

shall apply to, but not be limited to, the following subject 44523
matters: 44524

(A) A classification of fireworks by number and letter 44525
designation, including, specifically, a 1.4G designation of 44526
fireworks. The classes of fireworks established by the fire 44527
marshal shall be substantially equivalent to those defined by the 44528
United States department of transportation by regulation, except 44529
that, if the fire marshal determines that a type of fireworks 44530
designated as common fireworks by the United States department of 44531
transportation meets the criteria of any class of fireworks, other 44532
than 1.4G fireworks, as adopted by the fire marshal pursuant to 44533
this section, the fire marshal may include the type of fireworks 44534
in the other class instead of 1.4G. 44535

(B) Appropriate standards for the manufacturing of types of 44536
fireworks that are consistent with standards adopted by the United 44537
States department of transportation and the consumer product 44538
safety commission, including, but not limited to, the following: 44539

(1) Permissible amounts of pyrotechnic or explosive 44540
composition; 44541

(2) Interior and exterior dimensions; 44542

(3) Structural specifications. 44543

(C) Cleanliness and orderliness in, the heating, lighting, 44544
and use of stoves and flame-producing items in, smoking in, the 44545
prevention of fire and explosion in, the availability of fire 44546
extinguishers or other fire-fighting equipment and their use in, 44547
and emergency procedures relative to the buildings and other 44548
structures located on the premises of a fireworks plant. 44549

(D) Appropriate uniforms to be worn by employees of 44550
manufacturers in the course of the manufacturing, handling, and 44551
storing of fireworks, and the use of protective clothing and 44552

equipment by the employees. 44553

(E) The manner in which fireworks are to be packed, packaged, 44554
and stored. 44555

(F) Required distances between buildings or structures used 44556
in the manufacturing, storage, or sale of fireworks and occupied 44557
residential and nonresidential buildings or structures, railroads, 44558
highways, or any additional buildings or structures located on the 44559
licensed premises. The rules adopted pursuant to this division do 44560
not apply to factory buildings in fireworks plants that were 44561
erected on or before May 30, 1986, and that were legally being 44562
used for fireworks activities under authority of a valid license 44563
issued by the fire marshal as of December 1, 1990, pursuant to 44564
sections 3743.03 and 3743.04 of the Revised Code. 44565

(G) Requirements for the operation of storage locations, 44566
including packaging, assembling, and storage of fireworks. 44567

Sec. 3743.06. In addition to conforming to the rules of the 44568
fire marshal adopted pursuant to section 3743.05 of the Revised 44569
Code, licensed manufacturers of fireworks shall operate their 44570
fireworks plants in accordance with the following: 44571

(A) Signs indicating that smoking is generally forbidden and 44572
trespassing is prohibited on the premises of a fireworks plant 44573
shall be posted on the premises in a manner determined by the fire 44574
marshal. 44575

(B) Reasonable precautions shall be taken to protect the 44576
premises of a fireworks plant from trespass, loss, theft, or 44577
destruction. Only persons employed by the manufacturer, authorized 44578
governmental personnel, and persons who have obtained permission 44579
from a member of the manufacturer's office to be on the premises, 44580
are to be allowed to enter and remain on the premises. 44581

(C) Smoking or the carrying of pipes, cigarettes, or cigars, 44582

matches, lighters, other flame-producing items, or open flame on, 44583
or the carrying of a concealed source of ignition into, the 44584
premises of a fireworks plant is prohibited, except that a 44585
manufacturer may permit smoking in specified lunchrooms or 44586
restrooms in buildings or other structures in which no 44587
manufacturing, handling, sales, or storage of fireworks takes 44588
place. "NO SMOKING" signs shall be posted on the premises as 44589
required by the fire marshal. 44590

(D) Fire and explosion prevention and other reasonable safety 44591
measures and precautions shall be implemented by a manufacturer. 44592

(E) Persons shall not be permitted to have in their 44593
possession or under their control, while they are on the premises 44594
of the fireworks plant, any intoxicating liquor, beer, or 44595
controlled substance, and they shall not be permitted to enter or 44596
remain on the premises if they are found to be under the influence 44597
of any intoxicating liquor, beer, or controlled substance. 44598

(F) A manufacturer shall conform to all building, safety, and 44599
zoning statutes, ordinances, rules, or other enactments that apply 44600
to the premises of its fireworks plant. 44601

~~(G) No building used in the manufacture, storage, or sale of 44602
fireworks shall be situated nearer than one thousand feet to any 44603
structure that is not located on the property of and that does not 44604
belong to the licensed fireworks manufacturer, or nearer than 44605
three hundred feet to any highway or railroad, or nearer than one 44606
hundred feet to any building used for the storage of explosives or 44607
fireworks, or nearer than fifty feet to any factory building. This 44608
division does not apply to factory buildings in fireworks plants 44609
that were erected on or before May 30, 1986, and that were legally 44610
being used for fireworks activities under authority of a valid 44611
license issued by the fire marshal as of December 1, 1990, 44612
pursuant to sections 3743.03 and 3743.04 of the Revised Code. 44613~~

~~(H)~~ Each fireworks plant shall have at least one class 1 magazine that is approved by the bureau of alcohol, tobacco, and firearms of the United States department of the treasury and that is otherwise in conformity with federal law. This division does not apply to fireworks plants existing on or before August 3, 1931.

~~(I)~~(H) Awnings, tents, and canopies shall not be used as facilities for the sale or storage of fireworks. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area.

~~(J)~~(I) Fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks, nor may members of the public have access to the trailers.

Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall.

~~(K)~~(J) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal, that the facility is

closed to all public access during winter months, or maintenance 44645
of the system. If any repair or maintenance is necessary during 44646
times when the facility is open for public access and business as 44647
approved by the fire marshal, the licensed manufacturer shall 44648
notify in advance the appropriate insurance company and fire chief 44649
or fire prevention officer regarding the nature of the maintenance 44650
or repair and the time when it will be performed. 44651

~~(L)~~(K) If any fireworks item is removed from its original 44652
package or is manufactured with any fuse other than a safety fuse 44653
approved by the consumer product safety commission, then the item 44654
shall be covered completely by repackaging or bagging or it shall 44655
otherwise be covered so as to prevent ignition prior to sale. 44656

~~(M)~~(L) A safety officer shall be present during regular 44657
business hours at a building open to the public during the period 44658
commencing fourteen days before, and ending two days after, each 44659
fourth day of July. The officer shall be highly visible, enforce 44660
this chapter and any applicable building codes to the extent the 44661
officer is authorized by law, and be one of the following: 44662

(1) A deputy sheriff; 44663

(2) A law enforcement officer of a municipal corporation, 44664
township, or township or joint township police district; 44665

(3) A private uniformed security guard registered under 44666
section 4749.06 of the Revised Code. 44667

~~(N)~~(M) All doors of all buildings on the licensed premises 44668
shall swing outward. 44669

~~(O)~~(N) All wholesale and commercial sales of fireworks shall 44670
be packaged, shipped, placarded, and transported in accordance 44671
with United States department of transportation regulations 44672
applicable to the transportation, and the offering for 44673
transportation, of hazardous materials. For purposes of this 44674
division, "wholesale and commercial sales" includes all sales for 44675

resale and any nonretail sale made in furtherance of a commercial 44676
enterprise. For purposes of enforcement of these regulations under 44677
section 4905.83 of the Revised Code, any sales transaction 44678
exceeding one thousand pounds shall be rebuttably presumed to be a 44679
wholesale or commercial sale. 44680

Sec. 3743.15. (A) Except as provided in division (C) of this 44681
section, any person who wishes to be a wholesaler of fireworks in 44682
this state shall submit to the fire marshal an application for 44683
licensure as a wholesaler of fireworks before the first day of 44684
October of each year. The application shall be submitted prior to 44685
commencement of business operations, shall be on a form prescribed 44686
by the fire marshal, shall contain all information requested by 44687
the fire marshal, and shall be accompanied by the license fee, 44688
fingerprints, and proof of insurance coverage described in 44689
division (B) of this section. 44690

The fire marshal shall prescribe a form for applications for 44691
licensure as a wholesaler of fireworks and make a copy of the form 44692
available, upon request, to persons who seek that licensure. 44693

(B) An applicant for licensure as a wholesaler of fireworks 44694
shall submit with the application all of the following: 44695

(1) A license fee of two thousand seven hundred fifty 44696
dollars, which the fire marshal shall use to pay for fireworks 44697
safety education, training programs, and inspections~~+~~. If the 44698
applicant has any storage locations approved in accordance with 44699
division (G) of section 3743.17 of the Revised Code, the applicant 44700
also shall submit a fee of one hundred dollars per storage 44701
location for the inspection of each storage location. 44702

(2) Proof of comprehensive general liability insurance 44703
coverage, specifically including fire and smoke casualty on 44704
premises, in an amount not less than one million dollars for each 44705
occurrence for bodily injury liability and wrongful death 44706

liability at its business location. Proof of such insurance 44707
coverage shall be submitted together with proof of coverage for 44708
products liability on all inventory located at the business 44709
location. All applicants shall submit evidence of comprehensive 44710
general liability insurance coverage verified by the insurer and 44711
certified as to its provision of the minimum coverage required 44712
under this division. 44713

(3) One complete set of the applicant's fingerprints and a 44714
complete set of fingerprints of any individual holding, owning, or 44715
controlling a five per cent or greater beneficial or equity 44716
interest in the applicant for the license. 44717

(C) A licensed manufacturer of fireworks is not required to 44718
apply for and obtain a wholesaler of fireworks license in order to 44719
engage in the wholesale sale of fireworks as authorized by 44720
division (C)(2) of section 3743.04 of the Revised Code. A business 44721
which is not a licensed manufacturer of fireworks may engage in 44722
the wholesale and retail sale of fireworks in the same manner as a 44723
licensed manufacturer of fireworks is authorized to do under this 44724
chapter without the necessity of applying for and obtaining a 44725
license pursuant to this section, but only if the business sells 44726
the fireworks on the premises of a fireworks plant covered by a 44727
license issued under section 3743.03 of the Revised Code and the 44728
holder of that license owns at least a majority interest in that 44729
business. However, if a licensed manufacturer of fireworks wishes 44730
to engage in the wholesale sale of fireworks in this state at a 44731
location other than the premises of the fireworks plant described 44732
in its application for licensure as a manufacturer or in a 44733
notification submitted under division (B) of section 3743.04 of 44734
the Revised Code, the manufacturer shall first apply for and 44735
obtain a wholesaler of fireworks license before engaging in 44736
wholesale sales of fireworks at the other location. 44737

(D) A separate application for licensure as a wholesaler of 44738

fireworks shall be submitted for each location at which a person 44739
wishes to engage in wholesale sales of fireworks. 44740

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 44741
effective for one year beginning on the first day of December. The 44742
fire marshal shall issue or renew a license only on that date and 44743
at no other time. If a wholesaler of fireworks wishes to continue 44744
engaging in the wholesale sale of fireworks at the particular 44745
location after its then effective license expires, it shall apply 44746
not later than the first day of October for a new license pursuant 44747
to section 3743.15 of the Revised Code. The fire marshal shall 44748
send a written notice of the expiration of its license to a 44749
licensed wholesaler at least three months before the expiration 44750
date. 44751

(B) If, during the effective period of its licensure, a 44752
licensed wholesaler of fireworks wishes to perform any 44753
construction, or make any structural change or renovation, on the 44754
premises on which the fireworks are sold, the wholesaler shall 44755
notify the fire marshal in writing. The fire marshal may require a 44756
licensed wholesaler also to submit documentation, including, but 44757
not limited to, plans covering the proposed construction or 44758
structural change or renovation, if the fire marshal determines 44759
the documentation is necessary for evaluation purposes in light of 44760
the proposed construction or structural change or renovation. 44761

Upon receipt of the notification and additional documentation 44762
required by the fire marshal, the fire marshal shall inspect the 44763
premises on which the fireworks are sold to determine if the 44764
proposed construction or structural change or renovation conforms 44765
to sections 3743.15 to 3743.21 of the Revised Code and the rules 44766
adopted by the fire marshal pursuant to section 3743.18 of the 44767
Revised Code. The fire marshal shall issue a written authorization 44768
to the wholesaler for the construction or structural change or 44769

renovation if the fire marshal determines, upon the inspection and a review of submitted documentation, that the construction or structural change or renovation conforms to those sections and rules.

(C) The license of a wholesaler of fireworks authorizes the wholesaler to engage only in the following activities:

(1) Possess for sale at wholesale and sell at wholesale fireworks to persons who are licensed wholesalers of fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of

this section, and the sale shall be from the inside of the 44802
licensed building and from no other structure or device outside 44803
this licensed building. At no time shall a licensed wholesaler 44804
sell any class of fireworks outside a licensed building. 44805

A licensed wholesaler of fireworks shall sell under division 44806
(C) of this section only fireworks that meet the standards set by 44807
the consumer product safety commission or by the American 44808
fireworks standard laboratories or that have received an EX number 44809
from the United States department of transportation. 44810

(D)~~(1)~~ The license of a wholesaler of fireworks shall be 44811
protected under glass and posted in a conspicuous place at the 44812
location described in the application for licensure or in the 44813
notification submitted under division (B) of this section. Except 44814
as otherwise provided in this ~~division~~ section, the license is not 44815
transferable or assignable. A license may be transferred to 44816
another person for the same location for which the license was 44817
issued if the assets of the wholesaler are transferred to that 44818
person by inheritance or by a sale approved by the fire marshal. 44819
The license is subject to revocation in accordance with section 44820
3743.21 of the Revised Code. 44821

~~(2)~~(E) The fire marshal shall adopt rules for the expansion 44822
or contraction of a licensed premises and for the approval of an 44823
expansion or contraction. The boundaries of a licensed premises, 44824
including any geographic expansion or contraction of those 44825
boundaries, shall be approved by the fire marshal in accordance 44826
with rules the fire marshal adopts. If the licensed premises of a 44827
licensed wholesaler from which the wholesaler operates consists of 44828
more than one parcel of real estate, those parcels must be 44829
contiguous, unless an exception is allowed pursuant to division 44830
(G) of this section. 44831

(F)(1) Upon application by a licensed wholesaler of 44832

fireworks, a wholesaler license may be transferred from one 44833
geographic location to another within the same municipal 44834
corporation or within the unincorporated area of the same 44835
township, but only if all of the following apply: 44836

(a) The identity of the holder of the license remains the 44837
same in the new location. 44838

(b) The former location is closed prior to the opening of the 44839
new location and no fireworks business of any kind is conducted at 44840
the former location after the transfer of the license. 44841

(c) The new location has received a local certificate of 44842
zoning compliance and a local certificate of occupancy, and 44843
otherwise is in compliance with all local building regulations. 44844

(d) The transfer of the license is requested by the licensee 44845
because the existing facility poses an immediate hazard to the 44846
public. 44847

(e) ~~Any Every building or structure~~ at the new location is 44848
~~situated no closer than one thousand feet to any property line or~~ 44849
~~structure that does not belong to the licensee requesting the~~ 44850
~~transfer, no closer than three hundred feet to any highway or~~ 44851
~~railroad, no closer than one hundred feet to any building used for~~ 44852
~~the storage of explosives or fireworks by the licensee, no closer~~ 44853
~~than fifty feet to any factory building owned or used by the~~ 44854
~~licensee, and no closer than two thousand feet to any building~~ 44855
~~used for the sale, storage, or manufacturing of fireworks that~~ 44856
~~does not belong to the licensee separated from occupied~~ 44857
~~residential and nonresidential buildings or structures, railroads,~~ 44858
~~highways, or any other buildings or structures located on the~~ 44859
~~licensed premises in accordance with the distances specified in~~ 44860
~~the rules adopted by the fire marshal pursuant to section 3743.18~~ 44861
~~of the Revised Code.~~ If the licensee fails to comply with the 44862
requirements of division ~~(D)(2)(e)~~(F)(1)(e) of this section by the 44863

licensee's own act, the license at the new location is forfeited. 44864

(f) Neither the licensee nor any person holding, owning, or 44865
controlling a five per cent or greater beneficial or equity 44866
interest in the licensee has been convicted of or has pleaded 44867
guilty to a felony under the laws of this state, any other state, 44868
or the United States after ~~the effective date of this amendment~~ 44869
June 30, 1997. 44870

(g) The fire marshal approves the request for the transfer. 44871

(2) The new location shall comply with the requirements 44872
specified in divisions (A)(1) and (2) of section 3743.25 of the 44873
Revised Code whether or not the fireworks showroom at the new 44874
location is constructed, expanded, or first begins operating on 44875
and after ~~the effective date of this amendment~~ June 30, 1997. 44876

~~(E)~~(G)(1) A licensed wholesaler may expand its licensed 44877
premises within this state to include not more than two storage 44878
locations that are located upon one or more real estate parcels 44879
that are noncontiguous to the licensed premises as that licensed 44880
premises exists on the date a licensee submits an application as 44881
described below, if all of the following apply: 44882

(a) The licensee submits an application to the fire marshal 44883
requesting the expansion and an application fee of one hundred 44884
dollars per storage location for which the licensee is requesting 44885
approval. 44886

(b) The identity of the holder of the license remains the 44887
same at the storage location. 44888

(c) The storage location has received a valid certificate of 44889
zoning compliance, as applicable, and a valid certificate of 44890
occupancy for each building or structure at the storage location 44891
issued by the authority having jurisdiction to issue the 44892
certificate for the storage location, and those certificates 44893
permit the distribution and storage of fireworks regulated under 44894

this chapter at the storage location and in the buildings or 44895
structures. The storage location shall be in compliance with all 44896
other applicable federal, state, and local laws and regulations. 44897

(d) Every building or structure located upon the storage 44898
location is separated from occupied residential and nonresidential 44899
buildings or structures, railroads, highways, and any other 44900
buildings or structures on the licensed premises in accordance 44901
with the distances specified in the rules adopted by the fire 44902
marshal pursuant to section 3743.18 of the Revised Code. 44903

(e) Neither the licensee nor any person holding, owning, or 44904
controlling a five per cent or greater beneficial or equity 44905
interest in the licensee has been convicted of or pleaded guilty 44906
to a felony under the laws of this state, any other state, or the 44907
United States, after the effective date of this amendment. 44908

(f) The fire marshal approves the application for expansion. 44909

(2) The fire marshal shall approve an application for 44910
expansion requested under division (G)(1) of this section if the 44911
fire marshal receives the application fee and proof that the 44912
requirements of divisions (G)(1)(b) to (e) of this section are 44913
satisfied. The storage location shall be considered part of the 44914
original licensed premises and shall use the same distinct number 44915
assigned to the original licensed premises with any additional 44916
designations as the fire marshal deems necessary in accordance 44917
with section 3743.16 of the Revised Code. 44918

(H)(1) A licensee who obtains approval for use of a storage 44919
location in accordance with division (G) of this section shall use 44920
the site exclusively for the following activities, in accordance 44921
with division (C)(1) of this section: 44922

(a) Packaging, assembling, or storing fireworks, which shall 44923
occur only in buildings approved for such hazardous uses by the 44924
building code official having jurisdiction for the storage 44925

location and shall be in accordance with the rules adopted by the 44926
fire marshal under division (B)(4) of section 3743.18 of the 44927
Revised Code for the packaging, assembling, and storage of 44928
fireworks. 44929

(b) Distributing fireworks to other parcels of real estate 44930
located on the wholesaler's licensed premises, to licensed 44931
manufacturers or other licensed wholesalers in this state or to 44932
similarly licensed persons located in another state or country; 44933

(c) Distributing fireworks to a licensed exhibitor of 44934
fireworks pursuant to a properly issued permit in accordance with 44935
section 3743.54 of the Revised Code. 44936

(2) A licensed wholesaler shall not engage in any sales 44937
activity, including the retail sale of fireworks otherwise 44938
permitted under division (C)(2) of this section or pursuant to 44939
section 3743.44 or 3743.45 of the Revised Code, at a storage 44940
location approved under this section. 44941

(I) A licensee shall prohibit public access to all storage 44942
locations it uses. The fire marshal shall adopt rules establishing 44943
acceptable measures a wholesaler shall use to prohibit access to 44944
storage sites. 44945

(J) The fire marshal shall not place the license of a 44946
wholesaler of fireworks in temporarily inactive status while the 44947
holder of the license is attempting to qualify to retain the 44948
license. 44949

~~(F)~~(K) Each licensed wholesaler of fireworks or a designee of 44950
the wholesaler, whose identity is provided to the fire marshal by 44951
the wholesaler, annually shall attend a continuing education 44952
program consisting of not less than eight hours of instruction. 44953
The fire marshal shall develop the program and the fire marshal or 44954
a person or public agency approved by the fire marshal shall 44955
conduct it. A licensed wholesaler or the wholesaler's designee who 44956

attends a program as required under this division, within one year 44957
after attending the program, shall conduct in-service training for 44958
other employees of the licensed wholesaler regarding the 44959
information obtained in the program. A licensed wholesaler shall 44960
provide the fire marshal with notice of the date, time, and place 44961
of all in-service training not less than thirty days prior to an 44962
in-service training event. 44963

~~(G)~~(L) A licensed wholesaler shall maintain comprehensive 44964
general liability insurance coverage in the amount and type 44965
specified under division (B)(2) of section 3743.15 of the Revised 44966
Code at all times. Each policy of insurance required under this 44967
division shall contain a provision requiring the insurer to give 44968
not less than fifteen days' prior written notice to the fire 44969
marshal before termination, lapse, or cancellation of the policy, 44970
or any change in the policy that reduces the coverage below the 44971
minimum required under this division. Prior to canceling or 44972
reducing the amount of coverage of any comprehensive general 44973
liability insurance coverage required under this division, a 44974
licensed wholesaler shall secure supplemental insurance in an 44975
amount and type that satisfies the requirements of this division 44976
so that no lapse in coverage occurs at any time. A licensed 44977
wholesaler who secures supplemental insurance shall file evidence 44978
of the supplemental insurance with the fire marshal prior to 44979
canceling or reducing the amount of coverage of any comprehensive 44980
general liability insurance coverage required under this division. 44981

Sec. 3743.18. (A) The fire marshal shall adopt rules pursuant 44982
to Chapter 119. of the Revised Code governing the storage of 44983
fireworks by and the business operations of licensed wholesalers 44984
of fireworks. These rules shall be designed to promote the safety 44985
and security of employees of wholesalers, members of the public, 44986
and the premises upon which fireworks are sold. 44987

(B) The rules shall be consistent with sections 3743.15 to 44988
3743.21 of the Revised Code, shall be substantially equivalent to 44989
the most recent versions of chapters 1123, 1124, and 1126 of the 44990
most recent national fire protection association standards, and 44991
shall apply to, but not be limited to, the following subject 44992
matters: 44993

~~(A)(1)~~ Cleanliness and orderliness in, the heating, lighting, 44994
and use of stoves and flame-producing items in, smoking in, the 44995
prevention of fire and explosion in, the availability of fire 44996
extinguishers or other fire-fighting equipment and their use in, 44997
and emergency procedures relative to the buildings and other 44998
structures on a wholesaler's premises-; 44999

~~(B)(2)~~ Appropriate uniforms to be worn by employees of 45000
wholesalers in the course of handling and storing of fireworks, 45001
and the use of protective clothing and equipment by the 45002
employees-; 45003

~~(C)(3)~~ The manner in which fireworks are to be stored; 45004

(4) Required distances between buildings or structures used 45005
in the manufacturing, storage, or sale of fireworks and occupied 45006
residential and nonresidential buildings or structures, railroads, 45007
highways, or any additional buildings or structures on a licensed 45008
premises. 45009

(5) Requirements for the operation of storage locations, 45010
including packaging, assembling, and storage of fireworks. 45011

(C) Rules adopted pursuant to division (B)(4) of this section 45012
do not apply to buildings that were erected on or before May 30, 45013
1986, and that were legally being used for fireworks activities 45014
under authority of a valid license issued by the fire marshal as 45015
of December 1, 1990, pursuant to sections 3743.16 and 3743.17 of 45016
the Revised Code. 45017

Sec. 3743.19. In addition to conforming to the rules of the 45018
fire marshal adopted pursuant to section 3743.18 of the Revised 45019
Code, licensed wholesalers of fireworks shall conduct their 45020
business operations in accordance with the following: 45021

(A) A wholesaler shall conduct its business operations from 45022
the location described in its application for licensure or in a 45023
notification submitted under division (B) of section 3743.17 of 45024
the Revised Code. 45025

(B) Signs indicating that smoking is generally forbidden and 45026
trespassing is prohibited on the premises of a wholesaler shall be 45027
posted on the premises as determined by the fire marshal. 45028

(C) Reasonable precautions shall be taken to protect the 45029
premises of a wholesaler from trespass, loss, theft, or 45030
destruction. 45031

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 45032
matches, lighters, other flame-producing items, or open flame on, 45033
or the carrying of a concealed source of ignition into, the 45034
premises of a wholesaler is prohibited, except that a wholesaler 45035
may permit smoking in specified lunchrooms or restrooms in 45036
buildings or other structures in which no sales, handling, or 45037
storage of fireworks takes place. "NO SMOKING" signs shall be 45038
posted on the premises as required by the fire marshal. 45039

(E) Fire and explosion prevention and other reasonable safety 45040
measures and precautions shall be implemented by a wholesaler. 45041

(F) Persons shall not be permitted to have in their 45042
possession or under their control, while they are on the premises 45043
of a wholesaler, any intoxicating liquor, beer, or controlled 45044
substance, and they shall not be permitted to enter or remain on 45045
the premises if they are found to be under the influence of any 45046
intoxicating liquor, beer, or controlled substance. 45047

(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises.

~~(H) No building used in the storage or sale of fireworks shall be situated nearer than one thousand feet to any structure that is not located on the property of and that does not belong to the licensed fireworks wholesaler, nearer than three hundred feet to any highway or railroad, or nearer than one hundred feet to any building used for the storage of explosives or fireworks. This division does not apply to buildings that were erected on or before May 30, 1986, and that were legally being used for fireworks activities under authority of a valid license issued by the fire marshal as of December 1, 1990, pursuant to sections 3743.16 and 3743.17 of the Revised Code.~~

~~(I)~~ Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division.

~~(J)~~(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area.

