
in any civil or criminal action involving the person other than a 2138  
prosecution for a violation of this section. 2139

(2) If, at the time of an accident involving a passenger car 2140  
equipped with occupant restraining devices, any occupant of the 2141  
passenger car who sustained injury or death was not wearing an 2142  
available occupant restraining device, was not wearing all of the 2143  
available elements of such a device, or was not wearing such a 2144  
device as properly adjusted, then, consistent with the Rules of 2145  
Evidence, the fact that the occupant was not wearing the available 2146  
occupant restraining device, was not wearing all of the available 2147  
elements of such a device, or was not wearing such a device as 2148  
properly adjusted is admissible in evidence in relation to any 2149  
claim for relief in a tort action to the extent that the claim for 2150  
relief satisfies all of the following: 2151

(a) It seeks to recover damages for injury or death to the 2152  
occupant. 2153

(b) The defendant in question is the manufacturer, designer, 2154  
distributor, or seller of the passenger car. 2155

(c) The claim for relief against the defendant in question is 2156  
that the injury or death sustained by the occupant was enhanced or 2157  
aggravated by some design defect in the passenger car or that the 2158  
passenger car was not crashworthy. 2159

(3) As used in division (F)(2) of this section, "tort action" 2160  
means a civil action for damages for injury, death, or loss to 2161  
person or property. "Tort action" includes a product liability 2162  
claim that is subject to sections 2307.71 to 2307.80 of the 2163  
Revised Code, but does not include a civil action for damages for 2164  
a breach of a contract or another agreement between persons. 2165

(G)(1) Whoever violates division (B)(1) of this section shall 2166  
be fined thirty dollars. 2167

(2) Whoever violates division (B)(3) of this section shall be 2168  
fined twenty dollars. 2169

(3) Except as otherwise provided in this division, whoever 2170  
violates division (B)(4) of this section is guilty of a minor 2171  
misdemeanor. If the offender previously has been convicted of or 2172  
pleaded guilty to a violation of division (B)(4) of this section, 2173  
whoever violates division (B)(4) of this section is guilty of a 2174  
misdemeanor of the third degree. 2175

**Section 4.** That the existing version of section 4513.263 of 2176  
the Revised Code that is scheduled to take effect January 1, 2004, 2177  
is hereby repealed. 2178

**Section 5.** Sections 3 and 4 of this act take effect January 2179  
1, 2004. 2180

**Section 6.** Within 60 days after the effective date of this 2181  
act, the Governor shall appoint the additional members of the Ohio 2182  
Medical Transportation Board required by section 4766.02 of the 2183  
Revised Code, as amended by this act. The terms of the first two 2184



new members shall expire July 5, 2004, and the terms of the second	2185
two new members shall expire on July 5, 2005. Thereafter, the	2186
terms of office shall be as specified in section 4766.02 of the	2187
Revised Code.	2188