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Sub. S. B. No. 156

Senators Jordan, Roberts, Jacobson, Stivers, Armbruster, Carey, Fedor,

Randy Gardner, Robert Gardner, Harris, Mallory, Mumper, Schuler,

Wachtmann, Zurz

Representatives Aslanides, Hoops, McGregor, Schlichter, Brinkman,

Buehrer, Calvert, Clancy, Combs, Driehaus, C. Evans, Faber, Flowers, Gibbs,

Gilb, Grendell, Hagan, Hughes, Husted, Martin, Niehaus, Oelslager, Olman,

Raussen, Reidelbach, Schaffer, Schmidt, Schneider, G. Smith, Taylor, White,

Widowfield, Willamowski, Young

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A B I L L

To amend section 4511.63 and to enact sections 1
3701.65, 4503.81, 5533.62, 5533.643, 5533.81, 2
5533.82, 5533.83, 5533.84, 5533.85, 5533.86, 3
5533.87, 5533.88, 5533.89, and 5533.90 of the 4
Revised Code to designate State Route 48 the 5
"U.S.A.F. Pararescue Memorial Parkway"; to name 6
the new Interstate Route 280 bridge spanning the 7
Maumee River in Lucas county the "Veterans' Glass 8
City Skyway"; to designate a portion of State 9
Route 66 in Auglaize county as the "Kenneth 10
Jutte-John Garman Memorial Highway"; to designate 11
a portion of United States Route 35 within Gallia 12
county as the "Bob Evans Highway"; to designate a 13
portion of State Route 588 and Jackson Pike within 14
Gallia county as the "Nehemiah and Permelia Atwood 15
Memorial Highway"; to designate State Route 160 16
within Gallia county as the "Charles E. Holzer 17

Highway"; to designate State Route 756 within 18
Brown and Clermont counties as the "Ohio Army 19
National Guard 216th Engineering Battalion 20
Memorial Highway"; to designate a portion of State 21
Route 209 within Guernsey county as the "Veterans' 22
Memorial Highway"; to designate United States 23
Route 24 within Defiance county as the "Defiance 24
County Veterans Memorial Highway"; to designate a 25
portion of United States Route 250 within 26
Tuscarawas county as the "Bill Hinig Memorial 27
Highway"; and to designate a portion of State 28
Route 315 within Franklin county as the "Lawrence 29
E. Hughes Memorial Highway; to designate a portion 30
of State Route 711 within Mahoning County as the 31
"Robert E. Hagan Memorial Highway"; to create 32
"Choose Life" license plates and the "Choose Life" 33
Fund and to provide that moneys in the fund be 34
used by the Director of Health to fund eligible 35
private, nonprofit organizations that provide 36
services to pregnant women who are planning to 37
place their children for adoption; and to 38
establish procedures for the Public Utilities 39
Commission to designate exempt railroad crossings 40
where certain busses and specified vehicles may 41
cross without making the stop otherwise required 42
of those vehicles. 43

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

Section 1. That section 4511.63 be amended and sections 44
3701.65, 4503.81, 5533.62, 5533.643, 5533.81, 5533.82, 5533.83, 45
5533.84, 5533.85, 5533.86, 5533.87, 5533.88, 5533.89, and 5533.90 46

of the Revised Code be enacted to read as follows: 47

Sec. 3701.65. (A) There is hereby created in the state 48
treasury the "choose life" fund. The fund shall consist of the 49
contributions that are paid to the registrar of motor vehicles by 50
applicants who voluntarily elect to obtain "choose life" license 51
plates pursuant to section 4503.81 of the Revised Code and any 52
money returned to the fund under division (E)(1)(d) of this 53
section. All investment earnings of the fund shall be credited to 54
the fund. 55

(B)(1) At least annually, the director of health shall 56
distribute the money in the fund to any private, nonprofit 57
organization that is eligible to receive funds under this section 58
and that applies for funding under division (C) of this section. 59