~~(K)~~(J) Fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any

structure only to accept or discharge cargo for a period not to 45079
exceed forty-eight hours. Only two such trailers may be placed in 45080
such closer proximity at any one time. At no time may trailers be 45081
used for conducting sales of any class of fireworks nor may 45082
members of the public have access to the trailers. 45083

Storage areas for fireworks that are in the same building 45084
where fireworks are displayed and sold to the public shall be 45085
separated from the areas to which the public has access by an 45086
appropriately rated fire wall. 45087

~~(L)~~(K) A fire suppression system as defined in section 45088
3781.108 of the Revised Code may be turned off only for repair, 45089
drainage of the system to prevent damage by freezing during the 45090
period of time, approved by the fire marshal under division (I) of 45091
this section, that the facility is closed to public access during 45092
winter months, or maintenance of the system. If any repair or 45093
maintenance is necessary during times when the facility is open 45094
for public access and business, the licensed wholesaler shall 45095
notify in advance the appropriate insurance company and fire chief 45096
or fire prevention officer regarding the nature of the maintenance 45097
or repair and the time when it will be performed. 45098

~~(M)~~(L) If any fireworks item is removed from its original 45099
package or is manufactured with any fuse other than a fuse 45100
approved by the consumer product safety commission, then the item 45101
shall be covered completely by repackaging or bagging or it shall 45102
otherwise be covered so as to prevent ignition prior to sale. 45103

~~(N)~~(M) A safety officer shall be present during regular 45104
business hours at a building open to the public during the period 45105
commencing fourteen days before, and ending two days after, each 45106
fourth day of July. The officer shall be highly visible, enforce 45107
this chapter and any applicable building codes to the extent the 45108
officer is authorized by law, and be one of the following: 45109

(1) A deputy sheriff;	45110
(2) A law enforcement officer of a municipal corporation, township, or township or joint township police district;	45111 45112
(3) A private uniformed security guard registered under section 4749.06 of the Revised Code.	45113 45114
(O) <u>(N)</u> All doors of all buildings on the licensed premises shall swing outward.	45115 45116
(P) <u>(O)</u> All wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with United States department of transportation regulations applicable to the transportation, and the offering for transportation, of hazardous materials. For purposes of this division, "wholesale and commercial sales" includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise. For purposes of enforcement of these regulations under section 4905.83 of the Revised Code, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale.	45117 45118 45119 45120 45121 45122 45123 45124 45125 45126 45127
Sec. 3743.57. (A) All fees collected by the fire marshal for licenses or permits issued pursuant to this chapter shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund.	45128 45129 45130 45131 45132
(B) There is hereby established in the state treasury the fire marshal's fireworks training and education fund. The fire marshal shall deposit all assessments paid under this division into the state treasury to the credit of the fund. Each fireworks manufacturer and fireworks wholesaler licensed under this chapter shall pay assessments to the fire marshal for deposit into the fund as required by this division.	45133 45134 45135 45136 45137 45138 45139

~~The fire marshal shall impose an initial assessment upon each licensed fireworks manufacturer and wholesaler in order to establish a fund balance of fifteen thousand dollars. The fund balance shall at no time exceed fifteen thousand dollars, and the fire marshal shall impose no further assessments unless the fund balance is reduced to five thousand dollars or less. If the fund balance is reduced to five thousand dollars or less, the fire marshal shall impose an additional assessment upon each licensed fireworks manufacturer and wholesaler in order to increase the fund balance to fifteen thousand dollars. The fire marshal shall determine the amount of the initial assessment on each manufacturer or wholesaler and each additional assessment by dividing the total amount needed to be paid into the fund by the total number of fireworks manufacturers and wholesalers licensed under this chapter. If a licensed fireworks manufacturer or wholesaler fails to pay an assessment required by this division within thirty days after receiving notice of the assessment, the fire marshal, in accordance with Chapter 119. of the Revised Code, may refuse to issue, or may revoke, the appropriate license.~~

The fire marshal shall in the fire marshal's discretion use amounts in the state fire marshal's fund for fireworks training and education purposes, including, but not limited to, the creation of educational and training programs, attendance by the fire marshal and the fire marshal's employees at conferences and seminars, the payment of travel and meal expenses associated with such attendance, participation by the fire marshal and the fire marshal's employees in committee meetings and other meetings related to pyrotechnic codes, and the payment of travel and meal expenses associated with such participation. The use of the fund shall comply with rules of the department of commerce, policies and procedures established by the director of budget and management, and all other applicable laws.

Sec. 3743.59. (A) Upon application by an affected party, the fire marshal may grant variances from the requirements of this chapter or from the requirements of rules adopted pursuant to this chapter if the fire marshal determines that a literal enforcement of the requirement will result in ~~unnecessary hardship~~ practical difficulty in complying with the requirements of this chapter or the rules adopted pursuant to this chapter and that the variance will not be contrary to the public health, safety, or welfare. A variance shall not be granted to a person who is initially licensed as a manufacturer or wholesaler of fireworks after June 14, 1988.

(B) The fire marshal may authorize a variance from the prohibitions in this chapter against the possession and use of pyrotechnic compounds to a person who submits proof that the person is certified and in good standing with the Ohio state board of education, provided that the pyrotechnic compounds are used for educational purposes only, or are used only at an authorized educational function approved by the governing board that exercises authority over the educational function.

(C) The fire marshal may authorize a variance from the prohibitions in this chapter against the possession and use of pyrotechnic compounds to a person who possesses and uses the pyrotechnic compounds for personal and noncommercial purposes as a hobby. The fire marshal may rescind a variance authorized under this division at any time, exclusively at the fire marshal's discretion.

Sec. 3743.65. (A) No person shall possess fireworks in this state or shall possess for sale or sell fireworks in this state, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Revised Code, a licensed

wholesaler of fireworks as authorized by sections 3743.15 to 45202
3743.21 of the Revised Code, a shipping permit holder as 45203
authorized by section 3743.40 of the Revised Code, an out-of-state 45204
resident as authorized by section 3743.44 of the Revised Code, a 45205
resident of this state as authorized by section 3743.45 of the 45206
Revised Code, or a licensed exhibitor of fireworks as authorized 45207
by sections 3743.50 to 3743.55 of the Revised Code, and except as 45208
provided in section 3743.80 of the Revised Code. 45209

(B) Except as provided in section 3743.80 of the Revised Code 45210
and except for licensed exhibitors of fireworks authorized to 45211
conduct a fireworks exhibition pursuant to sections 3743.50 to 45212
3743.55 of the Revised Code, no person shall discharge, ignite, or 45213
explode any fireworks in this state. 45214

(C) No person shall use in a theater or public hall, what is 45215
technically known as fireworks showers, or a mixture containing 45216
potassium chlorate and sulphur. 45217

(D) No person shall sell fireworks of any kind to a person 45218
under eighteen years of age. 45219

(E) No person shall advertise 1.4G fireworks for sale. A sign 45220
located on a seller's premises identifying the seller as a seller 45221
of fireworks is not the advertising of fireworks for sale. 45222

(F) No person, other than a licensed manufacturer, licensed 45223
wholesaler, licensed exhibitor, or shipping permit holder, shall 45224
possess 1.3G fireworks in this state. 45225

(G) Except as otherwise provided in division ~~(K)~~(J) of 45226
section 3743.06 and division ~~(L)~~(K) of section 3743.19 of the 45227
Revised Code, no person shall knowingly disable a fire suppression 45228
system as defined in section 3781.108 of the Revised Code on the 45229
premises of a fireworks plant of a licensed manufacturer of 45230
fireworks or on the premises of the business operations of a 45231
licensed wholesaler of fireworks. 45232

Sec. 3743.75. (A) During the period beginning on June 29, 45233
2001, and ending on December 15, 2008, the state fire marshal 45234
shall not do any of the following: 45235

(1) Issue a license as a manufacturer of fireworks under 45236
sections 3743.02 and 3743.03 of the Revised Code to a person for a 45237
particular fireworks plant unless that person possessed such a 45238
license for that fireworks plant immediately prior to June 29, 45239
2001; 45240

(2) Issue a license as a wholesaler of fireworks under 45241
sections 3743.15 and 3743.16 of the Revised Code to a person for a 45242
particular location unless that person possessed such a license 45243
for that location immediately prior to June 29, 2001; 45244

(3) Except as provided in division (B) of this section, 45245
approve the geographic transfer of a license as a manufacturer or 45246
wholesaler of fireworks issued under this chapter to any location 45247
other than a location for which a license was issued under this 45248
chapter immediately prior to June 29, 2001. 45249

(B) Division (A)(3) of this section does not apply to a 45250
transfer that the state fire marshal approves under division 45251
(~~D~~)(~~2~~)(~~F~~) of section 3743.17 of the Revised Code. ~~Section~~ 45252

(C) Notwithstanding section 3743.59 of the Revised Code ~~does~~ 45253
not apply to this section, the prohibited activities established 45254
in divisions (A)(1) and (2) of this section, geographic transfers 45255
approved pursuant to division (F) of section 3743.17 of the 45256
Revised Code, and storage locations allowed pursuant to division 45257
(I) of section 3743.04 of the Revised Code or division (G) of 45258
section 3743.17 of the Revised Code are not subject to any 45259
variance, waiver, or exclusion. 45260

(D) As used in division (A) of this section: 45261

(1) "Person" includes any person or entity, in whatever form 45262

or name, that acquires possession of a manufacturer or wholesaler 45263
of fireworks license issued pursuant to this chapter by transfer 45264
of possession of a license, whether that transfer occurs by 45265
purchase, assignment, inheritance, bequest, stock transfer, or any 45266
other type of transfer, on the condition that the transfer is in 45267
accordance with division (D) of section 3743.04 of the Revised 45268
Code or division (D) of section 3743.17 of the Revised Code and is 45269
approved by the fire marshal. 45270

(2) "Particular location" includes a licensed premises and, 45271
regardless of when approved, any storage location approved in 45272
accordance with section 3743.04 or 3743.17 of the Revised Code. 45273

Sec. 3745.015. There is hereby created in the state treasury 45274
the environmental protection fund consisting of money credited to 45275
the fund under division (A)(3) of section 3734.57 of the Revised 45276
Code. The environmental protection agency shall use money in the 45277
fund to pay the agency's costs associated with administering and 45278
enforcing, or otherwise conducting activities under, this chapter 45279
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 45280
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 45281
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 45282
the Revised Code. 45283

Sec. 3745.11. (A) Applicants for and holders of permits, 45284
licenses, variances, plan approvals, and certifications issued by 45285
the director of environmental protection pursuant to Chapters 45286
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 45287
to the environmental protection agency for each such issuance and 45288
each application for an issuance as provided by this section. No 45289
fee shall be charged for any issuance for which no application has 45290
been submitted to the director. 45291

(B) Each person who is issued a permit to install prior to 45292

July 1, 2003, pursuant to rules adopted under division (F) of 45293
section 3704.03 of the Revised Code shall pay the fees specified 45294
in the following schedules: 45295

(1) ~~Fuel-Burning Equipment~~ Fuel-burning equipment (boilers) 45296
Input capacity (maximum) 45297
(million British thermal units per hour) Permit to install 45298
Greater than 0, but less than 10 \$ 200 45299
10 or more, but less than 100 400 45300
100 or more, but less than 300 800 45301
300 or more, but less than 500 1500 45302
500 or more, but less than 1000 2500 45303
1000 or more, but less than 5000 4000 45304
5000 or more 6000 45305

Units burning exclusively natural gas, number two fuel oil, 45306
or both shall be assessed a fee that is one-half of the applicable 45307
amount established in division (F)(1) of this section. 45308

(2) Incinerators 45309
Input capacity (pounds per hour) Permit to install 45310
0 to 100 \$ 100 45311
101 to 500 400 45312
501 to 2000 750 45313
2001 to 20,000 1000 45314
more than 20,000 2500 45315

(3)(a) Process 45316
Process weight rate (pounds per hour) Permit to install 45317
0 to 1000 \$ 200 45318
1001 to 5000 400 45319
5001 to 10,000 600 45320
10,001 to 50,000 800 45321
more than 50,000 1000 45322

In any process where process weight rate cannot be 45323

ascertained, the minimum fee shall be assessed. 45324

(b) Notwithstanding division (B)(3)(a) of this section, any 45325
person issued a permit to install pursuant to rules adopted under 45326
division (F) of section 3704.03 of the Revised Code shall pay the 45327
fees established in division (B)(3)(c) of this section for a 45328
process used in any of the following industries, as identified by 45329
the applicable four-digit standard industrial classification code 45330
according to the Standard Industrial Classification Manual 45331
published by the United States office of management and budget in 45332
the executive office of the president, 1972, as revised: 45333

1211 Bituminous coal and lignite mining; 45334

1213 Bituminous coal and lignite mining services; 45335

1411 Dimension stone; 45336

1422 Crushed and broken limestone; 45337

1427 Crushed and broken stone, not elsewhere classified; 45338

1442 Construction sand and gravel; 45339

1446 Industrial sand; 45340

3281 Cut stone and stone products; 45341

3295 Minerals and earth, ground or otherwise treated. 45342

(c) The fees established in the following schedule apply to 45343
the issuance of a permit to install pursuant to rules adopted 45344
under division (F) of section 3704.03 of the Revised Code for a 45345
process listed in division (B)(3)(b) of this section: 45346

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	45347
10,001 to 50,000	300	45348
50,001 to 100,000	400	45349
100,001 to 200,000	500	45350
200,001 to 400,000	600	45351

400,001 or more	700	45353
(4) Storage tanks		45354
Gallons (maximum useful capacity)	Permit to install	45355
0 to 20,000	\$ 100	45356
20,001 to 40,000	150	45357
40,001 to 100,000	200	45358
100,001 to 250,000	250	45359
250,001 to 500,000	350	45360
500,001 to 1,000,000	500	45361
1,000,001 or greater	750	45362
(5) Gasoline/fuel dispensing facilities		45363
For each gasoline/fuel dispensing	Permit to install	45364
facility	\$ 100	45365
(6) Dry cleaning facilities		45366
For each dry cleaning facility	Permit to install	45367
(includes all units at the facility)	\$ 100	45368
(7) Registration status		45369
For each source covered	Permit to install	45370
by registration status	\$ 75	45371
(C)(1) Except as otherwise provided in division (C)(2) of		45372
this section, beginning July 1, 1994, each person who owns or		45373
operates an air contaminant source and who is required to apply		45374
for and obtain a Title V permit under section 3704.036 of the		45375
Revised Code shall pay the fees set forth in division (C)(1) of		45376
this section. For the purposes of that division, total emissions		45377
of air contaminants may be calculated using engineering		45378
calculations, emissions factors, material balance calculations, or		45379
performance testing procedures, as authorized by the director.		45380
The following fees shall be assessed on the total actual		45381
emissions from a source in tons per year of the regulated		45382
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		45383

organic compounds, and lead: 45384

(a) Fifteen dollars per ton on the total actual emissions of 45385
each such regulated pollutant during the period July through 45386
December 1993, to be collected no sooner than July 1, 1994; 45387

(b) Twenty dollars per ton on the total actual emissions of 45388
each such regulated pollutant during calendar year 1994, to be 45389
collected no sooner than April 15, 1995; 45390

(c) Twenty-five dollars per ton on the total actual emissions 45391
of each such regulated pollutant in calendar year 1995, and each 45392
subsequent calendar year, to be collected no sooner than the 45393
fifteenth day of April of the year next succeeding the calendar 45394
year in which the emissions occurred. 45395

The fees levied under division (C)(1) of this section do not 45396
apply to that portion of the emissions of a regulated pollutant at 45397
a facility that exceed four thousand tons during a calendar year. 45398

(2) The fees assessed under division (C)(1) of this section 45399
are for the purpose of providing funding for the Title V permit 45400
program. 45401

(3) The fees assessed under division (C)(1) of this section 45402
do not apply to emissions from any electric generating unit 45403
designated as a Phase I unit under Title IV of the federal Clean 45404
Air Act prior to calendar year 2000. Those fees shall be assessed 45405
on the emissions from such a generating unit commencing in 45406
calendar year 2001 based upon the total actual emissions from the 45407
generating unit during calendar year 2000 and shall continue to be 45408
assessed each subsequent calendar year based on the total actual 45409
emissions from the generating unit during the preceding calendar 45410
year. 45411

(4) The director shall issue invoices to owners or operators 45412
of air contaminant sources who are required to pay a fee assessed 45413

under division (C) or (D) of this section. Any such invoice shall
be issued no sooner than the applicable date when the fee first
may be collected in a year under the applicable division, shall
identify the nature and amount of the fee assessed, and shall
indicate that the fee is required to be paid within thirty days
after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section,
from January 1, 1994, through December 31, 2003, each person who
owns or operates an air contaminant source; who is required to
apply for a permit to operate pursuant to rules adopted under
division (G), or a variance pursuant to division (H), of section
3704.03 of the Revised Code; and who is not required to apply for
and obtain a Title V permit under section 3704.036 of the Revised
Code shall pay a single fee based upon the sum of the actual
annual emissions from the facility of the regulated pollutants
particulate matter, sulfur dioxide, nitrogen oxides, organic
compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2) Except as provided in division (D)(3) of this section,
beginning January 1, 2004, each person who owns or operates an air
contaminant source; who is required to apply for a permit to
operate pursuant to rules adopted under division (G), or a
variance pursuant to division (H), of section 3704.03 of the
Revised Code; and who is not required to apply for and obtain a
Title V permit under section 3704.03 of the Revised Code shall pay
a single fee based upon the sum of the actual annual emissions
from the facility of the regulated pollutants particulate matter,

sulfur dioxide, nitrogen oxides, organic compounds, and lead in 45446
accordance with the following schedule: 45447

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	45451
10 or more, but less than 50	200	45452
50 or more, but less than 100	300	45453
100 or more	700	45454

(3)(a) As used in division (D) of this section, "synthetic 45455
minor facility" means a facility for which one or more permits to 45456
install or permits to operate have been issued for the air 45457
contaminant sources at the facility that include terms and 45458
conditions that lower the facility's potential to emit air 45459
contaminants below the major source thresholds established in 45460
rules adopted under section 3704.036 of the Revised Code. 45461

(b) Beginning January 1, 2000, through June 30, ~~2006~~ 2008, 45462
each person who owns or operates a synthetic minor facility shall 45463
pay an annual fee based on the sum of the actual annual emissions 45464
from the facility of particulate matter, sulfur dioxide, nitrogen 45465
dioxide, organic compounds, and lead in accordance with the 45466
following schedule: 45467

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	45471
10 or more, but less than 20	340	45472
20 or more, but less than 30	670	45473
30 or more, but less than 40	1,010	45474
40 or more, but less than 50	1,340	45475
50 or more, but less than 60	1,680	45476
60 or more, but less than 70	2,010	45477

70 or more, but less than 80	2,350	45478
80 or more, but less than 90	2,680	45479
90 or more, but less than 100	3,020	45480
100 or more	3,350	45481

(4) The fees assessed under division (D)(1) of this section 45482
shall be collected annually no sooner than the fifteenth day of 45483
April, commencing in 1995. The fees assessed under division (D)(2) 45484
of this section shall be collected annually no sooner than the 45485
fifteenth day of April, commencing in 2005. The fees assessed 45486
under division (D)(3) of this section shall be collected no sooner 45487
than the fifteenth day of April, commencing in 2000. The fees 45488
assessed under division (D) of this section in a calendar year 45489
shall be based upon the sum of the actual emissions of those 45490
regulated pollutants during the preceding calendar year. For the 45491
purpose of division (D) of this section, emissions of air 45492
contaminants may be calculated using engineering calculations, 45493
emission factors, material balance calculations, or performance 45494
testing procedures, as authorized by the director. The director, 45495
by rule, may require persons who are required to pay the fees 45496
assessed under division (D) of this section to pay those fees 45497
biennially rather than annually. 45498

(E)(1) Consistent with the need to cover the reasonable costs 45499
of the Title V permit program, the director annually shall 45500
increase the fees prescribed in division (C)(1) of this section by 45501
the percentage, if any, by which the consumer price index for the 45502
most recent calendar year ending before the beginning of a year 45503
exceeds the consumer price index for calendar year 1989. Upon 45504
calculating an increase in fees authorized by division (E)(1) of 45505
this section, the director shall compile revised fee schedules for 45506
the purposes of division (C)(1) of this section and shall make the 45507
revised schedules available to persons required to pay the fees 45508
assessed under that division and to the public. 45509

(2) For the purposes of division (E)(1) of this section: 45510

(a) The consumer price index for any year is the average of 45511
the consumer price index for all urban consumers published by the 45512
United States department of labor as of the close of the 45513
twelve-month period ending on the thirty-first day of August of 45514
that year. 45515

(b) If the 1989 consumer price index is revised, the director 45516
shall use the revision of the consumer price index that is most 45517
consistent with that for calendar year 1989. 45518

(F) Each person who is issued a permit to install pursuant to 45519
rules adopted under division (F) of section 3704.03 of the Revised 45520
Code on or after July 1, 2003, shall pay the fees specified in the 45521
following schedules: 45522

(1) Fuel-burning equipment (boilers, furnaces, or process 45523
heaters used in the process of burning fuel for the primary 45524
purpose of producing heat or power by indirect heat transfer) 45525
Input capacity (maximum) 45526
(million British thermal units per hour) Permit to install 45527

Greater than 0, but less than 10	\$ 200	45528
10 or more, but less than 100	400	45529
100 or more, but less than 300	1000	45530
300 or more, but less than 500	2250	45531
500 or more, but less than 1000	3750	45532
1000 or more, but less than 5000	6000	45533
5000 or more	9000	45534

Units burning exclusively natural gas, number two fuel oil, 45535
or both shall be assessed a fee that is one-half the applicable 45536
amount shown in division (F)(1) of this section. 45537

(2) Combustion turbines and stationary internal combustion 45538
engines designed to generate electricity 45539
Generating capacity (mega watts) Permit to install 45540

0 or more, but less than 10	\$ 25	45541
10 or more, but less than 25	150	45542
25 or more, but less than 50	300	45543
50 or more, but less than 100	500	45544
100 or more, but less than 250	1000	45545
250 or more	2000	45546

(3) Incinerators 45547

Input capacity (pounds per hour)	Permit to install	45548
0 to 100	\$ 100	45549
101 to 500	500	45550
501 to 2000	1000	45551
2001 to 20,000	1500	45552
more than 20,000	3750	45553

(4)(a) Process 45554

Process weight rate (pounds per hour)	Permit to install	45555
0 to 1000	\$ 200	45556
1001 to 5000	500	45557
5001 to 10,000	750	45558
10,001 to 50,000	1000	45559
more than 50,000	1250	45560

In any process where process weight rate cannot be 45561
ascertained, the minimum fee shall be assessed. A boiler, furnace, 45562
combustion turbine, stationary internal combustion engine, or 45563
process heater designed to provide direct heat or power to a 45564
process not designed to generate electricity shall be assessed a 45565
fee established in division (F)(4)(a) of this section. A 45566
combustion turbine or stationary internal combustion engine 45567
designed to generate electricity shall be assessed a fee 45568
established in division (F)(2) of this section. 45569

(b) Notwithstanding division (F)~~(3)~~(4)(a) of this section, 45570
any person issued a permit to install pursuant to rules adopted 45571
under division (F) of section 3704.03 of the Revised Code shall 45572

pay the fees set forth in division (F) (3) <u>(4)</u> (c) of this section	45573
for a process used in any of the following industries, as	45574
identified by the applicable <u>two-digit, three-digit, or four-digit</u>	45575
standard industrial classification code according to the Standard	45576
Industrial Classification Manual published by the United States	45577
office of management and budget in the executive office of the	45578
president, 1972 <u>1987</u> , as revised:	45579
1211 Bituminous coal and lignite mining;	45580
1213 Bituminous coal and lignite mining services;	45581
1411 Dimension stone;	45582
1422 Crushed and broken limestone;	45583
1427 Crushed and broken stone, not elsewhere classified;	45584
1442 Construction sand and gravel;	45585
1446 Industrial sand; <u>Major group 10, metal mining;</u>	45586
<u>Major group 12, coal mining;</u>	45587
<u>Major group 14, mining and quarrying of nonmetallic minerals;</u>	45588
<u>Industry group 204, grain mill products;</u>	45589
<u>2873 Nitrogen fertilizers;</u>	45590
<u>2874 Phosphatic fertilizers;</u>	45591
3281 Cut stone and stone products;	45592
3295 Minerals and earth, ground or otherwise treated;	45593
<u>4221 Grain elevators (storage only);</u>	45594
<u>5159 Farm related raw materials;</u>	45595
<u>5261 Retail nurseries and lawn and garden supply stores.</u>	45596
(c) The fees set forth in the following schedule apply to the	45597
issuance of a permit to install pursuant to rules adopted under	45598
division (F) of section 3704.03 of the Revised Code for a process	45599

identified in division (F) (3) (4)(b) of this section:		45600
Process weight rate (pounds per hour)	Permit to install	45601
0 to 10,000	\$ 200	45602
10,001 to 50,000	400	45603
50,001 to 100,000	500	45604
100,001 to 200,000	600	45605
200,001 to 400,000	750	45606
400,001 or more	900	45607
(5) Storage tanks		45608
Gallons (maximum useful capacity)	Permit to install	45609
0 to 20,000	\$ 100	45610
20,001 to 40,000	150	45611
40,001 to 100,000	250	45612
100,001 to 500,000	400	45613
500,001 or greater	750	45614
(6) Gasoline/fuel dispensing facilities		45615
For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install	45616
	\$ 100	45617
(7) Dry cleaning facilities		45618
For each dry cleaning facility (includes all units at the facility)	Permit to install	45619
	\$ 100	45620
(8) Registration status		45621
For each source covered by registration status	Permit to install	45622
	\$ 75	45623
(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule:		45624
		45625
		45626
		45627
		45628
		45629

Action	Fee	
		45630
Each notification	\$75	45631
Asbestos removal	\$3/unit	45632
Asbestos cleanup	\$4/cubic yard	45633
For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.		45634 45635
(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.		45636 45637 45638 45639 45640 45641
(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.		45642 45643 45644 45645 45646 45647 45648 45649
(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial		45650 45651 45652 45653 45654 45655 45656 45657 45658 45659 45660 45661

enforcement action under this chapter, Chapter 3704., 3714.,
3734., or 6111. of the Revised Code, or a rule adopted under any
of them, in connection with a violation of rules adopted under
division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source"
means the initiation of physical on-site construction activities
in connection with improvements to the source that are permanent
in nature, including, without limitation, the installation of
building supports and foundations and the laying of underground
pipework.

(K) Fifty cents per ton of each fee assessed under division
(C) of this section on actual emissions from a source and received
by the environmental protection agency pursuant to that division
shall be deposited into the state treasury to the credit of the
small business assistance fund created in section 3706.19 of the
Revised Code. The remainder of the moneys received by the division
pursuant to that division and moneys received by the agency
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this
section shall be deposited in the state treasury to the credit of
the clean air fund created in section 3704.035 of the Revised
Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b)
or (c) of this section, a person issued a water discharge permit
or renewal of a water discharge permit pursuant to Chapter 6111.
of the Revised Code shall pay a fee based on each point source to
which the issuance is applicable in accordance with the following
schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	45689
1,001 to 5000	100	45691
5,001 to 50,000	200	45692
50,001 to 100,000	300	45693

100,001 to 300,000	525	45694
over 300,000	750	45695

(b) Notwithstanding the fee schedule specified in division 45696
(L)(1)(a) of this section, the fee for a water discharge permit 45697
that is applicable to coal mining operations regulated under 45698
Chapter 1513. of the Revised Code shall be two hundred fifty 45699
dollars per mine. 45700

(c) Notwithstanding the fee schedule specified in division 45701
(L)(1)(a) of this section, the fee for a water discharge permit 45702
for a public discharger identified by I in the third character of 45703
the permittee's NPDES permit number shall not exceed seven hundred 45704
fifty dollars. 45705

(2) A person applying for a plan approval for a wastewater 45706
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 45707
of the Revised Code shall pay a fee of one hundred dollars plus 45708
sixty-five one-hundredths of one per cent of the estimated project 45709
cost through June 30, ~~2006~~ 2008, and one hundred dollars plus 45710
two-tenths of one per cent of the estimated project cost on and 45711
after July 1, ~~2006~~ 2008, except that the total fee shall not 45712
exceed fifteen thousand dollars through June 30, ~~2006~~ 2008, and 45713
five thousand dollars on and after July 1, ~~2006~~ 2008. The fee 45714
shall be paid at the time the application is submitted. 45715

(3) A person issued a modification of a water discharge 45716
permit shall pay a fee equal to one-half the fee that otherwise 45717
would be charged for a water discharge permit, except that the fee 45718
for the modification shall not exceed four hundred dollars. 45719

(4) A person who has entered into an agreement with the 45720
director under section 6111.14 of the Revised Code shall pay an 45721
administrative service fee for each plan submitted under that 45722
section for approval that shall not exceed the minimum amount 45723
necessary to pay administrative costs directly attributable to 45724

processing plan approvals. The director annually shall calculate 45725
the fee and shall notify all persons who have entered into 45726
agreements under that section, or who have applied for agreements, 45727
of the amount of the fee. 45728

(5)(a)(i) Not later than January 30, ~~2004~~ 2006, and January 45729
30, ~~2005~~ 2007, a person holding an NPDES discharge permit issued 45730
pursuant to Chapter 6111. of the Revised Code with an average 45731
daily discharge flow of five thousand gallons or more shall pay a 45732
nonrefundable annual discharge fee. Any person who fails to pay 45733
the fee at that time shall pay an additional amount that equals 45734
ten per cent of the required annual discharge fee. 45735

(ii) The billing year for the annual discharge fee 45736
established in division (L)(5)(a)(i) of this section shall consist 45737
of a twelve-month period beginning on the first day of January of 45738
the year preceding the date when the annual discharge fee is due. 45739
In the case of an existing source that permanently ceases to 45740
discharge during a billing year, the director shall reduce the 45741
annual discharge fee, including the surcharge applicable to 45742
certain industrial facilities pursuant to division (L)(5)(c) of 45743
this section, by one-twelfth for each full month during the 45744
billing year that the source was not discharging, but only if the 45745
person holding the NPDES discharge permit for the source notifies 45746
the director in writing, not later than the first day of October 45747
of the billing year, of the circumstances causing the cessation of 45748
discharge. 45749

(iii) The annual discharge fee established in division 45750
(L)(5)(a)(i) of this section, except for the surcharge applicable 45751
to certain industrial facilities pursuant to division (L)(5)(c) of 45752
this section, shall be based upon the average daily discharge flow 45753
in gallons per day calculated using first day of May through 45754
thirty-first day of October flow data for the period two years 45755
prior to the date on which the fee is due. In the case of NPDES 45756

discharge permits for new sources, the fee shall be calculated 45757
using the average daily design flow of the facility until actual 45758
average daily discharge flow values are available for the time 45759
period specified in division (L)(5)(a)(iii) of this section. The 45760
annual discharge fee may be prorated for a new source as described 45761
in division (L)(5)(a)(ii) of this section. 45762

(b) An NPDES permit holder that is a public discharger shall 45763
pay the fee specified in the following schedule: 45764

Average daily	Fee due by	
discharge flow	January 30,	
	2004 <u>2006</u> , and	
	January 30, 2005	
	<u>2007</u>	
5,000 to 49,999	\$ 200	45769
50,000 to 100,000	500	45770
100,001 to 250,000	1,050	45771
250,001 to 1,000,000	2,600	45772
1,000,001 to 5,000,000	5,200	45773
5,000,001 to 10,000,000	10,350	45774
10,000,001 to 20,000,000	15,550	45775
20,000,001 to 50,000,000	25,900	45776
50,000,001 to 100,000,000	41,400	45777
100,000,001 or more	62,100	45778

Public dischargers owning or operating two or more publicly 45779
owned treatment works serving the same political subdivision, as 45780
"treatment works" is defined in section 6111.01 of the Revised 45781
Code, and that serve exclusively political subdivisions having a 45782
population of fewer than one hundred thousand shall pay an annual 45783
discharge fee under division (L)(5)(b) of this section that is 45784
based on the combined average daily discharge flow of the 45785
treatment works. 45786

(c) An NPDES permit holder that is an industrial discharger, 45787

other than a coal mining operator identified by P in the third		45788
character of the permittee's NPDES permit number, shall pay the		45789
fee specified in the following schedule:		45790
Average daily	Fee due by	45791
discharge flow	January 30,	45792
	2004 <u>2006</u> , and	45793
	January 30, 2005	45794
	<u>2007</u>	
5,000 to 49,999	\$ 250	45795
50,000 to 250,000	1,200	45796
250,001 to 1,000,000	2,950	45797
1,000,001 to 5,000,000	5,850	45798
5,000,001 to 10,000,000	8,800	45799
10,000,001 to 20,000,000	11,700	45800
20,000,001 to 100,000,000	14,050	45801
100,000,001 to 250,000,000	16,400	45802
250,000,001 or more	18,700	45803
In addition to the fee specified in the above schedule, an		45804
NPDES permit holder that is an industrial discharger classified as		45805
a major discharger during all or part of the annual discharge fee		45806
billing year specified in division (L)(5)(a)(ii) of this section		45807
shall pay a nonrefundable annual surcharge of seven thousand five		45808
hundred dollars not later than January 30, 2004 <u>2006</u> , and not		45809
later than January 30, 2005 <u>2007</u> . Any person who fails to pay the		45810
surcharge at that time shall pay an additional amount that equals		45811
ten per cent of the amount of the surcharge.		45812
(d) Notwithstanding divisions (L)(5)(b) and (c) of this		45813
section, a public discharger identified by I in the third		45814
character of the permittee's NPDES permit number and an industrial		45815
discharger identified by I, J, L, V, W, X, Y, or Z in the third		45816
character of the permittee's NPDES permit number shall pay a		45817
nonrefundable annual discharge fee of one hundred eighty dollars		45818

not later than January 30, ~~2004~~ 2006, and not later than January 45819
30, ~~2005~~ 2007. Any person who fails to pay the fee at that time 45820
shall pay an additional amount that equals ten per cent of the 45821
required fee. 45822

(6) Each person obtaining a national pollutant discharge 45823
elimination system general or individual permit for municipal 45824
storm water discharge shall pay a nonrefundable storm water 45825
discharge fee of one hundred dollars per square mile of area 45826
permitted. The fee shall not exceed ten thousand dollars and shall 45827
be payable on or before January 30, 2004, and the thirtieth day of 45828
January of each year thereafter. Any person who fails to pay the 45829
fee on the date specified in division (L)(6) of this section shall 45830
pay an additional amount per year equal to ten per cent of the 45831
annual fee that is unpaid. 45832

(7) The director shall transmit all moneys collected under 45833
division (L) of this section to the treasurer of state for deposit 45834
into the state treasury to the credit of the surface water 45835
protection fund created in section 6111.038 of the Revised Code. 45836

(8) As used in division (L) of this section: 45837

(a) "NPDES" means the federally approved national pollutant 45838
discharge elimination system program for issuing, modifying, 45839
revoking, reissuing, terminating, monitoring, and enforcing 45840
permits and imposing and enforcing pretreatment requirements under 45841
Chapter 6111. of the Revised Code and rules adopted under it. 45842

(b) "Public discharger" means any holder of an NPDES permit 45843
identified by P in the second character of the NPDES permit number 45844
assigned by the director. 45845

(c) "Industrial discharger" means any holder of an NPDES 45846
permit identified by I in the second character of the NPDES permit 45847
number assigned by the director. 45848

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 45849
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45851
45852

(M) Through June 30, ~~2006~~ 2008, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 45853
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Except as provided in division (M)(4) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 45863
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(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is: 45866
45867
45868
45869
45870

Number of service connections	Fee amount	
Not more than 49	\$ 112	45871 45872
50 to 99	176	45873
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	45874 45875
2,500 to 4,999	1.48	45876
5,000 to 7,499	1.42	45877
7,500 to 9,999	1.34	45878
10,000 to 14,999	1.16	45879
15,000 to 24,999	1.10	45880

25,000 to 49,999	1.04	45881
50,000 to 99,999	.92	45882
100,000 to 149,999	.86	45883
150,000 to 199,999	.80	45884
200,000 or more	.76	45885

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	45900
150 to 299	176	45901
300 to 749	384	45902
750 to 1,499	628	45903
1,500 to 2,999	1,268	45904
3,000 to 7,499	2,816	45905
7,500 to 14,999	5,510	45906
15,000 to 22,499	9,048	45907
22,500 to 29,999	12,430	45908
30,000 or more	16,820	45909

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least

sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2006~~ 2008, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	
2	112	
3	176	
4	278	
5	568	
System designated as using a surface water source	792	

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2006~~ 2008, and fifteen thousand dollars on and after July 1, ~~2006~~ 2008. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2006~~ 2008, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		45959
MMO-MUG	\$2,000	45960
MF	2,100	45961
MMO-MUG and MF	2,550	45962
organic chemical	5,400	45963
trace metals	5,400	45964
standard chemistry	2,800	45965
limited chemistry	1,550	45966

On and after July 1, ~~2006~~ 2008, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	45969
organic chemicals	3,500	45970
trace metals	3,500	45971
standard chemistry	1,800	45972
limited chemistry	1,000	45973

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2006~~ 2008, an individual

laboratory shall not be assessed a fee under this division more 45976
than once in any three-year period unless the person requests the 45977
addition of analytical methods or analysts, in which case the 45978
person shall pay eighteen hundred dollars for each additional 45979
survey requested. 45980

As used in division (N)(3) of this section: 45981

(a) "MF" means microfiltration. 45982

(b) "MMO" means minimal medium ONPG. 45983

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 45984

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 45985

The director shall transmit all moneys collected under this 45986
division to the treasurer of state for deposit into the drinking 45987
water protection fund created in section 6109.30 of the Revised 45988
Code. 45989

~~(O) Any person applying to the director for examination for 45990
certification as an operator of a water supply system or 45991
wastewater system under Chapter 6109. or 6111. of the Revised 45992
Code, at the time the application is submitted, shall pay an 45993
application fee of twenty five dollars through November 30, 2003. 45994
Upon approval from the director that the applicant is eligible to 45995
take the examination therefor, the applicant shall pay a fee in 45996
accordance with the following schedule through November 30, 2003:~~ 45997

Class I operator	\$45	45998
Class II operator	55	45999
Class III operator	65	46000
Class IV operator	75	46001

~~On and after December 1, 2003, any person applying to the 46002
director for examination for certification as an operator of a 46003
water supply system or wastewater system under Chapter 6109. or 46004
6111. of the Revised Code, at the time the application is 46005~~

submitted, shall pay an application fee of forty-five dollars 46006
through November 30, ~~2006~~ 2008, and twenty-five dollars on and 46007
after December 1, ~~2006~~ 2008. Upon approval from the director that 46008
the applicant is eligible to take the examination therefor, the 46009
applicant shall pay a fee in accordance with the following 46010
schedule through November 30, ~~2006~~ 2008: 46011

Class A operator	\$35	46012
Class I operator	60	46013
Class II operator	75	46014
Class III operator	85	46015
Class IV operator	100	46016

On and after December 1, ~~2006~~ 2008, the applicant shall pay a 46017
fee in accordance with the following schedule: 46018

Class A operator	\$25	46019
Class I operator	\$45	46020
Class II operator	55	46021
Class III operator	65	46022
Class IV operator	75	46023

A person shall pay a biennial certification renewal fee for 46024
each applicable class of certification in accordance with the 46025
following schedule: 46026

Class A operator	\$25	46027
Class I operator	35	46028
Class II operator	45	46029
Class III operator	55	46030
Class IV operator	65	46031

If a certification renewal fee is received by the director 46032
more than thirty days, but not more than one year after the 46033
expiration date of the certification, the person shall pay a 46034
certification renewal fee in accordance with the following 46035
schedule: 46036

Class A operator	\$45	46037
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Class I operator	55	46038
Class II operator	65	46039
Class III operator	75	46040
Class IV operator	85	46041

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after ~~the effective date of this amendment~~ June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of

the Revised Code shall pay a fee of ten dollars per thousand cubic
yards of disposal or treatment capacity, or one thousand dollars,
whichever is greater, except that the total fee for any such
permit shall not exceed eighty thousand dollars. A person issued a
modification of a permit for a solid waste disposal facility or an
infectious waste treatment facility that does not involve an
increase in the total disposal or treatment capacity of the
facility shall pay a fee of one thousand dollars. A person issued
a permit to install a new, or modify an existing, solid waste
transfer facility under that chapter shall pay a fee of two
thousand five hundred dollars. A person issued a permit to install
a new or to modify an existing solid waste incineration or
composting facility, or an existing infectious waste treatment
facility using incineration as its principal method of treatment,
under that chapter shall pay a fee of one thousand dollars. The
increases in the permit fees under this division resulting from
the amendments made by Amended Substitute House Bill 592 of the
117th general assembly do not apply to any person who submitted an
application for a permit to install a new, or modify an existing,
solid waste disposal facility under that chapter prior to
September 1, 1987; any such person shall pay the permit fee
established in this division as it existed prior to June 24, 1988.
In addition to the applicable permit fee under this division, a
person issued a permit to install or modify a solid waste facility
or an infectious waste treatment facility under that chapter who
fails to pay the permit fee to the director in compliance with
division (V) of this section shall pay an additional ten per cent
of the amount of the fee for each week that the permit fee is
late.

Permit and late payment fees paid to the director under this
division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap

tire collection facility under section 3734.75 of the Revised Code 46102
shall pay a fee of two hundred dollars, except that if the 46103
facility is owned or operated by a motor vehicle salvage dealer 46104
licensed under Chapter 4738. of the Revised Code, the person shall 46105
pay a fee of twenty-five dollars. 46106

(2) A person issued a registration certificate for a new 46107
scrap tire storage facility under section 3734.76 of the Revised 46108
Code shall pay a fee of three hundred dollars, except that if the 46109
facility is owned or operated by a motor vehicle salvage dealer 46110
licensed under Chapter 4738. of the Revised Code, the person shall 46111
pay a fee of twenty-five dollars. 46112

(3) A person issued a permit for a scrap tire storage 46113
facility under section 3734.76 of the Revised Code shall pay a fee 46114
of one thousand dollars, except that if the facility is owned or 46115
operated by a motor vehicle salvage dealer licensed under Chapter 46116
4738. of the Revised Code, the person shall pay a fee of fifty 46117
dollars. 46118

(4) A person issued a permit for a scrap tire monocell or 46119
monofill facility under section 3734.77 of the Revised Code shall 46120
pay a fee of ten dollars per thousand cubic yards of disposal 46121
capacity or one thousand dollars, whichever is greater, except 46122
that the total fee for any such permit shall not exceed eighty 46123
thousand dollars. 46124

(5) A person issued a registration certificate for a scrap 46125
tire recovery facility under section 3734.78 of the Revised Code 46126
shall pay a fee of one hundred dollars. 46127

(6) A person issued a permit for a scrap tire recovery 46128
facility under section 3734.78 of the Revised Code shall pay a fee 46129
of one thousand dollars. 46130

(7) In addition to the applicable registration certificate or 46131
permit fee under divisions (R)(1) to (6) of this section, a person 46132

issued a registration certificate or permit for any such scrap
tire facility who fails to pay the registration certificate or
permit fee to the director in compliance with division (V) of this
section shall pay an additional ten per cent of the amount of the
fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment
fees paid to the director under divisions (R)(1) to (7) of this
section shall be credited to the scrap tire management fund
created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O),
(P), and (S)(2) of this section, division (A)(2) of section
3734.05 of the Revised Code, section 3734.79 of the Revised Code,
and rules adopted under division (T)(1) of this section, any
person applying for a registration certificate under section
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit,
variance, or plan approval under Chapter 3734. of the Revised Code
shall pay a nonrefundable fee of fifteen dollars at the time the
application is submitted.

Except as otherwise provided, any person applying for a
permit, variance, or plan approval under Chapter 6109. or 6111. of
the Revised Code shall pay a nonrefundable fee of one hundred
dollars at the time the application is submitted through June 30,
~~2006~~ 2008, and a nonrefundable fee of fifteen dollars at the time
the application is submitted on and after July 1, ~~2006~~ 2008.
Through June 30, ~~2006~~ 2008, any person applying for a national
pollutant discharge elimination system permit under Chapter 6111.
of the Revised Code shall pay a nonrefundable fee of two hundred
dollars at the time of application for the permit. On and after
July 1, ~~2006~~ 2008, such a person shall pay a nonrefundable fee of
fifteen dollars at the time of application.

In addition to the application fee established under division 46163

(S)(1) of this section, any person applying for a national
pollutant discharge elimination system general storm water
construction permit shall pay a nonrefundable fee of twenty
dollars per acre for each acre that is permitted above five acres
at the time the application is submitted. However, the per acreage
fee shall not exceed three hundred dollars. In addition, any
person applying for a national pollutant discharge elimination
system general storm water industrial permit shall pay a
nonrefundable fee of one hundred fifty dollars at the time the
application is submitted.

The director shall transmit all moneys collected under
division (S)(1) of this section pursuant to Chapter 6109. of the
Revised Code to the treasurer of state for deposit into the
drinking water protection fund created in section 6109.30 of the
Revised Code.

The director shall transmit all moneys collected under
division (S)(1) of this section pursuant to Chapter 6111. of the
Revised Code to the treasurer of state for deposit into the
surface water protection fund created in section 6111.038 of the
Revised Code.

If a registration certificate is issued under section
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of
the application fee paid shall be deducted from the amount of the
registration certificate fee due under division (R)(1), (2), or
(5) of this section, as applicable.

If a person submits an electronic application for a
registration certificate, permit, variance, or plan approval for
which an application fee is established under division (S)(1) of
this section, the person shall pay the applicable application fee
as expeditiously as possible after the submission of the
electronic application. An application for a registration

certificate, permit, variance, or plan approval for which an
application fee is established under division (S)(1) of this
section shall not be reviewed or processed until the applicable
application fee, and any other fees established under this
division, are paid.

(2) Division (S)(1) of this section does not apply to an
application for a registration certificate for a scrap tire
collection or storage facility submitted under section 3734.75 or
3734.76 of the Revised Code, as applicable, if the owner or
operator of the facility or proposed facility is a motor vehicle
salvage dealer licensed under Chapter 4738. of the Revised Code.

(T) The director may adopt, amend, and rescind rules in
accordance with Chapter 119. of the Revised Code that do all of
the following:

(1) Prescribe fees to be paid by applicants for and holders
of any license, permit, variance, plan approval, or certification
required or authorized by Chapter 3704., 3734., 6109., or 6111. of
the Revised Code that are not specifically established in this
section. The fees shall be designed to defray the cost of
processing, issuing, revoking, modifying, denying, and enforcing
the licenses, permits, variances, plan approvals, and
certifications.

The director shall transmit all moneys collected under rules
adopted under division (T)(1) of this section pursuant to Chapter
6109. of the Revised Code to the treasurer of state for deposit
into the drinking water protection fund created in section 6109.30
of the Revised Code.

The director shall transmit all moneys collected under rules
adopted under division (T)(1) of this section pursuant to Chapter
6111. of the Revised Code to the treasurer of state for deposit
into the surface water protection fund created in section 6111.038

of the Revised Code. 46226

(2) Exempt the state and political subdivisions thereof, 46227
including education facilities or medical facilities owned by the 46228
state or a political subdivision, or any person exempted from 46229
taxation by section 5709.07 or 5709.12 of the Revised Code, from 46230
any fee required by this section; 46231

(3) Provide for the waiver of any fee, or any part thereof, 46232
otherwise required by this section whenever the director 46233
determines that the imposition of the fee would constitute an 46234
unreasonable cost of doing business for any applicant, class of 46235
applicants, or other person subject to the fee; 46236

(4) Prescribe measures that the director considers necessary 46237
to carry out this section. 46238

(U) When the director reasonably demonstrates that the direct 46239
cost to the state associated with the issuance of a permit to 46240
install, license, variance, plan approval, or certification 46241
exceeds the fee for the issuance or review specified by this 46242
section, the director may condition the issuance or review on the 46243
payment by the person receiving the issuance or review of, in 46244
addition to the fee specified by this section, the amount, or any 46245
portion thereof, in excess of the fee specified under this 46246
section. The director shall not so condition issuances for which 46247
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 46248
section. 46249

(V) Except as provided in divisions (L), (M), and (P) of this 46250
section or unless otherwise prescribed by a rule of the director 46251
adopted pursuant to Chapter 119. of the Revised Code, all fees 46252
required by this section are payable within thirty days after the 46253
issuance of an invoice for the fee by the director or the 46254
effective date of the issuance of the license, permit, variance, 46255
plan approval, or certification. If payment is late, the person 46256

responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	46287 46288 46289
(e) Emission and ambient monitoring;	46290
(f) Modeling, analyses, or demonstrations;	46291
(g) Preparing inventories and tracking emissions;	46292
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	46293 46294 46295 46296 46297 46298 46299
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	46300 46301 46302 46303 46304 46305 46306 46307 46308 46309
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	46310 46311 46312
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under	46313 46314 46315 46316

division (Y)(1) of this section, subject to the following 46317
exceptions: 46318

(i) Except as provided in division (Y)(2)(d) of this section, 46319
a sewage sludge facility that treats or disposes of exceptional 46320
quality sludge shall pay a minimum annual sewage sludge fee of one 46321
hundred dollars. 46322

(ii) A sewage sludge facility that treats or disposes of 46323
exceptional quality sludge shall not be required to pay the annual 46324
sludge fee for treatment or disposal in this state of exceptional 46325
quality sludge generated outside of this state and contained in 46326
bags or other containers not greater than one hundred pounds in 46327
capacity. 46328

A thirty-five per cent reduction for exceptional quality 46329
sludge applies to the maximum annual fees established under 46330
division (Y)(3) of this section. 46331

(c) A sewage sludge facility that transfers sewage sludge to 46332
another sewage sludge facility in this state for further treatment 46333
prior to disposal in this state shall not be required to pay the 46334
annual sludge fee for the tons of sewage sludge that have been 46335
transferred. In such a case, the sewage sludge facility that 46336
disposes of the sewage sludge shall pay the annual sludge fee. 46337
However, the facility transferring the sewage sludge shall pay the 46338
one-hundred-dollar minimum fee required under division (Y)(2)(a) 46339
of this section. 46340

In the case of a sewage sludge facility that treats sewage 46341
sludge in this state and transfers it out of this state to another 46342
entity for disposal, the sewage sludge facility in this state 46343
shall be required to pay the annual sludge fee for the tons of 46344
sewage sludge that have been transferred. 46345

(d) A sewage sludge facility that generates sewage sludge 46346
resulting from an average daily discharge flow of less than five 46347

thousand gallons per day is not subject to the fees assessed under 46348
division (Y) of this section. 46349

(3) No sewage sludge facility required to pay the annual 46350
sludge fee shall be required to pay more than the maximum annual 46351
fee for each disposal method that the sewage sludge facility uses. 46352
The maximum annual fee does not include the additional amount that 46353
may be charged under division (Y)(5) of this section for late 46354
payment of the annual sludge fee. The maximum annual fee for the 46355
following methods of disposal of sewage sludge is as follows: 46356

(a) Incineration: five thousand dollars; 46357

(b) Preexisting land reclamation project or disposal in a 46358
landfill: five thousand dollars; 46359

(c) Land application, land reclamation, surface disposal, or 46360
any other disposal method not specified in division (Y)(3)(a) or 46361
(b) of this section: twenty thousand dollars. 46362

(4)(a) In the case of an entity that generates sewage sludge 46363
or a sewage sludge facility that treats sewage sludge and 46364
transfers the sewage sludge to an incineration facility for 46365
disposal, the incineration facility, and not the entity generating 46366
the sewage sludge or the sewage sludge facility treating the 46367
sewage sludge, shall pay the annual sludge fee for the tons of 46368
sewage sludge that are transferred. However, the entity or 46369
facility generating or treating the sewage sludge shall pay the 46370
one-hundred-dollar minimum fee required under division (Y)(2)(a) 46371
of this section. 46372

(b) In the case of an entity that generates sewage sludge and 46373
transfers the sewage sludge to a landfill for disposal or to a 46374
sewage sludge facility for land reclamation or surface disposal, 46375
the entity generating the sewage sludge, and not the landfill or 46376
sewage sludge facility, shall pay the annual sludge fee for the 46377
tons of sewage sludge that are transferred. 46378