(2) The director shall distribute the funds based on the 60
county in which the organization applying for funding is located 61
and in proportion to the number of "choose life" license plates 62
issued during the preceding year to vehicles registered in each 63
county. Within each county, eligible organizations that apply for 64
funding shall share equally in the funds available for 65
distribution to organizations located within that county. 66

(C) Any organization seeking funds under this section 67
annually shall apply for distribution of the funds. The director 68
shall develop an application form and may determine the schedule 69
and procedures that an organization shall follow when annually 70
applying for funds. The application shall inform the applicant of 71
the conditions for receiving and using funds under division (E) of 72
this section. The application shall require evidence that the 73
organization meets all of the following requirements: 74

(1) Is a private, nonprofit organization; 75

(2) Is committed to counseling pregnant women about the 76

<u>option of adoption;</u>	77
<u>(3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;</u>	78 79 80
<u>(4) Does not charge women for any services received;</u>	81
<u>(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;</u>	82 83 84 85
<u>(6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, handicap, gender, or age.</u>	86 87 88
<u>(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.</u>	89 90 91 92 93 94 95
<u>(E)(1) An organization receiving funds under this section shall do all of the following:</u>	96 97
<u>(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;</u>	98 99 100 101 102
<u>(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;</u>	103 104
<u>(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;</u>	105 106

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization. 107
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(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section. 110
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Sec. 4503.81. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, motor home, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "choose life" license plates. The application for "choose life" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "choose life" license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code. 113
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In addition to the letters and numbers ordinarily inscribed on license plates, "choose life" license plates shall be inscribed with the words "choose life" and a marking designed by "choose life, inc.," a private, nonprofit corporation incorporated in the state of Florida. The registrar shall review the design and approve it if the design is feasible. If the design is not feasible, the registrar shall notify "choose life, inc.," and the organization may resubmit designs until a feasible one is approved. "Choose life" license plates shall bear county identification stickers that identify the county of registration by name or number. 126
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(B) "Choose life" license plates and a validation sticker, or 137

a validation sticker alone, shall be issued upon receipt of a 138
contribution as provided in division (C) of this section and upon 139
payment of the regular license tax prescribed in section 4503.04 140
of the Revised Code, any applicable motor vehicle tax levied under 141
Chapter 4504. of the Revised Code, any applicable additional fee 142
prescribed by section 4503.40 or 4503.42 of the Revised Code, a 143
fee of ten dollars for the purpose of compensating the bureau of 144
motor vehicles for additional services required in the issuing of 145
"choose life" license plates, and compliance with all other 146
applicable laws relating to the registration of motor vehicles. 147

(C)(1) For each application for registration and registration 148
renewal received under this section, the registrar shall collect a 149
contribution of twenty dollars. The registrar shall transmit this 150
contribution to the treasurer of state for deposit in the "choose 151
life" fund created in section 3701.65 of the Revised Code. 152

(2) The registrar shall deposit the additional fee of ten 153
dollars specified in division (B) of this section for the purpose 154
of compensating the bureau for the additional services required in 155
issuing "choose life" license plates in the state bureau of motor 156
vehicles fund created in section 4501.25 of the Revised Code. 157

Sec. 4511.63. (A) The Except as provided in division (B) of 158
this section, the operator of any bus, any school vehicle 159
described in division (C) of this section, or any vehicle 160
transporting a material or materials required to be placarded 161
under 49 C.F.R. Parts 100-185, before crossing at grade any track 162
of a railroad, shall stop the vehicle and, while so stopped, shall 163
listen through an open door or open window and look in both 164
directions along the track for any approaching train, and for 165
signals indicating the approach of a train, and shall proceed only 166
upon exercising due care after stopping, looking, and listening as 167
required by this section. Upon proceeding, the operator of such a 168

vehicle shall cross only in a gear that will ensure there will be 169
no necessity for changing gears while traversing the crossing and 170
shall not shift gears while crossing the tracks. 171