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who

is required to pay the fee, but who fails to do so on or before 46410
that date shall pay an additional amount that equals ten per cent 46411
of the required annual sludge fee. 46412

(6) The director shall transmit all moneys collected under 46413
division (Y) of this section to the treasurer of state for deposit 46414
into the surface water protection fund created in section 6111.038 46415
of the Revised Code. The moneys shall be used to defray the costs 46416
of administering and enforcing provisions in Chapter 6111. of the 46417
Revised Code and rules adopted under it that govern the use, 46418
storage, treatment, or disposal of sewage sludge. 46419

(7) Beginning in fiscal year 2001, and every two years 46420
thereafter, the director shall review the total amount of moneys 46421
generated by the annual sludge fees to determine if that amount 46422
exceeded six hundred thousand dollars in either of the two 46423
preceding fiscal years. If the total amount of moneys in the fund 46424
exceeded six hundred thousand dollars in either fiscal year, the 46425
director, after review of the fee structure and consultation with 46426
affected persons, shall issue an order reducing the amount of the 46427
fees levied under division (Y) of this section so that the 46428
estimated amount of moneys resulting from the fees will not exceed 46429
six hundred thousand dollars in any fiscal year. 46430

If, upon review of the fees under division (Y)(7) of this 46431
section and after the fees have been reduced, the director 46432
determines that the total amount of moneys collected and 46433
accumulated is less than six hundred thousand dollars, the 46434
director, after review of the fee structure and consultation with 46435
affected persons, may issue an order increasing the amount of the 46436
fees levied under division (Y) of this section so that the 46437
estimated amount of moneys resulting from the fees will be 46438
approximately six hundred thousand dollars. Fees shall never be 46439
increased to an amount exceeding the amount specified in division 46440
(Y)(7) of this section. 46441

Notwithstanding section 119.06 of the Revised Code, the 46442
director may issue an order under division (Y)(7) of this section 46443
without the necessity to hold an adjudicatory hearing in 46444
connection with the order. The issuance of an order under this 46445
division is not an act or action for purposes of section 3745.04 46446
of the Revised Code. 46447

(8) As used in division (Y) of this section: 46448

(a) "Sewage sludge facility" means an entity that performs 46449
treatment on or is responsible for the disposal of sewage sludge. 46450

(b) "Sewage sludge" means a solid, semi-solid, or liquid 46451
residue generated during the treatment of domestic sewage in a 46452
treatment works as defined in section 6111.01 of the Revised Code. 46453
"Sewage sludge" includes, but is not limited to, scum or solids 46454
removed in primary, secondary, or advanced wastewater treatment 46455
processes. "Sewage sludge" does not include ash generated during 46456
the firing of sewage sludge in a sewage sludge incinerator, grit 46457
and screenings generated during preliminary treatment of domestic 46458
sewage in a treatment works, animal manure, residue generated 46459
during treatment of animal manure, or domestic septage. 46460

(c) "Exceptional quality sludge" means sewage sludge that 46461
meets all of the following qualifications: 46462

(i) Satisfies the class A pathogen standards in 40 C.F.R. 46463
503.32(a); 46464

(ii) Satisfies one of the vector attraction reduction 46465
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 46466

(iii) Does not exceed the ceiling concentration limitations 46467
for metals listed in table one of 40 C.F.R. 503.13; 46468

(iv) Does not exceed the concentration limitations for metals 46469
listed in table three of 40 C.F.R. 503.13. 46470

(d) "Treatment" means the preparation of sewage sludge for 46471

final use or disposal and includes, but is not limited to, 46472
thickening, stabilization, and dewatering of sewage sludge. 46473

(e) "Disposal" means the final use of sewage sludge, 46474
including, but not limited to, land application, land reclamation, 46475
surface disposal, or disposal in a landfill or an incinerator. 46476

(f) "Land application" means the spraying or spreading of 46477
sewage sludge onto the land surface, the injection of sewage 46478
sludge below the land surface, or the incorporation of sewage 46479
sludge into the soil for the purposes of conditioning the soil or 46480
fertilizing crops or vegetation grown in the soil. 46481

(g) "Land reclamation" means the returning of disturbed land 46482
to productive use. 46483

(h) "Surface disposal" means the placement of sludge on an 46484
area of land for disposal, including, but not limited to, 46485
monofills, surface impoundments, lagoons, waste piles, or 46486
dedicated disposal sites. 46487

(i) "Incinerator" means an entity that disposes of sewage 46488
sludge through the combustion of organic matter and inorganic 46489
matter in sewage sludge by high temperatures in an enclosed 46490
device. 46491

(j) "Incineration facility" includes all incinerators owned 46492
or operated by the same entity and located on a contiguous tract 46493
of land. Areas of land are considered to be contiguous even if 46494
they are separated by a public road or highway. 46495

(k) "Annual sludge fee" means the fee assessed under division 46496
(Y)(1) of this section. 46497

(l) "Landfill" means a sanitary landfill facility, as defined 46498
in rules adopted under section 3734.02 of the Revised Code, that 46499
is licensed under section 3734.05 of the Revised Code. 46500

(m) "Preexisting land reclamation project" means a 46501

property-specific land reclamation project that has been in 46502
continuous operation for not less than five years pursuant to 46503
approval of the activity by the director and includes the 46504
implementation of a community outreach program concerning the 46505
activity. 46506

Sec. 3745.114. (A) A person that applies for a section 401 46507
water quality certification under Chapter 6111. of the Revised 46508
Code and rules adopted under it shall pay an application fee of 46509
two hundred dollars at the time of application plus any of the 46510
following fees, as applicable: 46511

(1) If the water resource to be impacted is a wetland, a 46512
review fee of five hundred dollars per acre of wetland to be 46513
impacted; 46514

(2) If the water resource to be impacted is a stream one of 46515
the following fees, as applicable: 46516

(a) For an ephemeral stream, a review fee of five dollars per 46517
linear foot of stream to be impacted, or two hundred dollars, 46518
whichever is greater; 46519

(b) For an intermittent stream, a review fee of ten dollars 46520
per linear foot of stream to be impacted, or two hundred dollars, 46521
whichever is greater; 46522

(c) For a perennial stream, a review fee of fifteen dollars 46523
per linear foot of stream to be impacted, or two hundred dollars, 46524
whichever is greater. 46525

(3) If the water resource to be impacted is a lake, a review 46526
fee of three dollars per cubic yard of dredged or fill material to 46527
be moved. 46528

(B) One-half of all applicable review fees levied under this 46529
section shall be due at the time of application for a section 401 46530
water quality certification. The remainder of the fees shall be 46531

paid upon the final disposition of the application for a section 46532
401 water quality certification. The total fee to be paid under 46533
this section shall not exceed twenty-five thousand dollars per 46534
application. However, if the applicant is a county, township, or 46535
municipal corporation in this state, the total fee to be paid 46536
shall not exceed five thousand dollars per application. 46537

(C) All money collected under this section shall be 46538
transmitted to the treasurer of state for deposit into the state 46539
treasury to the credit of the surface water protection fund 46540
created in section 6111.038 of the Revised Code. 46541

(D) The fees established under this section do not apply to 46542
any state agency as defined in section 119.01 of the Revised Code. 46543

(E) The fees established under this section do not apply to 46544
projects that are authorized by the environmental protection 46545
agency's general certifications of nationwide permits or general 46546
permits issued by the United States army corps of engineers. As 46547
used in this division, "general permit" and "nationwide permit" 46548
have the same meanings as in rules adopted under Chapter 6111. of 46549
the Revised Code. 46550

(F) Coal mining and reclamation operations that are 46551
authorized under Chapter 1513. of the Revised Code are exempt from 46552
the fees established under this section for one year after the 46553
effective date of this section. 46554

(G) As used in this section: 46555

(1) "Ephemeral stream" means a stream that flows only in 46556
direct response to precipitation in the immediate watershed or in 46557
response to the melting of a cover of snow and ice and that has 46558
channel bottom that is always above the local water table. 46559

(2) "Intermittent stream" means a stream that is below the 46560
local water table and flows for at least a part of each year and 46561

that obtains its flow from both surface runoff and ground water 46562
discharge. 46563

(3) "Perennial stream" means a stream or a part of a stream 46564
that flows continuously during all of the calendar year as a 46565
result of ground water discharge or surface water runoff. 46566
"Perennial stream" does not include an intermittent stream or an 46567
ephemeral stream. 46568

Sec. 3745.12. (A) There is hereby created in the state 46569
treasury the immediate removal fund, which shall be administered 46570
by the director of environmental protection. The fund may be used 46571
for both of the following purposes: 46572

(1) To pay costs incurred by the environmental protection 46573
agency in investigating, mitigating, minimizing, removing, or 46574
abating any unauthorized spill, release, or discharge of material 46575
into or upon the environment that requires emergency action to 46576
protect the public health or safety or the environment; 46577

(2) Conducting remedial actions under section 3752.13 of the 46578
Revised Code. 46579

(B) Any person responsible for causing or allowing the 46580
unauthorized spill, release, or discharge is liable to the 46581
director for the costs incurred by the agency regardless of 46582
whether those costs were paid out of the fund created under 46583
division (A) of this section or any other fund of the agency. Upon 46584
the request of the director, the attorney general shall bring a 46585
civil action against the responsible person to recover those 46586
costs. Moneys recovered under this division shall be paid into the 46587
state treasury to the credit of the immediate removal fund, except 46588
that moneys recovered for costs paid from the hazardous waste 46589
clean-up fund created in section 3734.28 of the Revised Code shall 46590
be credited to the hazardous waste clean-up fund. 46591

Sec. 3746.04. Within one year after September 28, 1994, the director of environmental protection, in accordance with Chapter 119. of the Revised Code and with the advice of the multidisciplinary council appointed under section 3746.03 of the Revised Code, shall adopt, and subsequently may amend, suspend, or rescind, rules that do both of the following:

(A) Revise the rules adopted under Chapters 3704., 3714., 3734., 6109., and 6111. of the Revised Code to incorporate the provisions necessary to conform those rules to the requirements of this chapter. The amended rules adopted under this division also shall establish response times for all submittals to the environmental protection agency required under this chapter or rules adopted under it.

(B) Establish requirements and procedures that are reasonably necessary for the implementation and administration of this chapter, including, without limitation, all of the following:

(1) Appropriate generic numerical clean-up standards for the treatment or removal of soils, sediments, and water media for hazardous substances and petroleum. The rules shall establish separate generic numerical clean-up standards based upon the intended use of properties after the completion of voluntary actions, including industrial, commercial, and residential uses and such other categories of land use as the director considers to be appropriate. The generic numerical clean-up standards established for each category of land use shall be the concentration of each contaminant that may be present on a property that shall ensure protection of public health and safety and the environment for the reasonable exposure for that category of land use. When developing the standards, the director shall consider such factors as all of the following:

(a) Scientific information, including, without limitation,

toxicological information and realistic assumptions regarding	46623
human and environmental exposure to hazardous substances or	46624
petroleum;	46625
(b) Climatic factors;	46626
(c) Human activity patterns;	46627
(d) Current statistical techniques;	46628
(e) For petroleum at industrial property, alternatives to the	46629
use of total petroleum hydrocarbons.	46630
The generic numerical clean-up standards established <u>in the</u>	46631
<u>rules adopted</u> under division (B)(1) of this section shall be	46632
consistent with and equivalent in scope, content, and coverage to	46633
any applicable standard established by federal environmental laws	46634
and regulations adopted under them, including, without limitation,	46635
the "Federal Water Pollution Control Act Amendments of 1972," 86	46636
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource	46637
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.	46638
6921, as amended; the "Toxic Substances Control Act," 90 Stat.	46639
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive	46640
Environmental Response, Compensation, and Liability Act of 1980,"	46641
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe	46642
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as	46643
amended.	46644
In order for the rules adopted under division (B)(1) of this	46645
section to require that any such federal environmental standard	46646
apply to a property, the property shall meet the requirements of	46647
the particular federal statute or regulation involved in the	46648
manner specified by the statute or regulation.	46649
The generic numerical clean-up standards for petroleum at	46650
commercial or residential property shall be the standards	46651
established in rules adopted under division (B) of section	46652

3737.882 of the Revised Code. 46653

(2)(a) Procedures for performing property-specific risk 46654
assessments that would be performed at a property to demonstrate 46655
that the remedy evaluated in a risk assessment results in 46656
protection of public health and safety and the environment instead 46657
of complying with the generic numerical clean-up standards 46658
established in the rules adopted under division (B)(1) of this 46659
section. The risk assessment procedures shall describe a 46660
methodology to establish, on a property-specific basis, allowable 46661
levels of contamination to remain at a property to ensure 46662
protection of public health and safety and the environment on the 46663
property and off the property when the contamination is emanating 46664
off the property, taking into account all of the following: 46665

(i) The implementation of treatment, storage, or disposal, or 46666
a combination thereof, of hazardous substances or petroleum; 46667

(ii) The existence of institutional controls or activity and 46668
use limitations that eliminate or mitigate exposure to hazardous 46669
substances or petroleum through the restriction of access to 46670
hazardous substances or petroleum; 46671

(iii) The existence of engineering controls that eliminate or 46672
mitigate exposure to hazardous substances or petroleum through 46673
containment of, control of, or restrictions of access to hazardous 46674
substances or petroleum, including, without limitation, fences, 46675
cap systems, cover systems, and landscaping. 46676

(b) The risk assessment procedures and levels of acceptable 46677
risk set forth in the rules adopted under division (B)(2) of this 46678
section shall be based upon all of the following: 46679

(i) Scientific information, including, without limitation, 46680
toxicological information and actual or proposed human and 46681
environmental exposure; 46682

(ii) Locational and climatic factors;	46683
(iii) Surrounding land use and human activities;	46684
(iv) Differing levels of remediation that may be required when an existing land use is continued compared to when a different land use follows the remediation.	46685 46686 46687
(c) Any standards established pursuant to rules adopted under division (B)(2) of this section shall be no more stringent than standards established under the environmental statutes of this state and rules adopted under them for the same contaminant in the same environmental medium that are in effect at the time the risk assessment is conducted.	46688 46689 46690 46691 46692 46693
(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that there is no reason to believe that contamination exists on a property. The rules adopted under division (B)(3) of this section, at a minimum, shall require that a phase I property assessment include all of the following:	46694 46695 46696 46697 46698 46699
(a) A review and analysis of deeds, mortgages, easements of record, and similar documents relating to the chain of title to the property that are publicly available or that are known to and reasonably available to the owner or operator;	46700 46701 46702 46703
(b) A review and analysis of any previous environmental assessments, property assessments, environmental studies, or geologic studies of the property and any land within two thousand feet of the boundaries of the property that are publicly available or that are known to and reasonably available to the owner or operator;	46704 46705 46706 46707 46708 46709
(c) A review of current and past environmental compliance histories of persons who owned or operated the property;	46710 46711
(d) A review of aerial photographs of the property that	46712

indicate prior uses of the property; 46713

(e) Interviews with managers of activities conducted at the 46714
property who have knowledge of environmental conditions at the 46715
property; 46716

(f) Conducting an inspection of the property consisting of a 46717
walkover; 46718

(g) Identifying the current and past uses of the property, 46719
adjoining tracts of land, and the area surrounding the property, 46720
including, without limitation, interviews with persons who reside 46721
or have resided, or who are or were employed, within the area 46722
surrounding the property regarding the current and past uses of 46723
the property and adjacent tracts of land. 46724

The rules adopted under division (B)(3) of this section shall 46725
establish criteria to determine when a phase II property 46726
assessment shall be conducted when a phase I property assessment 46727
reveals facts that establish a reason to believe that hazardous 46728
substances or petroleum have been treated, stored, managed, or 46729
disposed of on the property if the person undertaking the phase I 46730
property assessment wishes to obtain a covenant not to sue under 46731
section 3746.12 of the Revised Code. 46732

(4) Minimum standards for phase II property assessments. The 46733
standards shall specify the information needed to demonstrate that 46734
any contamination present at the property does not exceed 46735
applicable standards or that the remedial activities conducted at 46736
the property have achieved compliance with applicable standards. 46737
The rules adopted under division (B)(4) of this section, at a 46738
minimum, shall require that a phase II property assessment include 46739
all of the following: 46740

(a) A review and analysis of all documentation prepared in 46741
connection with a phase I property assessment conducted within the 46742
one hundred eighty days before the phase II property assessment 46743

begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the change in the environmental condition of the property during the intervening period.

(b) Quality assurance objectives for measurements taken in connection with a phase II assessment;

(c) Sampling procedures to ensure the representative sampling of potentially contaminated environmental media;

(d) Quality assurance and quality control requirements for samples collected in connection with phase II assessments;

(e) Analytical and data assessment procedures;

(f) Data objectives to ensure that samples collected in connection with phase II assessments are biased toward areas where information indicates that contamination by hazardous substances or petroleum is likely to exist.

(5) Standards governing the conduct of certified professionals, criteria and procedures for the certification of professionals to issue no further action letters under section 3746.11 of the Revised Code, and criteria for the suspension and revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, ~~and the director shall take any such action regarding a certification as a final action~~ except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection

agency's web site and in the agency's weekly review not later than 46775
fifteen days after the date of the issuance, denial, renewal, 46776
suspension, or revocation of the certification and not later than 46777
thirty days before a hearing or public meeting concerning the 46778
action. 46779

The rules adopted under division (B)(5) of this section shall 46780
do all of the following: 46781

(a) Provide for the certification of environmental 46782
professionals to issue no further action letters pertaining to 46783
investigations and remedies in accordance with the criteria and 46784
procedures set forth in the rules. The rules adopted under 46785
division (B)(5)(a) of this section shall do at least all of the 46786
following: 46787

(i) Authorize the director to consider such factors as an 46788
environmental professional's previous performance record regarding 46789
such investigations and remedies and the environmental 46790
professional's environmental compliance history when determining 46791
whether to certify the environmental professional; 46792

(ii) Ensure that an application for certification is reviewed 46793
in a timely manner; 46794

(iii) Require the director to certify any environmental 46795
professional who the director determines complies with those 46796
criteria; 46797

(iv) Require the director to deny certification for any 46798
environmental professional who does not comply with those 46799
criteria. 46800

(b) Establish an annual fee to be paid by environmental 46801
professionals certified pursuant to the rules adopted under 46802
division (B)(5)(a) of this section. The fee shall be established 46803
at an amount calculated to defray the costs to the ~~environmental~~ 46804
~~protection~~ agency for the required reviews of the qualifications 46805

of environmental professionals for certification and for the 46806
issuance of the certifications. 46807

(c) Develop a schedule for and establish requirements 46808
governing the review by the director of the credentials of 46809
environmental professionals who were deemed to be certified 46810
professionals under division (D) of section 3746.07 of the Revised 46811
Code in order to determine if they comply with the criteria 46812
established in rules adopted under division (B)(5) of this 46813
section. The rules adopted under division (B)(5)(c) of this 46814
section shall do at least all of the following: 46815

(i) Ensure that the review is conducted in a timely fashion; 46816

(ii) Require the director to certify any such environmental 46817
professional who the director determines complies with those 46818
criteria; 46819

(iii) Require any such environmental professional initially 46820
to pay the fee established in the rules adopted under division 46821
(B)(5)(b) of this section at the time that the environmental 46822
professional is so certified by the director; 46823

(iv) Establish a time period within which any such 46824
environmental professional who does not comply with those criteria 46825
may obtain the credentials that are necessary for certification; 46826

(v) Require the director to deny certification for any such 46827
environmental professional who does not comply with those criteria 46828
and who fails to obtain the necessary credentials within the 46829
established time period. 46830

(d) Require that any information submitted to the director 46831
for the purposes of the rules adopted under division (B)(5)(a) or 46832
(c) of this section comply with division (A) of section 3746.20 of 46833
the Revised Code; 46834

(e) Authorize the director to suspend or revoke the 46835

certification of an environmental professional if the director 46836
finds that the environmental professional's performance has 46837
resulted in the issuance of no further action letters under 46838
section 3746.11 of the Revised Code that are not consistent with 46839
applicable standards or finds that the certified environmental 46840
professional has not substantially complied with section 3746.31 46841
of the Revised Code; 46842

(f) Authorize the director to suspend for a period of not 46843
more than five years or to permanently revoke a certified 46844
environmental professional's certification for any violation of or 46845
failure to comply with an ethical standard established in rules 46846
adopted under division (B)(5) of this section; 46847

(g) Require the director to revoke the certification of an 46848
environmental professional if the director finds that the 46849
environmental professional falsified any information on the 46850
environmental professional's application for certification 46851
regarding the environmental professional's credentials or 46852
qualifications or any other information generated for the purposes 46853
of or use under this chapter or rules adopted under it; 46854

(h) Require the director permanently to revoke the 46855
certification of an environmental professional who has violated or 46856
is violating division (A) of section 3746.18 of the Revised Code; 46857

(i) Preclude the director from revoking the certification of 46858
an environmental professional who only conducts investigations and 46859
remedies at property contaminated solely with petroleum unless the 46860
director first consults with the director of commerce. 46861

(6) Criteria and procedures for the certification of 46862
laboratories to perform analyses under this chapter and rules 46863
adopted under it. The issuance, denial, suspension, and revocation 46864
of those certifications are subject to Chapter 3745. of the 46865
Revised Code, and the director of environmental protection shall 46866

take any such action regarding a certification as a final action. 46867

The rules adopted under division (B)(6) of this section shall 46868
do all of the following: 46869

(a) Provide for the certification to perform analyses of 46870
laboratories in accordance with the criteria and procedures 46871
established in the rules adopted under division (B)(6)(a) of this 46872
section and establish an annual fee to be paid by those 46873
laboratories. The fee shall be established at an amount calculated 46874
to defray the costs to the agency for the review of the 46875
qualifications of those laboratories for certification and for the 46876
issuance of the certifications. The rules adopted under division 46877
(B)(6)(a) of this section may provide for the certification of 46878
those laboratories to perform only particular types or categories 46879
of analyses, specific test parameters or group of test parameters, 46880
or a specific matrix or matrices under this chapter. 46881

(b) Develop a schedule for and establish requirements 46882
governing the review by the director of the operations of 46883
laboratories that were deemed to be certified laboratories under 46884
division (E) of section 3746.07 of the Revised Code in order to 46885
determine if they comply with the criteria established in rules 46886
adopted under division (B)(6) of this section. The rules adopted 46887
under division (B)(6)(b) of this section shall do at least all of 46888
the following: 46889

(i) Ensure that the review is conducted in a timely fashion; 46890

(ii) Require the director to certify any such laboratory that 46891
the director determines complies with those criteria; 46892

(iii) Require any such laboratory initially to pay the fee 46893
established in the rules adopted under division (B)(6)(a) of this 46894
section at the time that the laboratory is so certified by the 46895
director; 46896

(iv) Establish a time period within which any such laboratory 46897
that does not comply with those criteria may make changes in its 46898
operations necessary for the performance of analyses under this 46899
chapter and rules adopted under it in order to be certified by the 46900
director; 46901

(v) Require the director to deny certification for any such 46902
laboratory that does not comply with those criteria and that fails 46903
to make the necessary changes in its operations within the 46904
established time period. 46905

(c) Require that any information submitted to the director 46906
for the purposes of the rules adopted under division (B)(6)(a) or 46907
(b) of this section comply with division (A) of section 3746.20 of 46908
the Revised Code; 46909

(d) Authorize the director to suspend or revoke the 46910
certification of a laboratory if the director finds that the 46911
laboratory's performance has resulted in the issuance of no 46912
further action letters under section 3746.11 of the Revised Code 46913
that are not consistent with applicable standards; 46914

(e) Authorize the director to suspend or revoke the 46915
certification of a laboratory if the director finds that the 46916
laboratory falsified any information on its application for 46917
certification regarding its credentials or qualifications; 46918

(f) Require the director permanently to revoke the 46919
certification of a laboratory that has violated or is violating 46920
division (A) of section 3746.18 of the Revised Code. 46921

(7) Information to be included in a no further action letter 46922
prepared under section 3746.11 of the Revised Code, including, 46923
without limitation, all of the following: 46924

(a) A summary of the information required to be submitted to 46925
the certified environmental professional preparing the no further 46926

action letter under division (C) of section 3746.10 of the Revised Code;	46927 46928
(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;	46929 46930 46931 46932 46933
(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;	46934 46935
(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;	46936 46937 46938 46939
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	46940 46941 46942
(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	46943 46944 46945
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	46946 46947 46948
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	46949 46950 46951
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	46952 46953 46954
(d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and	46955 46956

conditions of those covenants and with operation and maintenance 46957
agreements entered into pursuant to those covenants, including, 46958
without limitation, conducting audits of properties where 46959
voluntary actions are being or were conducted under this chapter 46960
and rules adopted under it. 46961

The fees established pursuant to the rules adopted under 46962
division (B)(8) of this section shall be at a level sufficient to 46963
defray the direct and indirect costs incurred by the agency for 46964
the administration and enforcement of this chapter and rules 46965
adopted under it other than the provisions regarding the 46966
certification of professionals and laboratories. 46967

(9) Criteria for selecting the no further action letters 46968
issued under section 3746.11 of the Revised Code that will be 46969
audited under section 3746.17 of the Revised Code, and the scope 46970
and procedures for conducting those audits. The rules adopted 46971
under division (B)(9) of this section, at a minimum, shall require 46972
the director to establish priorities for auditing no further 46973
action letters to which any of the following applies: 46974

(a) The letter was prepared by an environmental professional 46975
who was deemed to be a certified professional under division (D) 46976
of section 3746.07 of the Revised Code, but who does not comply 46977
with the criteria established in rules adopted under division 46978
(B)(5) of this section as determined pursuant to rules adopted 46979
under division (B)(5)(d) of this section-; 46980

(b) The letter was submitted fraudulently-; 46981

(c) The letter was prepared by a certified environmental 46982
professional whose certification subsequently was revoked in 46983
accordance with rules adopted under division (B)(5) of this 46984
section, or analyses were performed for the purposes of the no 46985
further action letter by a certified laboratory whose 46986
certification subsequently was revoked in accordance with rules 46987

adopted under division (B)(6) of this section-;i	46988
(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter-;i	46989 46990
(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section-;i	46991 46992 46993
(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.	46994 46995 46996 46997
The rules adopted under division (B)(9) of this section shall provide for random audits of no further action letters to which the rules adopted under divisions (B)(9)(a) to (f) of this section do not apply.	46998 46999 47000 47001
(10) A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established <u>in the rules adopted</u> under division (B)(1) or (2) of this section.	47002 47003 47004 47005 47006 47007 47008 47009
(a) In adopting rules under division (B)(10) of this section to characterize ground water according to its capability for human use, the director shall consider all of the following:	47010 47011 47012
(i) The presence of legally enforceable, reliable restrictions on the use of ground water, including, without limitation, local rules or ordinances;	47013 47014 47015
(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water;	47016 47017

(iii) The natural quality of ground water;	47018
(iv) Regional availability of ground water and reasonable alternative sources of drinking water;	47019 47020
(v) The productivity of the aquifer;	47021
(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it;	47022 47023
(vii) The existing use of ground water.	47024
(b) In adopting rules under division (B)(10) of this section to characterize ground water according to its impacts on the environment, the director shall consider both of the following:	47025 47026 47027
(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water;	47028 47029 47030
(ii) The availability and feasibility of technology to remedy ground water contamination.	47031 47032
(11) Governing the application for and issuance of variances under section 3746.09 of the Revised Code;	47033 47034
(12)(a) In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division (B)(12)(b) of this section;	47035 47036 47037 47038 47039 47040 47041 47042 47043 47044 47045
(b) Criteria and procedures for the case-by-case establishment of standards for the remediation of contaminated	47046 47047

ground water under circumstances in which the use of the generic 47048
numerical clean-up standards and standards established through a 47049
risk assessment are precluded by the rules adopted under division 47050
(B)(12)(a) of this section. The rules governing the procedures for 47051
the case-by-case development of standards for the remediation of 47052
contaminated ground water shall establish application, public 47053
participation, adjudication, and appeals requirements and 47054
procedures that are equivalent to the requirements and procedures 47055
established in section 3746.09 of the Revised Code and rules 47056
adopted under division (B)(11) of this section, except that the 47057
procedural rules shall not require an applicant to make the 47058
demonstrations set forth in divisions (A)(1) to (3) of section 47059
3746.09 of the Revised Code. 47060

(13) A definition of the evidence that constitutes sufficient 47061
evidence for the purpose of division (A)(5) of section 3746.02 of 47062
the Revised Code. 47063

At least thirty days before filing the proposed rules 47064
required to be adopted under this section with the secretary of 47065
state, director of the legislative service commission, and joint 47066
committee on agency rule review in accordance with divisions (B) 47067
and (H) of section 119.03 of the Revised Code, the director of 47068
environmental protection shall hold at least one public meeting on 47069
the proposed rules in each of the five districts into which the 47070
agency has divided the state for administrative purposes. 47071

Sec. 3746.071. (A) As used in this section, "certified 47072
professional" means a certified professional deemed to be 47073
certified under division (D) of section 3746.07 of the Revised 47074
Code. 47075

(B) A certified professional shall do all of the following: 47076

(1) Protect the safety, health, and welfare of the public in 47077

the performance of ~~his~~ professional duties. If a circumstance
arises where the certified professional faces a situation where
the safety, health, or welfare of the public would not be
protected, ~~he~~ the certified professional shall do all of the
following:

(a) Sever ~~his~~ the relationship with ~~his~~ the certified
professional's employer or client;

(b) Refuse to accept responsibility for the design, report,
or statement involved;

(c) Notify the director of environmental protection if, in
the opinion of the certified professional, the situation is
sufficiently important.