(B) This section does not apply at ~~any street railway~~ grade 172
crossings ~~within a municipal corporation, or to abandoned tracks,~~ 173
~~spur tracks, side tracks, and industrial tracks~~ when the public 174
utilities commission has authorized and approved ~~the~~ an exempt 175
crossing ~~of the tracks without making the stop required by this~~ 176
~~section as provided in this division.~~ 177

(1) Any local authority may file an application with the 178
commission requesting the approval of an exempt crossing. Upon 179
receipt of such a request, the commission shall authorize a 180
limited period for the filing of comments by any party regarding 181
the application and then shall conduct a public hearing in the 182
community seeking the exempt crossing designation. The commission 183
shall provide appropriate prior public notice of the comment 184
period and the public hearing. By registered mail, the commission 185
shall notify each railroad operating over the crossing of the 186
comment period. 187

(2) After considering any comments or other information 188
received, the commission may approve or reject the application. By 189
order, the commission may establish conditions for the exempt 190
crossing designation, including compliance with division (b) of 49 191
C.F.R. Part 392.10, when applicable. An exempt crossing 192
designation becomes effective only when appropriate signs giving 193
notice of the exempt designation are erected at the crossing as 194
ordered by the commission and any other conditions ordered by the 195
commission are satisfied. 196

(3) By order, the commission may rescind any exempt crossing 197
designation made under this section if the commission finds that a 198
condition at the exempt crossing has changed to such an extent 199
that the continuation of the exempt crossing designation 200

compromises public safety. The commission may conduct a public 201
hearing to investigate and determine whether to rescind the exempt 202
crossing designation. If the commission rescinds the designation, 203
it shall order the removal of any exempt crossing signs and may 204
make any other necessary order. 205

~~(C) This section applies to~~ As used in this section: 206

(1) "School vehicle" means any vehicle used for the 207
transportation of pupils to and from a school or school-related 208
function if the vehicle is owned or operated by, or operated under 209
contract with, a public or nonpublic school. 210

~~(D) For purposes of this section, "bus~~ (2) "Bus" means any 211
vehicle originally designed by its manufacturer to transport 212
sixteen or more passengers, including the driver, or carries 213
sixteen or more passengers, including the driver. 214

~~(E)~~ (3) "Exempt crossing" means a highway rail grade crossing 215
authorized and approved by the public utilities commission under 216
division (B) of this section at which vehicles may cross without 217
making the stop otherwise required by this section. 218

(D) Except as otherwise provided in this division, whoever 219
violates this section is guilty of a minor misdemeanor. If the 220
offender previously has been convicted of or pleaded guilty to one 221
or more violations of this section or section 4511.76, 4511.761, 222
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 223
municipal ordinance that is substantially similar to any of those 224
sections, whoever violates this section is guilty of a misdemeanor 225
of the fourth degree. 226

Sec. 5533.62. The road known as state route number 227
forty-eight, running in a northerly and southerly direction, 228
commencing in Shelby county and continuing through the counties of 229
Miami, Montgomery, and Warren and ending in Clermont county, shall 230

be known as the "U.S.A.F. pararescue memorial parkway." 231

The director of transportation may erect suitable markers 232
upon the highway indicating its name. 233

Sec. 5533.643. That portion of the road known as state route 234
number seven hundred eleven, commencing at interstate six hundred 235
eighty in Mahoning county and extending in a northeasterly 236
direction to the intersection of United States route four hundred 237
twenty-two shall be known as the "Robert E. Hagan Memorial 238
Highway." 239

The director of transportation may erect suitable markers 240
along the highway indicating its name. 241

Sec. 5533.81. The bridge spanning the Maumee River in Lucas 242
county, being a part of the highway known as interstate route 243
number two hundred eighty and having a scheduled completion date 244
of approximately August of the year 2005, shall be known as the 245
"Veterans' Glass City Skyway." 246

The director of transportation may erect suitable markers 247
upon the bridge or its approaches indicating its name. 248