(2) Undertake to perform assignments only when ~~he~~ the
certified professional or ~~his~~ the certified professional's
consulting support is qualified by training and experience in the
specific technical fields involved;

(3) Be completely objective in any professional report,
statement, or testimony. ~~He~~ The certified professional shall
include all relevant and pertinent information in the report,
statement, or testimony when the result of an omission would or
reasonably could lead to a fallacious conclusion.

(4) Express an opinion as a technical or expert witness
before any court, commission, or other tribunal only when it is
founded upon adequate knowledge of the facts in issue, upon a
background of technical competence in the subject matter, and upon
honest conviction of the accuracy and propriety of ~~his~~ the
testimony.

(C) A certified professional shall not issue statements,
criticisms, or arguments on matters connected with public policy
that are inspired or paid for by an interested party, unless ~~he~~

the certified professional has prefaced ~~his~~ the remarks by 47108
explicitly identifying ~~himself~~ the certified professional, by 47109
disclosing the identity of the parties on whose behalf ~~he~~ the 47110
certified professional is speaking, and by revealing the existence 47111
of any pecuniary interest ~~he~~ the certified professional may have 47112
in the instant matters. 47113

(D)(1) A certified professional shall conscientiously avoid 47114
any conflict of interest with ~~his~~ the certified professional's 47115
employer or client. 47116

(2) A certified professional promptly shall inform ~~his~~ the 47117
certified professional's employer or client of any business 47118
association, interests, or circumstances that could influence ~~his~~ 47119
the certified professional's judgment or the quality of ~~his~~ the 47120
certified professional's service to ~~his~~ the employer or client. 47121

(3) A certified professional shall not accept compensation, 47122
financial or otherwise, from more than one party for services on 47123
or pertaining to the same project, unless the circumstances are 47124
fully disclosed to, and agreed to, by all interested parties or 47125
their duly authorized agents. 47126

(4) A certified professional shall not solicit or accept 47127
financial or other valuable considerations from material or 47128
equipment suppliers for specifying their products. 47129

(5) A certified professional shall not solicit or accept 47130
gratuities, directly or indirectly, from contractors, their 47131
agents, or other parties dealing directly with ~~his~~ the certified 47132
professional's employer or client in connection with the work for 47133
which ~~he~~ the certified professional is responsible. 47134

(E)(1) A certified professional shall not pay, solicit, or 47135
offer, directly or indirectly, any bribe or commission for 47136
professional employment with the exception of ~~his~~ payment of the 47137
usual commission for securing salaried positions through licensed 47138

employment agencies. 47139

(2) A certified professional shall seek professional 47140
employment on the basis of qualification and competence for proper 47141
accomplishment of the work. A certified professional may submit 47142
proposed fee information prior to ~~his~~ selection to serve as a 47143
certified professional under this chapter and rules adopted under 47144
it. 47145

(3) A certified professional shall not falsify or permit 47146
misrepresentation of ~~his~~ the certified professional's or ~~his~~ the 47147
certified professional's associates' academic or professional 47148
qualifications. ~~He~~ The certified professional shall not 47149
misrepresent or exaggerate ~~his~~ the certified professional's degree 47150
of responsibility in or for the subject matter of prior 47151
assignments. 47152

(4) Brochures or other presentations incident to the 47153
solicitation of employment by a certified professional shall not 47154
misrepresent pertinent facts concerning ~~his~~ the certified 47155
professional's employers, employees, associates, or joint 47156
ventures, or ~~his or their~~ the past accomplishments of any of them, 47157
with the intent and purpose of enhancing ~~his~~ the certified 47158
professional's qualifications for ~~his~~ the certified professional's 47159
work. 47160

(F)(1) A certified professional shall not sign or seal 47161
professional work for which ~~he~~ the certified professional does not 47162
have personal professional knowledge and direct supervisory 47163
control and responsibility. 47164

(2) A certified professional shall not knowingly associate 47165
with, or permit the use of ~~his~~ the certified professional's own 47166
name or ~~his firm's~~ the name of the certified professional's firm 47167
in, a business venture by any person or firm that ~~he~~ the certified 47168
professional knows, or has reason to believe, is engaging in 47169

business or professional practices of a fraudulent or dishonest nature. 47170
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(3) If a certified professional has knowledge or reason to believe that another person or firm has violated any of the provisions of this chapter or any requirement of this section, ~~he~~ the certified professional shall present the information to the director in writing. 47172
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(G) The director, in accordance with ~~Chapter 3745.~~ rules adopted under section 3746.04 of the Revised Code, may suspend for a period of not more than five years or permanently revoke a certified professional's certification for a violation of or failure to comply with any requirement or obligation set forth in this section. 47177
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Sec. 3748.07. (A) Every facility that proposes to handle radioactive material or radiation-generating equipment for which licensure or registration, respectively, by its handler is required shall apply in writing to the director of health on forms prescribed and provided by the director for licensure or registration. Terms and conditions of licenses and certificates of registration may be amended in accordance with rules adopted under section 3748.04 of the Revised Code or orders issued by the director pursuant to section 3748.05 of the Revised Code. 47183
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(B) Until rules are adopted under section 3748.04 of the Revised Code, an application for a certificate of registration shall be accompanied by a biennial registration fee of two hundred eighteen dollars. On and after the effective date of those rules, an applicant for a license, registration certificate, or renewal of either shall pay the appropriate fee established in those rules. 47192
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All fees collected under this section shall be deposited in the state treasury to the credit of the general operations fund 47199
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created in section 3701.83 of the Revised Code. The fees shall be 47201
used solely to administer and enforce this chapter and rules 47202
adopted under it. 47203

Any fee required under this section that has not been paid 47204
within ninety days after the invoice date shall be assessed at two 47205
times the original invoiced fee. Any fee that has not been paid 47206
within one hundred eighty days after the invoice date shall be 47207
assessed at five times the original invoiced fee. 47208

(C) The director shall grant a license or registration to any 47209
applicant who has paid the required fee and is in compliance with 47210
this chapter and rules adopted under it. 47211

Until rules are adopted under section 3748.04 of the Revised 47212
Code, certificates of registration shall be effective for two 47213
years from the date of issuance. On and after the effective date 47214
of those rules, licenses and certificates of registration shall be 47215
effective for the applicable period established in those rules. 47216
Licenses and certificates of registration shall be renewed in 47217
accordance with the standard renewal procedure established in 47218
Chapter 4745. of the Revised Code. 47219

Sec. 3748.13. (A) The director of health shall inspect 47220
sources of radiation for which licensure or registration by the 47221
handler is required, and the sources' shielding and surroundings, 47222
according to the schedule established in rules adopted under 47223
division (D) of section 3748.04 of the Revised Code. In accordance 47224
with rules adopted under that section, the director shall inspect 47225
all records and operating procedures of handlers that install 47226
sources of radiation and all sources of radiation for which 47227
licensure of radioactive material or registration of 47228
radiation-generating equipment by the handler is required. The 47229
director may make other inspections upon receiving complaints or 47230
other evidence of violation of this chapter or rules adopted under 47231

it. 47232

The director shall require any hospital registered under 47233
division (A) of section 3701.07 of the Revised Code to develop and 47234
maintain a quality assurance program for all sources of 47235
radiation-generating equipment. A certified radiation expert shall 47236
conduct oversight and maintenance of the program and shall file a 47237
report of audits of the program with the director on forms 47238
prescribed by the director. The audit reports shall become part of 47239
the inspection record. 47240

(B) Until rules are adopted under division (A)(8) of section 47241
3748.04 of the Revised Code, a facility shall pay inspection fees 47242
according to the following schedule and categories: 47243

First dental x-ray tube	\$ 118.00 <u>129.00</u>	47244
Each additional dental x-ray tube at the same location	\$ 59.00 <u>64.00</u>	47245
First medical x-ray tube	\$ 235.00 <u>256.00</u>	47246
Each additional medical x-ray tube at the same location	\$ 125.00 <u>136.00</u>	47247
Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$ 466.00 <u>508.00</u>	47248
First nonionizing radiation-generating equipment of any kind	\$ 235.00 <u>256.00</u>	47249
Each additional nonionizing radiation-generating equipment of any kind at the same location	\$ 125.00 <u>136.00</u>	47250
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources	\$ 291.00 <u>317.00</u>	47251

of radiation

Until rules are adopted under division (A)(8) of section 47252
3748.04 of the Revised Code, the fee for an inspection to 47253
determine whether violations cited in a previous inspection have 47254
been corrected is fifty per cent of the fee applicable under the 47255
schedule in this division. Until those rules are adopted, the fee 47256
for the inspection of a facility that is not licensed or 47257
registered and for which no license or registration application is 47258
pending at the time of inspection is three hundred ~~sixty-three~~ 47259
ninety-five dollars plus the fee applicable under the schedule in 47260
this division. 47261

The director may conduct a review of shielding plans or the 47262
adequacy of shielding on the request of a licensee or registrant 47263
or an applicant for licensure or registration or during an 47264
inspection when the director considers a review to be necessary. 47265
Until rules are adopted under division (A)(8) of section 3748.04 47266
of the Revised Code, the fee for the review is ~~five~~ six hundred 47267
~~eighty-three~~ thirty-five dollars for each room where a source of 47268
radiation is used and is in addition to any other fee applicable 47269
under the schedule in this division. 47270

All fees shall be paid to the department of health no later 47271
than thirty days after the invoice for the fee is mailed. Fees 47272
shall be deposited in the general operations fund created in 47273
section 3701.83 of the Revised Code. The fees shall be used solely 47274
to administer and enforce this chapter and rules adopted under it. 47275

Any fee required under this section that has not been paid 47276
within ninety days after the invoice date shall be assessed at two 47277
times the original invoiced fee. Any fee that has not been paid 47278
within one hundred eighty days after the invoice date shall be 47279
assessed at five times the original invoiced fee. 47280

(C) If the director determines that a board of health of a 47281

city or general health district is qualified to conduct 47282
inspections of radiation-generating equipment, the director may 47283
delegate to the board, by contract, the authority to conduct such 47284
inspections. In making a determination of the qualifications of a 47285
board of health to conduct those inspections, the director shall 47286
evaluate the credentials of the individuals who are to conduct the 47287
inspections of radiation-generating equipment and the radiation 47288
detection and measuring equipment available to them for that 47289
purpose. If a contract is entered into, the board shall have the 47290
same authority to make inspections of radiation-generating 47291
equipment as the director has under this chapter and rules adopted 47292
under it. The contract shall stipulate that only individuals 47293
approved by the director as qualified shall be permitted to 47294
inspect radiation-generating equipment under the contract's 47295
provisions. The contract shall provide for such compensation for 47296
services as is agreed to by the director and the board of health 47297
of the contracting health district. The director may reevaluate 47298
the credentials of the inspection personnel and their radiation 47299
detecting and measuring equipment as often as the director 47300
considers necessary and may terminate any contract with the board 47301
of health of any health district that, in the director's opinion, 47302
is not satisfactorily performing the terms of the contract. 47303

(D) The director may enter at all reasonable times upon any 47304
public or private property to determine compliance with this 47305
chapter and rules adopted under it. 47306

Sec. 3770.061. There is hereby created in the state treasury 47307
the charitable gaming oversight fund. The state lottery commission 47308
shall credit to the fund any money it receives from the office of 47309
the attorney general under any agreement the commission and the 47310
office have entered into under division (I) of section 2915.08 of 47311
the Revised Code. The commission shall use money in the fund to 47312

provide oversight, licensing, and monitoring of charitable gaming 47313
activities in this state in accordance with the agreement and 47314
Chapter 2915. of the Revised Code. Not later than the first day of 47315
July of each fiscal year, or as soon as possible thereafter, the 47316
commission may certify to the office of budget and management any 47317
unobligated fund balances not necessary to be used under this 47318
section. The commission may request the office of budget and 47319
management to transfer these balances to the lottery profits 47320
education fund for use in accordance with section 3770.06 of the 47321
Revised Code. 47322

Sec. 3773.34. (A) The Ohio athletic commission shall adopt 47323
and may amend or rescind rules in accordance with Chapter 119. of 47324
the Revised Code, prescribing the conditions under which prize 47325
fights and public boxing or wrestling matches or exhibitions may 47326
be conducted, classifying professional boxers by weight, and 47327
providing for the administration of sections 3773.31 to 3773.57 of 47328
the Revised Code. The rules may require that an applicant for a 47329
contestant's license to participate in a public boxing match or 47330
exhibition take an HIV test, as defined in section 3701.24 of the 47331
Revised Code, before being issued the contestant's license and may 47332
require that a licensed contestant take such an HIV test before 47333
participating in a public boxing match or exhibition. The 47334
commission, or the commission's executive director when authorized 47335
by the commission, may issue, deny, suspend, or revoke permits to 47336
hold prize fights and public boxing or wrestling matches or 47337
exhibitions,~~and~~. The commission may issue, deny, suspend, or 47338
revoke licenses to persons engaged in any public boxing match or 47339
exhibition as authorized by sections 3773.31 to 3773.57 of the 47340
Revised Code. 47341

(B) In addition to the duties set forth in this chapter, the 47342
Ohio athletic commission shall take action as necessary to carry 47343

out the provisions of Chapter 4771. of the Revised Code governing 47344
athlete agents. 47345

(C) On or before the thirty-first day of December of each 47346
year, the commission shall make a report to the governor of its 47347
proceedings for the year ending on the first day of December of 47348
that calendar year, and may include in the report any 47349
recommendations pertaining to its duties. 47350

Sec. 3773.38. Each person who holds a promoter's license 47351
issued under section 3773.36 of the Revised Code who desires to 47352
conduct a public boxing or wrestling match or exhibition where one 47353
or more contests are to be held shall obtain a permit from the 47354
Ohio athletic commission or the commission's executive director 47355
when the executive director is authorized by the commission to 47356
issue those types of permits. Application for such a permit shall 47357
be made in writing and on forms prescribed by the commission, 47358
shall be filed with the commission, and shall be accompanied by 47359
the permit fee prescribed in section 3773.43 of the Revised Code. 47360

The application for a permit issued under this section shall 47361
include the date and starting time of the match or exhibition, the 47362
address of the place where the match or exhibition is to be held, 47363
the names of the contestants, the seating capacity of the building 47364
or hall where the exhibition is to be held, the admission charge 47365
or any other charges, the amount of compensation or the percentage 47366
of gate receipts to be paid to each contestant, the name and 47367
address of the applicant, a copy of the current official rules 47368
that govern the particular sport, and the serial number of the 47369
applicant's promoter's license. 47370

The commission, or the commission's executive director when 47371
authorized by the commission, may require the applicant to deposit 47372
with the commission before a public boxing match or exhibition a 47373
cash bond, certified check, bank draft, or surety bond in an 47374

amount equal to five per cent of the estimated gross receipts from 47375
the match or exhibition. 47376

Sec. 3773.39. (A) Upon receipt of an application for a permit 47377
to hold a public boxing or wrestling match or exhibition under 47378
section 3773.38 of the Revised Code, the Ohio athletic commission, 47379
or the commission's executive director when authorized by the 47380
commission, shall determine if the applicant holds a valid 47381
promoter's license issued pursuant to section 3773.36 of the 47382
Revised Code. Upon receipt of an application for a permit to hold 47383
a public boxing match or exhibition, the commission, or the 47384
commission's executive director when authorized by the commission, 47385
also shall determine if the contestants are evenly and fairly 47386
matched according to skill, experience, and weight so as to 47387
produce a fair and sportsmanlike contest, and whether the 47388
applicant is financially responsible and is able to pay to each 47389
contestant the compensation or percentage of the gate receipts 47390
named in the application. The commission, or the commission's 47391
executive director when authorized by the commission, may, if 47392
applicable, require the applicant to deposit with it within 47393
forty-eight hours before the match or exhibition the total 47394
compensation or estimated portion of gate receipts to be paid all 47395
contestants named in the application made under section 3773.38 of 47396
the Revised Code. 47397

(B) If the commission, or the commission's executive director 47398
when authorized by the commission, determines that the applicant 47399
has met all the requirements specified in division (A) of this 47400
section, ~~it~~ the commission or executive director shall issue the 47401
applicant a permit to conduct the match or exhibition. If the 47402
applicant fails to deposit any compensation or portion of gate 47403
receipts required by the commission, or executive director before 47404
the first contest of the match or exhibition is held, the 47405
commission, or the commission's executive director when authorized 47406

by the commission, may revoke the permit and order the applicant 47407
not to conduct the match or exhibition described in the permit. 47408

(C) Each permit issued pursuant to this section shall bear 47409
the name and post office address of the applicant, the address of 47410
the place where the public boxing or wrestling match or exhibition 47411
is to be held, the date and starting time of the match or 47412
exhibition, and a serial number designated by the commission. 47413

A permit issued under this section shall allow the permit 47414
holder to conduct only the match or exhibition named in the 47415
permit. A permit is not transferable. 47416

Sec. 3773.40. No person who holds a promoter's license to 47417
conduct a public boxing match or exhibition under section 3773.36 47418
of the Revised Code shall: 47419

(A) Hold any match or exhibition at any time or place other 47420
than that stated on a permit issued under section 3773.38 of the 47421
Revised Code; 47422

(B) Allow any contestant to participate in the match or 47423
exhibition unless the contestant is the licensed contestant named 47424
in the application for such permit or a licensed contestant 47425
authorized to compete as a substitute for such a contestant by the 47426
inspector assigned to the facility where the match or exhibition 47427
is held for that match or exhibition; 47428

(C) Charge a higher admission price for a match or exhibition 47429
than that stated in the application; 47430

(D) Pay a greater compensation or percentage of the gate 47431
receipts to any contestant than that stated in the application. 47432

The Ohio athletic commission, or the commission's executive 47433
director when authorized by the commission, upon application by a 47434
holder of a permit under section 3773.38 of the Revised Code, may 47435
allow the permit holder to hold the match or exhibition for which 47436

the permit was issued at an alternative site that is within the 47437
same municipal corporation or township and that offers 47438
substantially similar seating facilities, or allow the permit 47439
holder to substitute contestants or seconds, provided that the 47440
substitute contestants are evenly matched with their opponents in 47441
skill, experience, and weight. 47442

Sec. 3773.57. The Ohio athletic commission and the 47443
commission's executive director shall not issue a license or 47444
permit to conduct public boxing or wrestling matches or 47445
exhibitions in a municipal corporation or the unincorporated 47446
portion of a township if the commission or the commission's 47447
executive director determines that the legislative authority of 47448
the municipal corporation or board of township trustees has in 47449
effect an ordinance or resolution prohibiting such matches or 47450
exhibitions. 47451

Sec. 3781.07. There is hereby established in the department 47452
of commerce a board of building standards consisting of ~~ten~~ eleven 47453
members appointed by the governor with the advice and consent of 47454
the senate. The board shall appoint a secretary who shall serve in 47455
the unclassified civil service for a term of six years at a salary 47456
fixed pursuant to Chapter 124. of the Revised Code. The board may 47457
employ additional staff in the classified civil service. The 47458
secretary may be removed by the board under the rules the board 47459
adopts. Terms of office shall be for four years, commencing on the 47460
fourteenth day of October and ending on the thirteenth day of 47461
October. Each member shall hold office from the date of 47462
appointment until the end of the term for which the member was 47463
appointed. Any member appointed to fill a vacancy occurring prior 47464
to the expiration of the term for which the member's predecessor 47465
was appointed shall hold office for the remainder of such term. 47466
Any member shall continue in office subsequent to the expiration 47467

date of the member's term until the member's successor takes 47468
office, or until a period of sixty days has elapsed, whichever 47469
occurs first. One of the members appointed to the board shall be 47470
an attorney at law, admitted to the bar of this state; two shall 47471
be registered architects; two shall be professional engineers, one 47472
in the field of mechanical and one in the field of structural 47473
engineering, each of whom shall be duly licensed to practice such 47474
profession in this state; one shall be a person of recognized 47475
ability, broad training, and fifteen years experience in problems 47476
and practice incidental to the construction and equipment of 47477
buildings specified in section 3781.06 of the Revised Code; one 47478
shall be a person with recognized ability and experience in the 47479
manufacture and construction of industrialized units as defined in 47480
section 3781.06 of the Revised Code; one shall be a member of the 47481
fire service with recognized ability and broad training in the 47482
field of fire protection and suppression; one shall be a person 47483
with at least ten years of experience and recognized expertise in 47484
building codes and standards and the manufacture of construction 47485
materials; ~~and~~ one shall be a general contractor with experience 47486
in residential and commercial construction; and one, chosen from a 47487
list of three names the Ohio municipal league submits to the 47488
governor, shall be the mayor of a municipal corporation in which 47489
the Ohio residential and nonresidential building codes are being 47490
enforced in the municipal corporation by a certified building 47491
department. Each member of the board, not otherwise required to 47492
take an oath of office, shall take the oath prescribed by the 47493
constitution. Each member shall receive as compensation an amount 47494
fixed pursuant to division (J) of section 124.15 of the Revised 47495
Code, and shall receive actual and necessary expenses in the 47496
performance of official duties. The amount of such expenses shall 47497
be certified by the secretary of the board and paid in the same 47498
manner as the expenses of employees of the department of commerce 47499
are paid. 47500

Sec. 3781.10. (A)(1) The board of building standards shall 47501
formulate and adopt rules governing the erection, construction, 47502
repair, alteration, and maintenance of all buildings or classes of 47503
buildings specified in section 3781.06 of the Revised Code, 47504
including land area incidental to those buildings, the 47505
construction of industrialized units, the installation of 47506
equipment, and the standards or requirements for materials used in 47507
connection with those buildings. The board shall incorporate those 47508
rules into separate residential and nonresidential building codes. 47509
The standards shall relate to the conservation of energy and the 47510
safety and sanitation of those buildings. 47511

(2) The rules governing nonresidential buildings are the 47512
lawful minimum requirements specified for those buildings and 47513
industrialized units, except that no rule other than as provided 47514
in division (C) of section 3781.108 of the Revised Code that 47515
specifies a higher requirement than is imposed by any section of 47516
the Revised Code is enforceable. The rules governing residential 47517
buildings are uniform requirements for residential buildings in 47518
any area with a building department certified to enforce the state 47519
residential building code. In no case shall any local code or 47520
regulation differ from the state residential building code unless 47521
that code or regulation addresses subject matter not addressed by 47522
the state residential building code or is adopted pursuant to 47523
section 3781.01 of the Revised Code. 47524

(3) The rules adopted pursuant to this section are complete, 47525
lawful alternatives to any requirements specified for buildings or 47526
industrialized units in any section of the Revised Code. The board 47527
shall, on its own motion or on application made under sections 47528
3781.12 and 3781.13 of the Revised Code, formulate, propose, 47529
adopt, modify, amend, or repeal the rules to the extent necessary 47530
or desirable to effectuate the purposes of sections 3781.06 to 47531

3781.18 of the Revised Code. 47532

(B) The board shall report to the general assembly proposals 47533
for amendments to existing statutes relating to the purposes 47534
declared in section 3781.06 of the Revised Code that public health 47535
and safety and the development of the arts require and shall 47536
recommend any additional legislation to assist in carrying out 47537
fully, in statutory form, the purposes declared in that section. 47538
The board shall prepare and submit to the general assembly a 47539
summary report of the number, nature, and disposition of the 47540
petitions filed under sections 3781.13 and 3781.14 of the Revised 47541
Code. 47542

(C) On its own motion or on application made under sections 47543
3781.12 and 3781.13 of the Revised Code, and after thorough 47544
testing and evaluation, the board shall determine by rule that any 47545
particular fixture, device, material, process of manufacture, 47546
manufactured unit or component, method of manufacture, system, or 47547
method of construction complies with performance standards adopted 47548
pursuant to section 3781.11 of the Revised Code. The board shall 47549
make its determination with regard to adaptability for safe and 47550
sanitary erection, use, or construction, to that described in any 47551
section of the Revised Code, wherever the use of a fixture, 47552
device, material, method of manufacture, system, or method of 47553
construction described in that section of the Revised Code is 47554
permitted by law. The board shall amend or annul any rule or issue 47555
an authorization for the use of a new material or manufactured 47556
unit on any like application. No department, officer, board, or 47557
commission of the state other than the board of building standards 47558
or the board of building appeals shall permit the use of any 47559
fixture, device, material, method of manufacture, newly designed 47560
product, system, or method of construction at variance with what 47561
is described in any rule the board of building standards adopts or 47562
issues or that is authorized by any section of the Revised Code. 47563

Nothing in this section shall be construed as requiring approval, 47564
by rule, of plans for an industrialized unit that conforms with 47565
the rules the board of building standards adopts pursuant to 47566
section 3781.11 of the Revised Code. 47567

(D) The board shall recommend rules, codes, and standards to 47568
help carry out the purposes of section 3781.06 of the Revised Code 47569
and to help secure uniformity of state administrative rulings and 47570
local legislation and administrative action to the bureau of 47571
workers' compensation, the director of commerce, any other 47572
department, officer, board, or commission of the state, and to 47573
legislative authorities and building departments of counties, 47574
townships, and municipal corporations, and shall recommend that 47575
they audit those recommended rules, codes, and standards by any 47576
appropriate action that they are allowed pursuant to law or the 47577
constitution. 47578

(E)(1) The board shall certify municipal, township, and 47579
county building departments and the personnel of those building 47580
departments, and persons and employees of individuals, firms, or 47581
corporations as described in division (E)(7) of this section to 47582
exercise enforcement authority, to accept and approve plans and 47583
specifications, and to make inspections, pursuant to sections 47584
3781.03, 3791.04, and 4104.43 of the Revised Code. 47585

(2) The board shall certify departments, personnel, and 47586
persons to enforce the state residential building code, to enforce 47587
the nonresidential building code, or to enforce both the 47588
residential and the nonresidential building codes. Any department, 47589
personnel, or person may enforce only the type of building code 47590
for which certified. 47591

(3) The board shall not require a building department, its 47592
personnel, or any persons that it employs to be certified for 47593
residential building code enforcement if that building department 47594

does not enforce the state residential building code. The board
shall specify, in rules adopted pursuant to Chapter 119. of the
Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be
consistent with this division. The requirements for residential
and nonresidential certification may differ. Except as otherwise
provided in this division, the requirements shall include, but are
not limited to, the satisfactory completion of an initial
examination and, to remain certified, the completion of a
specified number of hours of continuing building code education
within each three-year period following the date of certification
which shall be not less than thirty hours. The rules shall provide
that continuing education credits and certification issued by the
council of American building officials, national model code
organizations, and agencies or entities the board recognizes are
acceptable for purposes of this division. The rules shall specify
requirements that are compatible, to the extent possible, with
requirements the council of American building officials and
national model code organizations establish.

(4) The board shall establish and collect a certification and
renewal fee for building department personnel, and persons and
employees of persons, firms, or corporations as described in this
section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall
complete the number of hours of continuing building code education
that the board requires or, for failure to do so, forfeit
certification.

(6) This division does not require or authorize the board to
certify personnel of municipal, township, and county building
departments, and persons and employees of persons, firms, or
corporations as described in this section, whose responsibilities
do not include the exercise of enforcement authority, the approval

of plans and specifications, or making inspections under the state 47627
residential and nonresidential building codes. 47628

(7) Enforcement authority for approval of plans and 47629
specifications and enforcement authority for inspections may be 47630
exercised, and plans and specifications may be approved and 47631
inspections may be made on behalf of a municipal corporation, 47632
township, or county, by any of the following who the board of 47633
building standards certifies: 47634

(a) Officers or employees of the municipal corporation, 47635
township, or county; 47636

(b) Persons, or employees of persons, firms, or corporations, 47637
pursuant to a contract to furnish architectural ~~or~~ engineering, 47638
or other services to the municipal corporation, township, or 47639
county; 47640

(c) Officers or employees of, and persons under contract 47641
with, a municipal corporation, township, county, health district, 47642
or other political subdivision, pursuant to a contract to furnish 47643
architectural ~~or~~ engineering, or other services. 47644

(8) Municipal, township, and county building departments have 47645
jurisdiction within the meaning of sections 3781.03, 3791.04, and 47646
4104.43 of the Revised Code, only with respect to the types of 47647
buildings and subject matters for which they are certified under 47648
this section. 47649

(9) Certification shall be granted upon application by the 47650
municipal corporation, the board of township trustees, or the 47651
board of county commissioners and approval of that application by 47652
the board of building standards. The application shall set forth: 47653

(a) Whether the certification is requested for residential or 47654
nonresidential buildings, or both; 47655

(b) The number and qualifications of the staff composing the 47656

building department; 47657

(c) The names, addresses, and qualifications of persons, 47658
firms, or corporations contracting to furnish work or services 47659
pursuant to division (E)(7)(b) of this section; 47660

(d) The names of any other municipal corporation, township, 47661
county, health district, or political subdivision under contract 47662
to furnish work or services pursuant to division (E)(7) of this 47663
section; 47664

(e) The proposed budget for the operation of the building 47665
department. 47666

(10) The board of building standards shall adopt rules 47667
governing all of the following: 47668

(a) The certification of building department personnel and 47669
persons and employees of persons, firms, or corporations 47670
exercising authority pursuant to division (E)(7) of this section. 47671
The rules shall disqualify any employee of the department or 47672
person who contracts for services with the department from 47673
performing services for the department when that employee or 47674
person would have to pass upon, inspect, or otherwise exercise 47675
authority over any labor, material, or equipment the employee or 47676
person furnishes for the construction, alteration, or maintenance 47677
of a building or the preparation of working drawings or 47678
specifications for work within the jurisdictional area of the 47679
department. The department shall provide other similarly qualified 47680
personnel to enforce the residential and nonresidential building 47681
codes as they pertain to that work. 47682

(b) The minimum services to be provided by a certified 47683
building department. 47684

(11) The board of building standards may revoke or suspend 47685
certification to enforce the residential and nonresidential 47686

building codes, on petition to the board by any person affected by 47687
that enforcement or approval of plans, or by the board on its own 47688
motion. Hearings shall be held and appeals permitted on any 47689
proceedings for certification or revocation or suspension of 47690
certification in the same manner as provided in section 3781.101 47691
of the Revised Code for other proceedings of the board of building 47692
standards. 47693

(12) Upon certification, and until that authority is revoked, 47694
any county or township building department shall enforce the 47695
residential and nonresidential building codes for which it is 47696
certified without regard to limitation upon the authority of 47697
boards of county commissioners under Chapter 307. of the Revised 47698
Code or boards of township trustees under Chapter 505. of the 47699
Revised Code. 47700

(F) In addition to hearings sections 3781.06 to 3781.18 and 47701
3791.04 of the Revised Code require, the board of building 47702
standards shall make investigations and tests, and require from 47703
other state departments, officers, boards, and commissions 47704
information the board considers necessary or desirable to assist 47705
it in the discharge of any duty or the exercise of any power 47706
mentioned in this section or in sections 3781.06 to 3781.18, 47707
3791.04, and 4104.43 of the Revised Code. 47708

(G) The board shall adopt rules and establish reasonable fees 47709
for the review of all applications submitted where the applicant 47710
applies for authority to use a new material, assembly, or product 47711
of a manufacturing process. The fee shall bear some reasonable 47712
relationship to the cost of the review or testing of the 47713
materials, assembly, or products and for the notification of 47714
approval or disapproval as provided in section 3781.12 of the 47715
Revised Code. 47716

(H) The residential construction advisory committee shall 47717

provide the board with a proposal for a state residential building 47718
code that the committee recommends pursuant to division (C)(1) of 47719
section 4740.14 of the Revised Code. Upon receiving a 47720
recommendation from the committee that is acceptable to the board, 47721
the board shall adopt rules establishing that code as the state 47722
residential building code. 47723

(I) The board shall cooperate with the director of job and 47724
family services when the director promulgates rules pursuant to 47725
section 5104.05 of the Revised Code regarding safety and 47726
sanitation in type A family day-care homes. 47727

(J) The board shall adopt rules to implement the requirements 47728
of section 3781.108 of the Revised Code. 47729

Sec. 3781.102. (A) Any county or municipal building 47730
department certified pursuant to division (E) of section 3781.10 47731
of the Revised Code as of September 14, 1970, and that, as of that 47732
date, was inspecting single-family, two-family, and three-family 47733
residences, and any township building department certified 47734
pursuant to division (E) of section 3781.10 of the Revised Code, 47735
is hereby declared to be certified to inspect single-family, 47736
two-family, and three-family residences containing industrialized 47737
units, and shall inspect the buildings or classes of buildings 47738
subject to division (E) of section 3781.10 of the Revised Code. 47739

(B) Each board of county commissioners may adopt, by 47740
resolution, rules establishing standards and providing for the 47741
licensing of electrical and heating, ventilating, and air 47742
conditioning contractors who are not required to hold a valid and 47743
unexpired license pursuant to Chapter 4740. of the Revised Code. 47744

Rules adopted by a board of county commissioners pursuant to 47745
this division may be enforced within the unincorporated areas of 47746
the county and within any municipal corporation where the 47747

legislative authority of the municipal corporation has contracted 47748
with the board for the enforcement of the county rules within the 47749
municipal corporation pursuant to section 307.15 of the Revised 47750
Code. The rules shall not conflict with rules adopted by the board 47751
of building standards pursuant to section 3781.10 of the Revised 47752
Code or by the department of commerce pursuant to Chapter 3703. of 47753
the Revised Code. This division does not impair or restrict the 47754
power of municipal corporations under Section 3 of Article XVIII, 47755
Ohio Constitution, to adopt rules concerning the erection, 47756
construction, repair, alteration, and maintenance of buildings and 47757
structures or of establishing standards and providing for the 47758
licensing of specialty contractors pursuant to section 715.27 of 47759
the Revised Code. 47760

A board of county commissioners, pursuant to this division, 47761
may require all electrical contractors and heating, ventilating, 47762
and air conditioning contractors, other than those who hold a 47763
valid and unexpired license issued pursuant to Chapter 4740. of 47764
the Revised Code, to successfully complete an examination, test, 47765
or demonstration of technical skills, and may impose a fee and 47766
additional requirements for a license to engage in their 47767
respective occupations within the jurisdiction of the board's 47768
rules under this division. 47769

(C) No board of county commissioners shall require any 47770
specialty contractor who holds a valid and unexpired license 47771
issued pursuant to Chapter 4740. of the Revised Code to 47772
successfully complete an examination, test, or demonstration of 47773
technical skills in order to engage in the type of contracting for 47774
which the license is held, within the unincorporated areas of the 47775
county and within any municipal corporation whose legislative 47776
authority has contracted with the board for the enforcement of 47777
county regulations within the municipal corporation, pursuant to 47778
section 307.15 of the Revised Code. 47779

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision

collects in connection with nonresidential buildings; 47812

(2) One per cent of the fees the political subdivision 47813
collects in connection with residential buildings. 47814

(G)(1) The board shall adopt rules, in accordance with 47815
Chapter 119. of the Revised Code, specifying the manner in which 47816
the fee assessed pursuant to division (F) of this section shall be 47817
collected and remitted monthly to the board. The board shall pay 47818
the fees into the state treasury to the credit of the industrial 47819
compliance operating fund created in section 121.084 of the 47820
Revised Code. 47821

(2) All money credited to the industrial compliance operating 47822
fund under this division shall be used exclusively for the 47823
following: 47824

(a) Operating costs of the board; 47825

(b) Providing services, including educational programs, for 47826
the building departments that are certified by the board pursuant 47827
to division (E) of section 3781.10 of the Revised Code; 47828

(c) Paying the expenses of the residential construction 47829
advisory committee, including the expenses of committee members as 47830
provided in section 4740.14 of the Revised Code. 47831

(H) A board of county commissioners that adopts rules 47832
providing for the licensing of electrical and heating, 47833
ventilating, and air conditioning contractors, pursuant to 47834
division (B) of this section, may accept, for purposes of 47835
satisfying the requirements of rules adopted under that division, 47836
a valid and unexpired license issued pursuant to Chapter 4740. of 47837
the Revised Code that is held by an electrical or heating, 47838
ventilating, and air conditioning contractor, for the 47839
construction, replacement, maintenance, or repair of one-family, 47840
two-family, or three-family dwelling houses or accessory 47841

structures incidental to those dwelling houses. 47842

(I) A board of county commissioners shall not register a 47843
specialty contractor who is required to hold a license under 47844
Chapter 4740. of the Revised Code but does not hold a valid 47845
license issued under that chapter. 47846

(J) As used in this section, "specialty contractor" means a 47847
heating, ventilating, and air conditioning contractor, 47848
refrigeration contractor, electrical contractor, plumbing 47849
contractor, or hydronics contractor, as those contractors are 47850
described in Chapter 4740. of the Revised Code. 47851

Sec. 3781.191. The Ohio board of building appeals has no 47852
authority to hear any case based on the Ohio residential building 47853
code or to grant any variance to the Ohio residential building 47854
code. 47855

Sec. 3793.09. (A) There is hereby created the council on 47856
alcohol and drug addiction services which shall consist of the 47857
public officials specified in division (B) of this section, or 47858
their designees, and thirteen members appointed by the governor 47859
with the advice and consent of the senate. The members appointed 47860
by the governor shall be representatives of the following: boards 47861
of alcohol, drug addiction, and mental health services; the 47862
criminal and juvenile justice systems; and alcohol and drug 47863
addiction programs. At least four of the appointed members shall 47864
be persons who have received or are receiving alcohol or drug 47865
addiction services or are parents or other relatives of such 47866
persons; of these at least two shall be women and at least one 47867
shall be a member of a minority group. 47868

The governor shall make initial appointments to the council 47869
not later than thirty days after October 10, 1989. Of the initial 47870
appointments, six shall be for terms ending July 31, 1991, and 47871

seven shall be for terms ending July 31, 1992. Thereafter, terms
of office shall be two years, with each term ending on the same
day of the same month as the term it succeeds. Each member shall
hold office from the date of the member's appointment until the
end of the term for which the member was appointed. Members may be
reappointed. Vacancies shall be filled in the same manner as
original appointments. Any member appointed to fill a vacancy
occurring prior to the expiration of the term for which the
member's predecessor was appointed shall hold office as a member
for the remainder of the term. A member shall continue in office
subsequent to the expiration of the member's term until the
member's successor takes office or until a period of sixty days
has elapsed, whichever occurs first.

(B) The directors of health, public safety, mental health,
rehabilitation and correction, and youth services; the
superintendents of public instruction and liquor control; the
attorney general; the adjutant general; and the executive director
of the ~~office~~ division of criminal justice services in the
department of public safety shall be voting members of the
council, except that any of these officials may designate an
individual to serve in the official's place as a voting member of
the council. The director of alcohol and drug addiction services
shall serve as a nonvoting member of the council.

(C) The governor shall annually appoint a ~~chairman~~
chairperson from among the members of the council. The council
shall meet quarterly and at other times the ~~chairman~~ chairperson
considers necessary. In addition to other duties specified in this
chapter, the council shall review the development of the
comprehensive statewide plan for alcohol and drug addiction
services, revisions of the plan, and other actions taken to
implement the purposes of this chapter by the department of
alcohol and drug addiction services and shall act as an advisory

council to the director of alcohol and drug addiction services. 47904

(D) Members of the council shall serve without compensation, 47905
but shall be paid actual and necessary expenses incurred in the 47906
performance of their duties. 47907

Sec. 3901.021. (A) Three-fourths of all appointment and other 47908
fees collected under section 3905.10, ~~and~~ division (B) of section 47909
3905.20, ~~and division (A)(6) of section 3905.40~~ of the Revised 47910
Code shall be paid into the state treasury to the credit of the 47911
department of insurance operating fund, which is hereby created. 47912
The remaining one-fourth shall be credited to the general revenue 47913
fund. ~~All Other revenues collected by the superintendent of 47914
insurance, such as registration fees for sponsored seminars or 47915
conferences and grants from private entities, shall be paid into 47916
the state treasury to the credit of the department of insurance 47917
operating fund.~~ 47918

(B) Seven-tenths of all fees collected under divisions 47919
(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code 47920
shall be paid into the state treasury to the credit of the 47921
department of insurance operating fund. The remaining three-tenths 47922
shall be credited to the general revenue fund. 47923

(C) All operating expenses of the department of insurance 47924
except those expenses defined under section 3901.07 of the Revised 47925
Code shall be paid from the department of insurance operating 47926
fund. 47927

Sec. 3901.17. (A) As used in this section: 47928

(1) "Captive insurer" has the meaning defined in section 47929
3905.36 of the Revised Code. 47930

(2) "Insurer" includes, but is not limited to, any person 47931
that is an affiliate of or affiliated with the insurer, as defined 47932
in division (A) of section 3901.32 of the Revised Code, and any 47933

person that is a subsidiary of the insurer as defined in division 47934
(F) of section 3901.32 of the Revised Code. 47935

~~(2)~~(3) "Laws of this state relating to insurance" has the 47936
meaning defined in division (A)(1) of section 3901.04 of the 47937
Revised Code. 47938

~~(3)~~(4) "Person" has the meaning defined in division (A) of 47939
section 3901.19 of the Revised Code. 47940

(B) Any of the following acts in this state, effected by mail 47941
or otherwise, by any foreign or alien insurer not authorized to 47942
transact business within this state, any nonresident person acting 47943
on behalf of an insurer, or any nonresident insurance agent 47944
subjects the insurer, person, or agent to the exercise of personal 47945
jurisdiction over the insurer, person, or agent to the extent 47946
permitted by the constitutions of this state and of the United 47947
States: 47948

(1) Issuing or delivering contracts of insurance to residents 47949
of this state or to corporations authorized to do business 47950
therein; 47951

(2) Making or proposing to make any insurance contracts; 47952

(3) Soliciting, taking, or receiving any application for 47953
insurance; 47954

(4) Receiving or collecting any premium, commission, 47955
membership fee, assessment, dues, or other consideration for any 47956
insurance contract or any part thereof; 47957

(5) Disseminating information as to coverage or rates, 47958
forwarding applications, inspecting risks, fixing rates, 47959
investigating or adjusting claims or losses, transacting any 47960
matters subsequent to effecting a contract of insurance and 47961
arising out of it; 47962

(6) Doing any kind of business recognized as constituting the 47963

doing of an insurance business under Title XXXIX of the Revised Code or subject to regulation by the superintendent of insurance under the laws of this state relating to insurance. 47964
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Any such act shall be considered to be the doing of an insurance business in this state by such insurer, person, or agent and shall be its agreement that service of any lawful subpoena, notice, order, or process is of the same legal force and validity as personal service of the subpoena, notice, order, or process in this state upon the insurer, person, or agent. 47967
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(C) Service of process in judicial proceedings shall be as provided by the Rules of Civil Procedure. Service in or out of this state of notice, orders, or subpoenas in administrative proceedings before the superintendent shall be as provided in section 3901.04 of the Revised Code. 47973
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(D) Service of any notice, order, subpoena, or process in any such action, suit, or proceeding shall, in addition to the manner provided in division (C) of this section, be valid if served upon any person within this state who, in this state on behalf of such insurer, person, or agent is or has been: 47978
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(1) Soliciting, procuring, effecting, or negotiating for insurance; 47983
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(2) Making, issuing, or delivering any contract of insurance; 47985

(3) Collecting or receiving any premium, membership fees, assessment, dues, or other consideration for insurance; 47986
47987

(4) Disseminating information as to coverage or rates, forwarding applications, inspecting risks, fixing rates, investigating or adjusting claims or losses, or transacting any matters subsequent to effecting a contract of insurance and arising out of it. 47988
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(E) Nothing in this section shall limit or abridge the right 47993

to serve any subpoena, order, process, notice, or demand upon any 47994
insurer, person, or agent in any other manner permitted by law. 47995

(F) Every person investigating or adjusting any loss or claim 47996
under a policy of insurance not excepted under division (I) of 47997
this section and issued by any such insurer and covering a subject 47998
of insurance that was resident, located, or to be performed in 47999
this state at the time of issuance shall immediately report the 48000
policy to the superintendent. 48001

(G) Each such insurer that does any of the acts set forth in 48002
division (B) of this section in this state by mail or otherwise 48003
shall be subject to a tax of five per cent on the gross premiums, 48004
membership fees, assessments, dues, and other considerations 48005
received on all contracts of insurance covering subjects of 48006
insurance resident, located, or to be performed within this state. 48007
Such insurer shall annually, on or before the first day of July, 48008
pay such tax to the treasurer of state, as calculated on a form 48009
prescribed by the treasurer of state. If the tax is not paid when 48010
due, the tax shall be increased by a penalty of twenty-five per 48011
cent. An interest charge computed as set forth in section 5725.221 48012
of the Revised Code shall be made on the entire sum of the tax 48013
plus penalty, which interest shall be computed from the date the 48014
tax is due until it is paid. The treasurer of state shall 48015
determine and report all claims for penalties and interest 48016
accruing under this section to the attorney general for 48017
collection. 48018

For purposes of this division, payment is considered made 48019
when it is received by the treasurer of state, irrespective of any 48020
United States postal service marking or other stamp or mark 48021
indicating the date on which the payment may have been mailed. 48022

(H) No contract of insurance effected in this state by mail 48023
or otherwise by any such insurer is enforceable by the insurer. 48024

(I) This section does not apply to:	48025
(1) Insurance obtained pursuant to sections 3905.30 to 3905.36 of the Revised Code;	48026 48027
(2) The transaction of reinsurance by insurers;	48028
(3) Transactions in this state involving a policy solicited, written, and delivered outside this state covering only subjects of insurance not resident, located, or to be performed in this state at the time of issuance, provided such transactions are subsequent to the issuance of the policy;	48029 48030 48031 48032 48033
(4) Transactions in this state involving a policy of group life or group accident and sickness insurance solicited, written, and delivered outside this state;	48034 48035 48036
(5) Transactions involving contracts of insurance independently procured through negotiations occurring entirely outside this state which are reported to the superintendent and with respect to which the tax provided by section 3905.36 of the Revised Code is paid;	48037 48038 48039 48040 48041
(6) An attorney at law acting on behalf of the attorney's clients in the adjustment of claims or losses;	48042 48043
(7) <u>Any Except as provided in division (G) of this section, any</u> insurance company underwriter issuing contracts of insurance to employer insureds or contracts of insurance issued to an employer insured. For purposes of this section, an "employer insured" is an insured to whom all of the following apply:	48044 48045 48046 48047 48048
(a) The insured procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer or the services of a regularly and continuously qualified insurance consultant. As used in division (I)(7)(a) of this section, a "regularly and continuously qualified insurance consultant" does not include any person licensed under	48049 48050 48051 48052 48053 48054

Chapter 3905. of the Revised Code.	48055
(b) The insured's aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars; and	48056 48057
(c) The insured has at least twenty-five full-time employees.	48058
(8) Ocean marine insurance;	48059
<u>(9) Transactions involving policies issued by a captive insurer.</u>	48060 48061
Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:	48062 48063
(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;	48064 48065
(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;	48066 48067 48068 48069 48070
(C) <u>(1) A third-party payer for coverage provided under the medicare plus choice or medicaid programs advantage program operated under Title XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;</u>	48071 48072 48073 48074
<u>(2) A third-party payer for coverage provided under the medicaid program operated under Title XIX of the Social Security Act, except that if a federal waiver applied for under section 5101.93 of the Revised Code is granted or the director of job and family services determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under</u>	48075 48076 48077 48078 48079 48080 48081 48082 48083

Chapter 1751. of the Revised Code. 48084

(D) A third-party payer for coverage provided under the 48085
tricare program offered by the United States department of 48086
defense. 48087

Sec. 3901.78. ~~Upon the filing of each of its annual 48088
statements, or as soon thereafter as practicable, the 48089
superintendent of insurance shall issue to each insurance company 48090
or association authorized to do business in this state but not 48091
incorporated under the laws of this state a certificate of 48092
compliance, an original of which must be published in accordance 48093
with section 3901.781 of the Revised Code in every county where 48094
the insurance company or association has an agency. Upon request 48095
or in any other circumstance that the superintendent of insurance 48096
determines to be appropriate, the superintendent may issue ~~other 48097
certificates of compliance, which certificates are not subject to 48098
section 3901.781 of the Revised Code,~~ to insurance companies and 48099
associations authorized to do business in this state. ~~Certificates 48100
of compliance either must, which shall~~ be on either forms 48101
established by the national association of insurance commissioners 48102
or on such other forms as the superintendent may prescribe. 48103~~

Sec. 3903.14. (A) The superintendent of insurance as 48104
rehabilitator may appoint one or more special deputies, who shall 48105
have all the powers and responsibilities of the rehabilitator 48106
granted under this section, and the superintendent may employ such 48107
clerks and assistants as considered necessary. The compensation of 48108
the special deputies, clerks, and assistants and all expenses of 48109
taking possession of the insurer and of conducting the proceedings 48110
shall be fixed by the superintendent, with the approval of the 48111
court and shall be paid out of the funds or assets of the insurer. 48112
The persons appointed under this section shall serve at the 48113

pleasure of the superintendent. In the event that the property of 48114
the insurer does not contain sufficient cash or liquid assets to 48115
defray the costs incurred, the superintendent may advance the 48116
costs so incurred out of any appropriation for the maintenance of 48117
the department of insurance. Any amounts so advanced for expenses 48118
of administration shall be repaid to the superintendent for the 48119
use of the department out of the first available money of the 48120
insurer. 48121