Sec. 5533.82. That portion of state route sixty-six located 249
in Auglaize county and running in a northerly and southerly 250
direction between state route one hundred nineteen and state route 251
two hundred seventy-four, shall be known as the "Kenneth 252
Jutte-John Garman memorial highway. 253

The director of transportation may erect suitable markers 254
along the highway indicating its name. 255

Sec. 5533.83. That portion of the road known as United States 256
route thirty-five, running in an easterly and westerly direction 257

within Gallia county only, shall be known as the "Bob Evans Highway." 258
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The director of transportation may erect suitable markers along the highway indicating its name. 260
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Sec. 5533.84. The following portions of the following highways, located within Gallia county, shall be known as the "Nehemiah and Permelia Atwood Memorial Highway": 262
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(A) State route number five hundred eighty-eight, commencing within the municipal corporation of Rio Grande and running in an easterly direction to the municipal corporation of Rodney to the intersection of that state route and Jackson pike; 265
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(B) Jackson pike, commencing at the intersection of that highway and state route number five hundred eighty-eight and running in an easterly direction to the intersection of Jackson pike and state route number one hundred sixty. 269
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The director of transportation may erect suitable markers upon those portions of those highways indicating their name. 273
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Sec. 5533.85. The road known as state route number one hundred sixty, running in a northerly and southerly direction within Gallia county only, shall be known as the "Charles E. Holzer Highway." 275
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The director of transportation may erect markers along the highway indicating its name. 279
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Sec. 5533.86. The road known as state route number seven hundred fifty-six, running in an easterly and westerly direction within Brown and Clermont counties only, shall be known as the "Ohio Army National Guard Two Hundred Sixteenth Engineering Battalion Memorial Highway." 281
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The director of transportation may erect suitable markers 286
along the highway indicating its name. 287

Sec. 5533.87. That part of the road known as state route 288
number two hundred nine, located within Guernsey county and 289
commencing at the intersection of that state route and Wheeling 290
avenue within the city of Cambridge and extending in a southerly 291
direction and ending at exit number one hundred seventy-eight of 292
that state route, shall be known as "Veterans' Memorial Highway." 293

The director of transportation may erect suitable markers 294
along the highway indicating its name. 295

Sec. 5533.88. The road known as United States route number 296
twenty-four, running in an easterly and westerly direction within 297
Defiance county only, shall be known as the "Defiance County 298
Veterans Memorial Highway." 299

The director of transportation may erect suitable markers 300
along the highway indicating its name only if the department of 301
transportation receives private contributions sufficient to pay 302
all costs of manufacturing, erecting, and maintaining the markers. 303
Any private money received by the department for the purposes of 304
this section shall be deposited in the state treasury to the 305
credit of the state highway operating fund or any other fund of 306
the department as determined by the director. No public money 307
shall be used to pay the costs associated with highway markers 308
erected under this section. 309

Sec. 5533.89. The portion of the road known as United States 310
route two hundred fifty, commencing at interstate route 311
seventy-seven and extending in a southeasterly direction through 312
the municipal corporation of Uhrichsville, shall be known as the 313
"Bill Hinig Memorial Highway." 314

The director of transportation may erect suitable markers 315
along the highway indicating its name. 316

Sec. 5533.90. That portion of the road known as state route 317
number three hundred fifteen running in a north and south 318
direction within Franklin county, commencing at the point where 319
that state route crosses over King avenue and extending northward 320
to the boundary of Franklin county and Delaware county, shall be 321
known as the "Lawrence E. Hughes Memorial Highway." 322

The director of transportation may erect suitable markers 323
along the highway indicating its name. The director may accept 324
private contributions to pay all or part of the costs of 325
manufacturing, erecting, and maintaining the markers. Any private 326
money the department receives for the purposes of this section 327
shall be deposited in the state treasury to the credit of the 328
state highway operating fund or any other fund of the department 329
as determined by the director. 330

Section 2. That existing section 4511.63 of the Revised Code 331
is hereby repealed. 332