(B) The rehabilitator may take such action as ~~he~~ the 48122
rehabilitator considers necessary or appropriate to reform and 48123
revitalize the insurer. ~~He~~ The rehabilitator shall have all the 48124
powers of the directors, officers, and managers, whose authority 48125
shall be suspended, except as they are redelegated by the 48126
rehabilitator. ~~He~~ The rehabilitator shall have full power to 48127
direct and manage, to hire and discharge employees subject to any 48128
contract rights they may have, and to deal with the property and 48129
business of the insurer. 48130

(C) If it appears to the rehabilitator that there has been 48131
criminal or tortious conduct, or breach of any contractual or 48132
fiduciary obligation detrimental to the insurer by any officer, 48133
manager, agent, director, trustee, broker, employee, or other 48134
person, ~~he~~ the rehabilitator may pursue all appropriate legal 48135
remedies on behalf of the insurer. 48136

(D) If the rehabilitator determines that reorganization, 48137
consolidation, conversion, reinsurance, merger, or other 48138
transformation of the insurer is appropriate, ~~he~~ the rehabilitator 48139
shall prepare a plan to effect such changes. Upon application of 48140
the rehabilitator for approval of the plan, and after such notice 48141
and hearings as the court may prescribe, the court may either 48142
approve or disapprove the plan proposed, or may modify it and 48143
approve it as modified. Any plan approved under this section shall 48144
be, in the judgment of the court, fair and equitable to all 48145

parties concerned. If the plan is approved, the rehabilitator 48146
shall carry out the plan. In the case of a life insurer, the plan 48147
proposed may include the imposition of liens upon the policies of 48148
the company, if all rights of shareholders are first relinquished. 48149
A plan for a life insurer may also propose imposition of a 48150
moratorium upon loan and cash surrender rights under policies, for 48151
such period and to such an extent as may be necessary. 48152

(E) In the case of a medicaid health insuring corporation 48153
that has posted a bond or deposited securities in accordance with 48154
section 1751.271 of the Revised Code, the plan proposed under 48155
division (D) of this section may include the use of the proceeds 48156
of the bond or securities to first pay the claims of contracted 48157
providers for covered health care services provided to medicaid 48158
recipients, then next to pay other claimants with any remaining 48159
funds, consistent with the priorities set forth in sections 48160
3903.421 and 3903.42 of the Revised Code. 48161

(F) The rehabilitator shall have the power under sections 48162
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 48163
transfers. 48164

(G) As used in this section: 48165

(1) "Contracted provider" means a provider with a contract 48166
with a medicaid health insuring corporation to provide covered 48167
health care services to medicaid recipients. 48168

(2) "Medicaid recipient" means a person eligible for 48169
assistance under the medicaid program operated pursuant to Chapter 48170
5111. of the Revised Code. 48171

Sec. 3903.42. The priority of distribution of claims from the 48172
insurer's estate shall be in accordance with the order in which 48173
each class of claims is set forth in this section. Every claim in 48174
each class shall be paid in full or adequate funds retained for 48175

such payment before the members of the next class receive any 48176
payment. No subclasses shall be established within any class. The 48177
order of distribution of claims shall be: 48178

(A) Class 1. The costs and expenses of administration, 48179
including but not limited to the following: 48180

(1) The actual and necessary costs of preserving or 48181
recovering the assets of the insurer; 48182

(2) Compensation for all services rendered in the 48183
liquidation; 48184

(3) Any necessary filing fees; 48185

(4) The fees and mileage payable to witnesses; 48186

(5) Reasonable attorney's fees; 48187

(6) The reasonable expenses of a guaranty association or 48188
foreign guaranty association in handling claims. 48189

(B) Class 2. All claims under policies for losses incurred, 48190
including third party claims, all claims of contracted providers 48191
against a medicaid health insuring corporation for covered health 48192
care services provided to medicaid recipients, all claims against 48193
the insurer for liability for bodily injury or for injury to or 48194
destruction of tangible property that are not under policies, and 48195
all claims of a guaranty association or foreign guaranty 48196
association. All claims under life insurance and annuity policies, 48197
whether for death proceeds, annuity proceeds, or investment 48198
values, shall be treated as loss claims. That portion of any loss, 48199
indemnification for which is provided by other benefits or 48200
advantages recovered by the claimant, shall not be included in 48201
this class, other than benefits or advantages recovered or 48202
recoverable in discharge of familial obligations of support or by 48203
way of succession at death or as proceeds of life insurance, or as 48204
gratuities. No payment by an employer to an employee shall be 48205

treated as a gratuity. Claims under nonassessable policies for	48206
unearned premium or other premium refunds.	48207
(C) Class 3. Claims of the federal government.	48208
(D) Class 4. Debts due to employees for services performed to	48209
the extent that they do not exceed one thousand dollars and	48210
represent payment for services performed within one year before	48211
the filing of the complaint for liquidation. Officers and	48212
directors shall not be entitled to the benefit of this priority.	48213
Such priority shall be in lieu of any other similar priority that	48214
may be authorized by law as to wages or compensation of employees.	48215
(E) Class 5. Claims of general creditors.	48216
(F) Class 6. Claims of any state or local government. Claims,	48217
including those of any state or local governmental body for a	48218
penalty or forfeiture, shall be allowed in this class only to the	48219
extent of the pecuniary loss sustained from the act, transaction,	48220
or proceeding out of which the penalty or forfeiture arose, with	48221
reasonable and actual costs occasioned thereby. The remainder of	48222
such claims shall be postponed to the class of claims under	48223
division (I) of this section.	48224
(G) Class 7. Claims filed late or any other claims other than	48225
claims under divisions (H) and (I) of this section.	48226
(H) Class 8. Surplus or contribution notes, or similar	48227
obligations, and premium refunds on assessable policies. Payments	48228
to members of domestic mutual insurance companies shall be limited	48229
in accordance with law.	48230
(I) Class 9. The claims of shareholders or other owners.	48231
If any provision of this section or the application of any	48232
provision of this section to any person or circumstance is held	48233
invalid, the invalidity does not affect other provisions or	48234
applications of this section, and to this end the provisions are	48235

severable. 48236

(J) As used in sections 3903.42 and 3903.421 of the Revised Code, "contracted provider" and "medicaid recipient" have the same meanings as in section 3903.14 of the Revised Code. 48237
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Sec. 3903.421. (A) Notwithstanding section 3903.42 of the Revised Code, both of the following apply to medicaid health insuring corporation performance bonds and securities: 48240
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(1) Proceeds from the bond issued or securities held pursuant to section 1751.271 of the Revised Code that have been paid to or deposited with the department of insurance shall be considered special deposits for purposes of satisfying claims of contracted providers for covered health care services provided to medicaid recipients; 48243
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(2) Contracted providers that have claims against a health insuring corporation for covered health care services provided to medicaid recipients shall be given first priority against the proceeds of the bond or securities held pursuant to section 1751.27 of the Revised Code, to the exclusion of other creditors, except as provided for in this section. 48249
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(B) If the amount of the proceeds of the bond or securities are not sufficient to satisfy all of the allowed claims of contracted providers for covered health care services provided to medicaid recipients, payment shall proceed as follows: 48255
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(1) Contracted providers shall share in the proceeds of the bond or securities pro rata based on the allowed amount of the providers' claims against the health insuring corporation for covered health care services provided to medicaid recipients; 48259
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(2) After payments are made under division (B)(1) of this section, the net unpaid balance of the claims of contracted providers shall be allowed for payment from the general assets of 48263
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the estate in accordance with the priorities set forth in section 48266
3903.42 of the Revised Code. 48267

(C) If the amount of the proceeds of the bond or securities 48268
exceeds the allowed claims of contracted providers for covered 48269
health care services provided to medicaid recipients, the excess 48270
amount shall be considered a general asset of the health insuring 48271
corporation's estate to be distributed to other claimants in 48272
accordance with the priorities set forth in section 3903.42 of the 48273
Revised Code. 48274

Sec. 3905.04. (A) Except as otherwise provided in section 48275
3905.041 of the Revised Code, a resident individual applying for 48276
an insurance agent license for any of the lines of authority 48277
described in division (B) of this section shall take a written 48278
examination. The examination shall test the knowledge of the 48279
individual with respect to the lines of authority for which 48280
application is made, the duties and responsibilities of an 48281
insurance agent, and the insurance laws of this state. Before 48282
admission to the examination, each individual shall pay the 48283
nonrefundable fee required under division ~~(D)~~(C) of section 48284
3905.40 of the Revised Code. 48285

(B) The examination described in division (A) of this section 48286
shall be required for the following lines of authority: 48287

(1) Any of the lines of authority set forth in divisions 48288
(B)(1) to (6) of section 3905.06 of the Revised Code; 48289

(2) Title insurance; 48290

(3) Surety bail bonds as provided in sections 3905.83 to 48291
3905.95 of the Revised Code; 48292

(4) Any other line of authority designated by the 48293
superintendent of insurance. 48294

(C) An individual shall not be permitted to take the 48295

examination described in division (A) of this section unless one	48296
or both of the following apply:	48297
(1) The individual has earned a bachelor's or associate's	48298
degree in insurance from an accredited institution.	48299
(2) The individual has completed, for each line of authority	48300
for which the individual has applied, twenty hours of study in a	48301
program of insurance education approved by the superintendent, in	48302
consultation with the insurance agent education advisory council,	48303
under criteria established by the superintendent. Division (C) of	48304
this section does not apply with respect to title insurance or any	48305
other line of authority designated by the superintendent.	48306
(D) An individual who fails to appear for an examination as	48307
scheduled, or fails to pass an examination, may reapply for the	48308
examination if the individual pays the required fee and submits	48309
any necessary forms prior to being rescheduled for the	48310
examination.	48311
(E)(1) The superintendent may, in accordance with Chapter	48312
119. of the Revised Code, adopt any rule necessary for the	48313
implementation of this section.	48314
(2) The superintendent may make any necessary arrangements,	48315
including contracting with an outside testing service, for the	48316
administration of the examinations and the collection of the fees	48317
required by this section.	48318
Sec. 3905.36. <u>Every (A) Except as provided in divisions (B)</u>	48319
<u>and (C) of this section, every</u> insured association, company,	48320
corporation, or other person that enters, directly or indirectly,	48321
into any agreements with any insurance company, association,	48322
individual, firm, underwriter, or Lloyd, not authorized to do	48323
business in this state, whereby the insured shall procure,	48324
continue, or renew contracts of insurance covering subjects of	48325

insurance resident, located, or to be performed within this state, 48326
with such unauthorized insurance company, association, individual, 48327
firm, underwriter, or Lloyd, for which insurance there is a gross 48328
premium, membership fee, assessment, dues, or other consideration 48329
charged or collected, shall annually, on or before the 48330
thirty-first day of January, return to the superintendent of 48331
insurance a statement under oath showing the name and address of 48332
the insured, name and address of the insurer, subject of the 48333
insurance, general description of the coverage, and amount of 48334
gross premium, fee, assessment, dues, or other consideration for 48335
such insurance for the preceding twelve-month period and shall at 48336
the same time pay to the treasurer of state a tax of five per cent 48337
of such gross premium, fee, assessment, dues, or other 48338
consideration, after a deduction for return premium, if any, as 48339
calculated on a form prescribed by the treasurer of state. All 48340
taxes collected under this section by the treasurer of state shall 48341
be paid into the general revenue fund. If the tax is not paid when 48342
due, the tax shall be increased by a penalty of twenty-five per 48343
cent. An interest charge computed as set forth in section 5725.221 48344
of the Revised Code shall be made on the entire sum of the tax 48345
plus penalty, which interest shall be computed from the date the 48346
tax is due until it is paid. For purposes of this section, payment 48347
is considered made when it is received by the treasurer of state, 48348
irrespective of any United States postal service marking or other 48349
stamp or mark indicating the date on which the payment may have 48350
been mailed. ~~This~~ 48351

(B) This section does not apply to: 48352

~~(A) Insurance obtained pursuant to sections 3905.30 to 48353
3905.35 of the Revised Code;~~ 48354

~~(B)(1)~~ Transactions in this state involving a policy 48355
solicited, written, and delivered outside this state covering only 48356
subjects of insurance not resident, located, or to be performed in 48357

this state at the time of issuance, provided such transactions are 48358
subsequent to the issuance of the policy; 48359

~~(C)(2) Attorneys-at-law acting on behalf of their clients in 48360
the adjustment of claims or losses; 48361~~

~~(D) Any insurance company underwriter issuing contracts of 48362
insurance to employer insureds or contracts of insurance issued to 48363
an employer insured. For purposes of this section an "employer 48364
insured" is an insured; 48365~~

~~(1) Who procures the insurance of any risk or risks by use of 48366
the services of a full time employee acting as an insurance 48367
manager or buyer or the services of a regularly and continuously 48368
qualified insurance consultant. As used in division (D)(1) of this 48369
section, a "regularly and continuously qualified insurance 48370
consultant" does not include any person licensed under Chapter 48371
3905. of the Revised Code. 48372~~

~~(2) Whose aggregate annual premiums for insurance on all 48373
risks total at least twenty five thousand dollars; and 48374~~

~~(3) Who has at least twenty five full time employees. 48375~~

(3) Transactions involving policies issued by a captive 48376
insurer. For this purpose, a "captive insurer" means any of the 48377
following: 48378

(a) An insurer owned by one or more individuals or 48379
organizations, whose exclusive purpose is to insure risks of one 48380
or more of the parent organizations or individual owners and risks 48381
of one or more affiliates of the parent organizations or 48382
individual owners; 48383

(b) In the case of groups and associations, insurers owned by 48384
the group or association whose exclusive purpose is to insure 48385
risks of members of the group or association and affiliates of the 48386
members; 48387

(c) Other types of insurers, licensed and operated in accordance with the captive insurance laws of their jurisdictions of domicile and operated in a manner so as to self-insure risks of their owners and insureds. 48388
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(4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code. 48392
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~~Each~~ (C) In transactions that are subject to sections 3905.30 to 3905.35 of the Revised Code, each person licensed under section 3905.30 of the Revised Code shall pay to the treasurer of state, on or before the thirty-first day of January of each year, five per cent of the balance of the gross premiums charged for insurance placed or procured under the license after a deduction for return premiums, as reported on a form prescribed by the treasurer of state. The tax shall be collected from the insured by the surplus line broker who placed or procured the policy of insurance at the time the policy is delivered to the insured. No license issued under section 3905.30 of the Revised Code shall be renewed until payment is made. If the tax is not paid when due, the tax shall be increased by a penalty of twenty-five per cent. An interest charge computed as set forth in section 5725.221 of the Revised Code shall be made on the entire sum of the tax plus penalty, which interest shall be computed from the date the tax is due until it is paid. For purposes of this section, payment is considered made when it is received by the treasurer of state, irrespective of any United States postal service marking or other stamp or mark indicating the date on which the payment may have been mailed. 48394
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Sec. 3905.40. There shall be paid to the superintendent of insurance the following fees: 48415
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(A) Each insurance company doing business in this state shall pay: 48417
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(1) For filing a copy of its charter or deed of settlement,	48419
two hundred fifty dollars;	48420
(2) For filing each statement, twenty-five <u>one hundred</u>	48421
<u>seventy-five</u> dollars;	48422
(3) For each certificate of authority or license, <u>one hundred</u>	48423
<u>seventy-five</u> , and <u>for each</u> certified copy thereof, five dollars;	48424
(4) For each copy of a paper filed in the superintendent's	48425
office, twenty cents per page;	48426
(5) For issuing certificates of deposits or certified copies	48427
thereof, five dollars for the first certificate or copy and one	48428
dollar for each additional certificate or copy;	48429
(6) For issuing certificates of compliance or certified	48430
copies thereof, twenty <u>sixty</u> dollars;	48431
(7) For affixing the seal of office and certifying documents,	48432
other than those enumerated herein, two dollars.	48433
(B) Each domestic life insurance company doing business in	48434
this state shall pay for annual valuation of its policies, one	48435
cent on every one thousand dollars of insurance.	48436
(C) Each foreign insurance company doing business in this	48437
state shall pay for making and forwarding annually, semiannually,	48438
and quarterly the interest checks and coupons accruing upon bonds	48439
and securities deposited, fifty dollars each year on each one	48440
hundred thousand dollars deposited.	48441
(D) Each applicant for licensure as an insurance agent shall	48442
pay ten dollars before admission to any examination required by	48443
the superintendent. Such fee shall not be paid by the appointing	48444
insurance company.	48445
(E) (D) Each domestic mutual life insurance company shall pay	48446
for verifying that any amendment to its articles of incorporation	48447
was regularly adopted, two hundred fifty dollars with each	48448

application for verification. Any such amendment shall be 48449
considered to have been regularly adopted when approved by the 48450
affirmative vote of two-thirds of the policyholders present in 48451
person or by proxy at any annual meeting of policyholders or at a 48452
special meeting of policyholders called for that purpose. 48453

Sec. 3923.27. No policy of sickness and accident insurance 48454
delivered, issued for delivery, or renewed in this state after ~~the~~ 48455
~~effective date of this section~~ August 26, 1976, including both 48456
individual and group policies, that provides hospitalization 48457
coverage for mental illness shall exclude such coverage for the 48458
reason that the insured is hospitalized in an institution or 48459
facility receiving tax support from the state, any municipal 48460
corporation, county, or joint county board, whether such 48461
institution or facility is deemed charitable or otherwise, 48462
provided the institution or facility or portion thereof is fully 48463
accredited by the joint commission on accreditation of hospitals 48464
or certified under Titles XVIII and XIX of the "Social Security 48465
Act of 1935," 79 Stat. 291, 42 U.S.C.A. 1395, as amended. The 48466
insurance coverage shall provide payment amounting to the lesser 48467
of either the full amount of the statutory charge for the cost of 48468
the services pursuant to ~~division (B)(8) of section 5121.04~~ 48469
section 5121.33 of the Revised Code or the benefits payable for 48470
the services under the applicable insurance policy. Insurance 48471
benefits for the coverage shall be paid so long as patients and 48472
their liable relatives retain their statutory liability pursuant 48473
to ~~the requirements of sections 5121.01 to 5121.10~~ section 5121.33 48474
of the Revised Code. Only that portion or per cent of the benefits 48475
shall be payable that has been assigned, or ordered to be paid, to 48476
the state or other appropriate provider for services rendered by 48477
the institution or facility. 48478

Sec. 4112.12. (A) There is hereby created the commission on 48479

African-American males, which shall consist of not more than 48480
forty-one members as follows: the directors or their designees of 48481
the departments of health, development, alcohol and drug addiction 48482
services, job and family services, rehabilitation and correction, 48483
mental health, and youth services; the adjutant general or the 48484
adjutant general's designee; the equal employment opportunity 48485
officer of the department of administrative services or the equal 48486
employment opportunity officer's designee; the executive director 48487
or the executive director's designee of the Ohio civil rights 48488
commission; the executive director or the executive director's 48489
designee of the office division of criminal justice services in 48490
the department of public safety; the superintendent of public 48491
instruction; the chancellor or the chancellor's designee of the 48492
Ohio board of regents; two members of the house of representatives 48493
appointed by the speaker of the house of representatives; three 48494
members of the senate appointed by the president of the senate; 48495
and not more than twenty-three members appointed by the governor. 48496
The members appointed by the governor shall include an additional 48497
member of the governor's cabinet and at least one representative 48498
of each of the following: the national association for the 48499
advancement of colored people; the urban league; an organization 48500
representing black elected officials; an organization representing 48501
black attorneys; the black religious community; the black business 48502
community; the nonminority business community; and organized 48503
labor; at least one black medical doctor, one black elected member 48504
of a school board, and one black educator; and at least two 48505
representatives of local private industry councils. The remaining 48506
members that may be appointed by the governor shall be selected 48507
from elected officials, civic and community leaders, and 48508
representatives of the employment, criminal justice, education, 48509
and health communities. 48510

(B) Terms of office shall be for three years, with each term 48511
ending on the same day of the same month as did the term that it 48512

succeeds. Each member shall hold office from the date of 48513
appointment until the end of the term for which the member was 48514
appointed. Members may be reappointed. Vacancies shall be filled 48515
in the manner provided for original appointments. Any member 48516
appointed to fill a vacancy occurring prior to the expiration date 48517
of the term for which the member's predecessor was appointed shall 48518
hold office as a member for the remainder of that term. A member 48519
shall continue in office subsequent to the expiration date of the 48520
member's term until the member's successor takes office or until a 48521
period of sixty days has elapsed, whichever occurs first. 48522

The commission annually shall elect a chairperson from among 48523
its members. 48524

(C) Members of the commission and members of subcommittees 48525
appointed under division (B) of section 4112.13 of the Revised 48526
Code shall not be compensated, but shall be reimbursed for their 48527
necessary and actual expenses incurred in the performance of their 48528
official duties. 48529

(D)(1) The Ohio civil rights commission shall serve as the 48530
commission on African-American males' fiscal agent and shall 48531
perform all of the following services: 48532

(a) Prepare and process payroll and other personnel documents 48533
that the commission on African-American males approves; 48534

(b) Maintain ledgers of accounts and reports of account 48535
balances, and monitor budgets and allotment plans in consultation 48536
with the commission on African-American males; 48537

(c) Perform other routine support services that the executive 48538
director of the Ohio civil rights commission or the executive 48539
director's designee and the Commission on African-American males 48540
or its designee consider appropriate to achieve efficiency. 48541

(2) The Ohio civil rights commission shall not approve any 48542

payroll or other personnel-related documents or any biennial 48543
budget, grant, expenditure, audit, or fiscal-related document 48544
without the advice and consent of the commission on 48545
African-American males. 48546

(3) The Ohio civil rights commission shall determine fees to 48547
be charged to the commission on African-American males for 48548
services performed under this division, which shall be in 48549
proportion to the services performed for the commission on 48550
African-American males. 48551

(4) The commission on African-American males or its designee 48552
has: 48553

(a) Sole authority to draw funds for any federal program in 48554
which the commission is authorized to participate; 48555

(b) Sole authority to expend funds from accounts for programs 48556
and any other necessary expenses the commission on 48557
African-American males may incur; 48558

(c) The duty to cooperate with the Ohio civil rights 48559
commission to ensure that the Ohio civil rights commission is 48560
fully apprised of all financial transactions. 48561

(E) The commission on African-American males shall appoint an 48562
executive director, who shall be in the unclassified civil 48563
service. The executive director shall supervise the commission's 48564
activities and report to the commission on the progress of those 48565
activities. The executive director shall do all things necessary 48566
for the efficient and effective implementation of the duties of 48567
the commission. 48568

The responsibilities assigned to the executive director do 48569
not relieve the members of the commission from final 48570
responsibility for the proper performance of the requirements of 48571
this division. 48572

(F) The commission on African-American males shall:	48573
(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;	48574 48575 48576
(2) Maintain its office in Columbus;	48577
(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.	48578 48579 48580 48581 48582
(4) Prepare and submit to the office of budget and management a budget for each biennium in accordance with sections 101.55 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall pay its own payroll and other operating expenses from appropriation items designated by the general assembly. The commission shall not delegate any authority to obligate funds.	48583 48584 48585 48586 48587 48588 48589 48590
(5) Establish the overall policy and management of the commission in accordance with this chapter;	48591 48592
(6) Follow all state procurement requirements;	48593
(7) Pay fees owed to the Ohio civil rights commission under division (D) of this section from the commission on African-American males' general revenue fund or from any other fund from which the operating expenses of the commission on African-American males are paid. Any amounts set aside for a fiscal year for the payment of such fees shall be used only for the services performed for the commission on African-American males by the Ohio civil rights commission in that fiscal year.	48594 48595 48596 48597 48598 48599 48600 48601
(G) The commission on African-American males may:	48602

(1) Hold sessions at any place within the state; 48603

(2) Establish, change, or abolish positions, and assign and 48604
reassign duties and responsibilities of any employee of the 48605
commission on African-American males as necessary to achieve the 48606
most efficient performance of its functions. 48607

Sec. 4115.32. (A) ~~There~~ Subject to section 4115.36 of the 48608
Revised Code, there is hereby created the state committee for the 48609
purchase of products and services provided by persons with severe 48610
disabilities. The committee shall be composed ex officio of the 48611
following persons, or their designees: 48612

(1) The directors of administrative services, mental health, 48613
mental retardation and developmental disabilities, transportation, 48614
natural resources, and commerce; 48615

(2) The administrators of the rehabilitation services 48616
commission and the bureau of workers' compensation; 48617

(3) The secretary of state; 48618

(4) One representative of a purchasing department of a 48619
political subdivision who is designated by the governor. 48620

The governor shall appoint two representatives of a qualified 48621
nonprofit agency for persons with severe disabilities, and a 48622
person with a severe disability to the committee. 48623

(B) Within thirty days after September 29, 1995, the governor 48624
shall appoint the representatives of a qualified nonprofit agency 48625
for persons with severe disabilities to the committee for a term 48626
ending August 31, 1996. Thereafter, terms for such representatives 48627
are for three years, each term ending on the same day of the same 48628
month of the year as did the term that it succeeds. Each committee 48629
member shall serve from the date of the member's appointment until 48630
the end of the term for which the member was appointed. Vacancies 48631
shall be filled in the same manner provided for original 48632

appointments. Any member appointed to fill a vacancy occurring 48633
prior to the expiration date of the term for which the member's 48634
predecessor was appointed shall serve as a member for the 48635
remainder of that term. A member shall serve subsequent to the 48636
expiration of the member's term and shall continue to serve until 48637
the member's successor takes office. 48638

(C) Members of the committee shall serve without 48639
compensation. Except as otherwise provided in divisions (C)(1) and 48640
(2) of this section, members shall be reimbursed for actual and 48641
necessary expenses, including travel expenses, incurred while away 48642
from their homes or regular places of business and incurred while 48643
performing services for the committee. 48644

(1) The members listed in divisions (A)(1) to (3) of this 48645
section, or their designees, shall not be reimbursed for any 48646
expenses. 48647

(2) No member of the committee who is entitled to receive 48648
reimbursement for the performance of services for the committee 48649
from another agency or entity shall receive reimbursement from the 48650
committee. 48651

(D) The committee shall elect from among its members a 48652
chairperson. The committee may request from any agency of the 48653
state, political subdivision, or instrumentality of the state any 48654
information necessary to enable it to carry out the intent of 48655
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 48656
the committee, the agency, subdivision, or instrumentality shall 48657
furnish the information to the chairperson of the committee. 48658

(E) The committee shall not later than one hundred eighty 48659
days following the close of each fiscal year transmit to the 48660
governor, the general assembly, and each qualified nonprofit 48661
agency for persons with severe disabilities a report that includes 48662
the names of the committee members serving during the preceding 48663

fiscal year, the dates of committee meetings in that year, and any 48664
recommendations for changes in sections 4115.31 to 4115.35 of the 48665
Revised Code that the committee determines are necessary. 48666

(F) The director of ~~mental retardation and developmental~~ 48667
~~disabilities~~ administrative services shall designate a subordinate 48668
to act as executive director of the committee and shall furnish 48669
other staff and clerical assistance, office space, and supplies 48670
required by the committee. 48671

Sec. 4115.34. (A) ~~If~~ Except as provided in section 4115.36 of 48672
the Revised Code, if any state agency, political subdivision, or 48673
instrumentality of the state intends to procure any product or 48674
service, it shall determine whether the product or service is on 48675
the procurement list published pursuant to section 4115.33 of the 48676
Revised Code; and it shall, in accordance with rules of the state 48677
committee for the purchase of products and services provided by 48678
persons with severe disabilities, procure such product or service 48679
at the fair market price established by the committee from a 48680
qualified nonprofit agency for persons with severe disabilities, 48681
if the product or service is on the procurement list and is 48682
available within the period required by that agency, subdivision, 48683
or instrumentality, notwithstanding any law requiring the purchase 48684
of products and services on a competitive bid basis. Sections 48685
4115.31 to 4115.35 of the Revised Code do not apply if the 48686
products or services are available for procurement from any state 48687
agency, political subdivision, or instrumentality of the state and 48688
procurement from such agency, subdivision, or instrumentality is 48689
required under any law in effect on August 13, 1976. 48690

(B) The committee and any state agency, political 48691
subdivision, or instrumentality of the state may enter into 48692
contractual agreements, cooperative working relationships, or 48693
other arrangements determined necessary for effective coordination 48694

and efficient realization of the objectives of sections 4115.31 to 48695
4115.35 of the Revised Code and any other law requiring 48696
procurement of products or services from any state agency, 48697
political subdivision, or instrumentality of the state. 48698

(C) Notwithstanding any other section of the Revised Code, or 48699
any appropriations act, that may require a state agency, political 48700
subdivision, or instrumentality of the state to purchase supplies, 48701
services, or materials by means of a competitive bid procedure, 48702
state agencies, political subdivisions, or instrumentalities of 48703
the state need not utilize the required bidding procedures if the 48704
supplies, services, or materials are to be purchased from a 48705
qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 48706
of the Revised Code. 48707

Sec. 4115.36. Sections 4115.31 to 4115.35 of the Revised Code 48708
have no effect after the director of administrative services 48709
abolishes the state committee for the purchase of products and 48710
services provided by persons with severe disabilities. Upon 48711
abolishment of the committee, sections 125.60 to 125.6012 of the 48712
Revised Code shall govern the procurement of products and services 48713
provided by persons with work-limiting disabilities from qualified 48714
nonprofit agencies. 48715

Sec. 4117.03. (A) Public employees have the right to: 48716

(1) Form, join, assist, or participate in, or refrain from 48717
forming, joining, assisting, or participating in, except as 48718
otherwise provided in Chapter 4117. of the Revised Code, any 48719
employee organization of their own choosing; 48720

(2) Engage in other concerted activities for the purpose of 48721
collective bargaining or other mutual aid and protection; 48722

(3) Representation by an employee organization; 48723

(4) Bargain collectively with their public employers to 48724
determine wages, hours, terms and other conditions of employment 48725
and the continuation, modification, or deletion of an existing 48726
provision of a collective bargaining agreement, and enter into 48727
collective bargaining agreements; 48728

(5) Present grievances and have them adjusted, without the 48729
intervention of the bargaining representative, as long as the 48730
adjustment is not inconsistent with the terms of the collective 48731
bargaining agreement then in effect and as long as the bargaining 48732
representatives have the opportunity to be present at the 48733
adjustment. 48734

(B) Persons on active duty or acting in any capacity as 48735
members of the organized militia do not have collective bargaining 48736
rights. 48737

(C) Except as provided in division (D) of this section, 48738
nothing in Chapter 4117. of the Revised Code prohibits public 48739
employers from electing to engage in collective bargaining, to 48740
meet and confer, to hold discussions, or to engage in any other 48741
form of collective negotiations with public employees who are not 48742
subject to Chapter 4117. of the Revised Code pursuant to division 48743
(C) of section 4117.01 of the Revised Code. 48744

(D) A public employer shall not engage in collective 48745
bargaining or other forms of collective negotiations with the 48746
employees of county boards of elections referred to in division 48747
(C)(12) of section 4117.01 of the Revised Code. 48748

(E)(1) Employees of public school may bargain collectively 48749
for health care benefits; however, all health care benefits shall 48750
be provided through school employees health care board medical 48751
plans, in accordance with section 9.901 of the Revised Code. If a 48752
school district provides its employees with health care benefits 48753
pursuant to collective bargaining, the employees shall be 48754

permitted to choose a plan option from among the school employees 48755
health care board plans agreed to during collective bargaining. 48756

(2) During collective bargaining, employees of public schools 48757
may agree to pay a higher percentage of the premium for health 48758
benefit coverage under the plans designed by the school employees 48759
health care board pursuant to section 9.901 of the Revised Code 48760
than the percentage designated as the employees' contribution 48761
level by the board. A collective bargaining agreement, however, 48762
shall not permit the employees to contribute a lesser percentage 48763
of the premium than that set as the employees' contribution level 48764
by the school employees health care board, unless, in so doing, 48765
the participating school board is able to remain in compliance 48766
with the aggregate goal set pursuant to division (G)(3) of section 48767
9.901 of the Revised Code. 48768

Sec. 4117.08. (A) All matters pertaining to wages, hours, or 48769
terms and other conditions of employment and the continuation, 48770
modification, or deletion of an existing provision of a collective 48771
bargaining agreement are subject to collective bargaining between 48772
the public employer and the exclusive representative, except as 48773
otherwise specified in this section and division (E) of section 48774
4117.03 of the Revised Code. 48775

(B) The conduct and grading of civil service examinations, 48776
the rating of candidates, the establishment of eligible lists from 48777
the examinations, and the original appointments from the eligible 48778
lists are not appropriate subjects for collective bargaining. 48779

(C) Unless a public employer agrees otherwise in a collective 48780
bargaining agreement, nothing in Chapter 4117. of the Revised Code 48781
impairs the right and responsibility of each public employer to: 48782

(1) Determine matters of inherent managerial policy which 48783
include, but are not limited to areas of discretion or policy such 48784

as the functions and programs of the public employer, standards of	48785
services, its overall budget, utilization of technology, and	48786
organizational structure;	48787
(2) Direct, supervise, evaluate, or hire employees;	48788
(3) Maintain and improve the efficiency and effectiveness of	48789
governmental operations;	48790
(4) Determine the overall methods, process, means, or	48791
personnel by which governmental operations are to be conducted;	48792
(5) Suspend, discipline, demote, or discharge for just cause,	48793
or lay off, transfer, assign, schedule, promote, or retain	48794
employees;	48795
(6) Determine the adequacy of the work force;	48796
(7) Determine the overall mission of the employer as a unit	48797
of government;	48798
(8) Effectively manage the work force;	48799
(9) Take actions to carry out the mission of the public	48800
employer as a governmental unit.	48801
The employer is not required to bargain on subjects reserved	48802
to the management and direction of the governmental unit except as	48803
affect wages, hours, terms and conditions of employment, and the	48804
continuation, modification, or deletion of an existing provision	48805
of a collective bargaining agreement. A public employee or	48806
exclusive representative may raise a legitimate complaint or file	48807
a grievance based on the collective bargaining agreement.	48808
Sec. 4117.10. (A) An agreement between a public employer and	48809
an exclusive representative entered into pursuant to this chapter	48810
governs the wages, hours, and terms and conditions of public	48811
employment covered by the agreement. If the agreement provides for	48812
a final and binding arbitration of grievances, public employers,	48813

employees, and employee organizations are subject solely to that 48814
grievance procedure and the state personnel board of review or 48815
civil service commissions have no jurisdiction to receive and 48816
determine any appeals relating to matters that were the subject of 48817
a final and binding grievance procedure. Where no agreement exists 48818
or where an agreement makes no specification about a matter, the 48819
public employer and public employees are subject to all applicable 48820
state or local laws or ordinances pertaining to the wages, hours, 48821
and terms and conditions of employment for public employees. Laws 48822
pertaining to civil rights, affirmative action, unemployment 48823
compensation, workers' compensation, the retirement of public 48824
employees, and residency requirements, the minimum educational 48825
requirements contained in the Revised Code pertaining to public 48826
education including the requirement of a certificate by the fiscal 48827
officer of a school district pursuant to section 5705.41 of the 48828
Revised Code, the provisions of division (A) of section 124.34 of 48829
the Revised Code governing the disciplining of officers and 48830
employees who have been convicted of a felony, and the minimum 48831
standards promulgated by the state board of education pursuant to 48832
division (D) of section 3301.07 of the Revised Code prevail over 48833
conflicting provisions of agreements between employee 48834
organizations and public employers. The law pertaining to the 48835
leave of absence and compensation provided under section 5923.05 48836
of the Revised Code prevails over any conflicting provisions of 48837
such agreements if the terms of the agreement contain benefits 48838
which are less than those contained in that section or the 48839
agreement contains no such terms and the public authority is the 48840
state or any agency, authority, commission, or board of the state 48841
or if the public authority is another entity listed in division 48842
(B) of section 4117.01 of the Revised Code that elects to provide 48843
leave of absence and compensation as provided in section 5923.05 48844
of the Revised Code. Except for sections 306.08, 306.12, 306.35, 48845
and 4981.22 of the Revised Code and arrangements entered into 48846

thereunder, and section 4981.21 of the Revised Code as necessary 48847
to comply with section 13(c) of the "Urban Mass Transportation Act 48848
of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and 48849
arrangements entered into thereunder, this chapter prevails over 48850
any and all other conflicting laws, resolutions, provisions, 48851
present or future, except as otherwise specified in this chapter 48852
or as otherwise specified by the general assembly. Nothing in this 48853
section prohibits or shall be construed to invalidate the 48854
provisions of an agreement establishing supplemental workers' 48855
compensation or unemployment compensation benefits or exceeding 48856
minimum requirements contained in the Revised Code pertaining to 48857
public education or the minimum standards promulgated by the state 48858
board of education pursuant to division (D) of section 3301.07 of 48859
the Revised Code. 48860

(B) The public employer shall submit a request for funds 48861
necessary to implement an agreement and for approval of any other 48862
matter requiring the approval of the appropriate legislative body 48863
to the legislative body within fourteen days of the date on which 48864
the parties finalize the agreement, unless otherwise specified, 48865
but if the appropriate legislative body is not in session at the 48866
time, then within fourteen days after it convenes. The legislative 48867
body must approve or reject the submission as a whole, and the 48868
submission is deemed approved if the legislative body fails to act 48869
within thirty days after the public employer submits the 48870
agreement. The parties may specify that those provisions of the 48871
agreement not requiring action by a legislative body are effective 48872
and operative in accordance with the terms of the agreement, 48873
provided there has been compliance with division (C) of this 48874
section. If the legislative body rejects the submission of the 48875
public employer, either party may reopen all or part of the entire 48876
agreement. 48877

As used in this section, "legislative body" includes ~~the~~ 48878

~~general assembly~~, the governing board of a municipal corporation, 48879
school district, college or university, village, township, or 48880
board of county commissioners or any other body that has authority 48881
to approve the budget of their public jurisdiction and, with 48882
regard to the state, "legislative body" means the controlling 48883
board. 48884

(C) The chief executive officer, or the chief executive 48885
officer's representative, of each municipal corporation, the 48886
designated representative of the board of education of each school 48887
district, college or university, or any other body that has 48888
authority to approve the budget of their public jurisdiction, the 48889
designated representative of the board of county commissioners and 48890
of each elected officeholder of the county whose employees are 48891
covered by the collective negotiations, and the designated 48892
representative of the village or the board of township trustees of 48893
each township is responsible for negotiations in the collective 48894
bargaining process; except that the legislative body may accept or 48895
reject a proposed collective bargaining agreement. When the 48896
matters about which there is agreement are reduced to writing and 48897
approved by the employee organization and the legislative body, 48898
the agreement is binding upon the legislative body, the employer, 48899
and the employee organization and employees covered by the 48900
agreement. 48901

(D) There is hereby established an office of collective 48902
bargaining in the department of administrative services for the 48903
purpose of negotiating with and entering into written agreements 48904
between state agencies, departments, boards, and commissions and 48905
the exclusive representative on matters of wages, hours, terms and 48906
other conditions of employment and the continuation, modification, 48907
or deletion of an existing provision of a collective bargaining 48908
agreement. Nothing in any provision of law to the contrary shall 48909
be interpreted as excluding the bureau of workers' compensation 48910

and the industrial commission from the preceding sentence. This 48911
office shall not negotiate on behalf of other statewide elected 48912
officials or boards of trustees of state institutions of higher 48913
education who shall be considered as separate public employers for 48914
the purposes of this chapter; however, the office may negotiate on 48915
behalf of these officials or trustees where authorized by the 48916
officials or trustees. The staff of the office of collective 48917
bargaining are in the unclassified service. The director of 48918
administrative services shall fix the compensation of the staff. 48919

The office of collective bargaining shall: 48920

(1) Assist the director in formulating management's 48921
philosophy for public collective bargaining as well as planning 48922
bargaining strategies; 48923

(2) Conduct negotiations with the exclusive representatives 48924
of each employee organization; 48925

(3) Coordinate the state's resources in all mediation, 48926
fact-finding, and arbitration cases as well as in all labor 48927
disputes; 48928

(4) Conduct systematic reviews of collective bargaining 48929
agreements for the purpose of contract negotiations; 48930

(5) Coordinate the systematic compilation of data by all 48931
agencies that is required for negotiating purposes; 48932

(6) Prepare and submit an annual report and other reports as 48933
requested to the governor and the general assembly on the 48934
implementation of this chapter and its impact upon state 48935
government. 48936

Sec. 4117.103. Notwithstanding any provision of section 48937
4117.08 or 4117.10 of the Revised Code to the contrary, no 48938
agreement entered into under this chapter on or after the 48939
effective date of this section shall prohibit a school district 48940

board of education from utilizing volunteers to assist the 48941
district and its schools in performing any of their functions, 48942
other than functions for which a license, permit, or certificate 48943
issued by the state board of education under section 3301.074 or 48944
Chapter 3319. of the Revised Code or a certificate issued under 48945
division (A) or (B) of section 3327.10 of the Revised Code is 48946
required. 48947

Sec. 4117.24. The training and, publications, and grants fund 48948
is hereby created in the state treasury. The state employment 48949
relations board shall deposit into the training and, publications, 48950
and grants fund all payments moneys received from the following 48951
sources: 48952

(A) Payments received by the board for copies of documents, 48953
rulebooks, and other publications; fees 48954

(B) Fees received from seminar participants; and receipts 48955

(C) Receipts from the sale of clearinghouse data; 48956

(D) Moneys received from grants, donations, awards, bequests, 48957
gifts, reimbursements, and similar funds; 48958

(E) Reimbursement received for professional services and 48959
expenses related to professional services; 48960

(F) Funds received to support the development of labor 48961
relations services and programs. The state employment relations 48962
board shall use all moneys deposited into the training and, 48963
publications, and grants fund to defray the costs of furnishing 48964
and making available copies of documents, rulebooks, and other 48965
publications; the costs of planning, organizing, and conducting 48966
training seminars; the costs associated with grant projects, 48967
innovative labor-management cooperation programs, research 48968
projects related to these grants and programs, and the advancement 48969

in professionalism of public sector relations; the professional 48970
development of board employees; and the costs of compiling 48971
clearinghouse data. 48972

The board may seek, solicit, apply for, receive, and accept 48973
grants, gifts, and contributions of money, property, labor, and 48974
other things of value to be held for, used for, and applied to 48975
only the purpose for which the grants, gifts, and contributions 48976
are made, from individuals, private and public corporations, the 48977
United States or any agency thereof, the state or any agency 48978
thereof, and any political subdivision of the state, and may enter 48979
into any contract with any such public or private source in 48980
connection therewith to be held for, used for, and applied to only 48981
the purposes for which such grants are made and contracts are 48982
entered into, all subject to and in accordance with the purposes 48983
of this chapter. Any money received from the grants, gifts, 48984
contributions, or contracts shall be deposited into the training, 48985
publications, and grants fund. 48986

Sec. 4121.12. (A) There is hereby created the workers' 48987
compensation oversight commission consisting of ~~nine~~ eleven 48988
members, of which members the governor shall appoint five with the 48989
advice and consent of the senate. Of the five members the governor 48990
appoints, two shall be individuals who, on account of their 48991
previous vocation, employment, or affiliations, can be classed as 48992
representative of employees, at least one of whom is 48993
representative of employees who are members of an employee 48994
organization; two shall be individuals who, on account of their 48995
previous vocation, employment, or affiliations, can be classed as 48996
representative of employers, one of whom represents self-insuring 48997
employers and one of whom has experience as an employer in 48998
compliance with section 4123.35 of the Revised Code other than a 48999
self-insuring employer, and one of those two representatives also 49000
shall represent employers whose employees are not members of an 49001

employee organization; and one shall represent the public and also 49002
be an individual who, on account of the individual's previous 49003
vocation, employment, or affiliations, cannot be classed as either 49004
predominantly representative of employees or of employers. The 49005
governor shall select the chairperson of the commission who shall 49006
serve as chairperson at the pleasure of the governor. No more than 49007
three members appointed by the governor shall belong to or be 49008
affiliated with the same political party. 49009

Each of these five members shall have at least three years' 49010
experience in the field of insurance, finance, workers' 49011
compensation, law, accounting, actuarial, personnel, investments, 49012
or data processing, or in the management of an organization whose 49013
size is commensurate with that of the bureau of workers' 49014
compensation. At least one of these five members shall be an 49015
attorney licensed under Chapter 4705. of the Revised Code to 49016
practice law in this state. 49017

(B) Of the initial appointments made to the commission, the 49018
governor shall appoint one member who represents employees to a 49019
term ending one year after September 1, 1995, one member who 49020
represents employers to a term ending two years after September 1, 49021
1995, the member who represents the public to a term ending three 49022
years after September 1, 1995, one member who represents employees 49023
to a term ending four years after September 1, 1995, and one 49024
member who represents employers to a term ending five years after 49025
September 1, 1995. Thereafter, terms of office shall be for ~~five~~ 49026
three years, with each term ending on the same day of the same 49027
month as did the term that it succeeds. Each member shall hold 49028
office from the date of the member's appointment until the end of 49029
the term for which the member was appointed. 49030

The governor shall not appoint any person to more than two 49031
full terms of office on the commission. This restriction does not 49032
prevent the governor from appointing a person to fill a vacancy 49033

caused by the death, resignation, or removal of a commission 49034
member and also appointing that person twice to full terms on the 49035
commission, or from appointing a person previously appointed to 49036
fill less than a full term twice to full terms on the commission. 49037
Any member appointed to fill a vacancy occurring prior to the 49038
expiration date of the term for which the member's predecessor was 49039
appointed shall hold office as a member for the remainder of that 49040
term. A member shall continue in office subsequent to the 49041
expiration date of the member's term until a successor takes 49042
office or until a period of sixty days has elapsed, whichever 49043
occurs first. 49044

(C) In making appointments to the commission, the governor 49045
shall select the members from the list of names submitted by the 49046
workers' compensation oversight commission nominating committee 49047
pursuant to this division. Within fourteen days after the governor 49048
calls the initial meeting of the nominating committee pursuant to 49049
division (C) of section 4121.123 of the Revised Code, the 49050
nominating committee shall submit to the governor, for the initial 49051
appointments, a list containing four separate names for each of 49052
the members on the commission. Within fourteen days after the 49053
submission of the list, the governor shall appoint individuals 49054
from the list. 49055

For the appointment of the member who is representative of 49056
employees who are members of an employee organization, both for 49057
initial appointments and for the filling of vacancies, the list of 49058
four names submitted by the nominating committee shall be 49059
comprised of four individuals who are members of the executive 49060
committee of the largest statewide labor federation. 49061

Thereafter, within sixty days after a vacancy occurring as a 49062
result of the expiration of a term and within thirty days after 49063
other vacancies occurring on the commission, the nominating 49064
committee shall submit a list containing four names for each 49065

vacancy. Within fourteen days after the submission of the list, 49066
the governor shall appoint individuals from the list. With respect 49067
to the filling of vacancies, the nominating committee shall 49068
provide the governor with a list of four individuals who are, in 49069
the judgment of the nominating committee, the most fully qualified 49070
to accede to membership on the commission. The nominating 49071
committee shall not include the name of an individual upon the 49072
list for the filling of vacancies if the appointment of that 49073
individual by the governor would result in more than three members 49074
of the commission belonging to or being affiliated with the same 49075
political party. The committee shall include on the list for the 49076
filling of vacancies only the names of attorneys admitted to 49077
practice law in this state if, to fulfill the requirement of 49078
division (A) of section 4121.12 of the Revised Code, the vacancy 49079
must be filled by an attorney. 49080

In order for the name of an individual to be submitted to the 49081
governor under this division, the nominating committee shall 49082
approve the individual by an affirmative vote of a majority of its 49083
members. 49084

(D) The commission shall also consist of two members, known 49085
as the investment expert members. One investment expert member 49086
shall be appointed by the treasurer of state and one investment 49087
expert member shall be jointly appointed by the speaker of the 49088
house of representatives and the president of the senate. Each 49089
investment expert member shall have the following qualifications: 49090

(1) Be a resident of this state: 49091

(2) Within the three years immediately preceding the 49092
appointment, not have been employed by the bureau of workers' 49093
compensation or by any person, partnership, or corporation that 49094
has provided to the bureau services of a financial or investment 49095
nature, including the management, analysis, supervision, or 49096

investment of assets; 49097

(3) Have direct experience in the management, analysis, 49098
supervision, or investment of assets. 49099

Terms of office of the investment expert members shall be for 49100
three years, with each term ending on the same day of the same 49101
month as did the term that it succeeds. Each member shall hold 49102
office for the date of the member's appointment until the end of 49103
the term for which the member was appointed. The president, 49104
speaker, and treasurer shall not appoint any person to more than 49105
two full terms of office on the commission. This restriction does 49106
not prevent the president, speaker, and treasurer from appointing 49107
a person to fill a vacancy caused by the death, resignation, or 49108
removal of a commission member and also appointing that person 49109
twice to full terms on the commission, or from appointing a person 49110
previously appointed to fill less than a full term twice to full 49111
terms on the commission. Any investment expert member appointed to 49112
fill a vacancy occurring prior to the expiration of the term for 49113
which the member's predecessor was appointed shall hold office 49114
until the end of that term. The member shall continue in office 49115
subsequent to the expiration date of the member's term until the 49116
member's successor takes office or until a period of sixty days 49117
has elapsed, whichever occurs first. 49118

The investment expert members of the oversight commission 49119
shall vote only on investment matters. 49120

(E) The remaining four members of the commission shall be the 49121
chairperson and ranking minority member of the standing committees 49122
of the house of representatives and of the senate to which 49123
legislation concerning this chapter and Chapters 4123., 4127., and 49124
4131. of the Revised Code normally are referred, or a designee of 49125
the chairperson or ranking minority member, provided that the 49126
designee is a member of the standing committee. Legislative 49127

members shall serve during the session of the general assembly to 49128
which they are elected and for as long as they are members of the 49129
general assembly. Legislative members shall serve in an advisory 49130
capacity to the commission and shall have no voting rights on 49131
matters coming before the commission. Membership on the commission 49132
by legislative members shall not be deemed as holding a public 49133
office. 49134

~~(E)(F)~~ All members of the commission shall receive their 49135
reasonable and necessary expenses pursuant to section 126.31 of 49136
the Revised Code while engaged in the performance of their duties 49137
as members. ~~Legislative members also shall receive fifty dollars~~ 49138
~~per meeting that they attend.~~ Members appointed by the governor 49139
and the investment expert members also shall receive an annual 49140
salary ~~as follows:~~ 49141

~~(1) On and before August 31, 1998, not to exceed six thousand~~ 49142
~~dollars payable at the rate of five hundred dollars per month. A~~ 49143
~~member shall receive the monthly five hundred dollar salary only~~ 49144
~~if the member has attended at least one meeting of the commission~~ 49145
~~during that month. A member may receive no more than the monthly~~ 49146
~~five hundred dollar salary regardless of the number of meetings~~ 49147
~~held by the commission during a month or the number of meetings in~~ 49148
~~excess of one within a month that the member attends.~~ 49149

~~(2) After August 31, 1998, not to exceed eighteen thousand~~ 49150
dollars payable on the following basis: 49151

~~(a)(1)~~ Except as provided in division ~~(E)(F)(2)(b)~~ of this 49152
section, a member shall receive two thousand dollars during a 49153
month in which the member attends one or more meetings of the 49154
commission and shall receive no payment during a month in which 49155
the member attends no meeting of the commission. 49156

~~(b)(2)~~ A member may receive no more than the annual eighteen 49157
thousand dollar salary regardless of the number of meetings held 49158

by the commission during a year or the number of meetings in 49159
excess of nine within a year that the member attends. 49160

The chairperson of the commission shall set the meeting dates 49161
of the commission as necessary to perform the duties of the 49162
commission under this chapter and Chapters 4123., 4127., and 4131. 49163
of the Revised Code. The commission shall meet at least nine times 49164
during the period commencing on the first day of September and 49165
ending on the thirty-first day of August of the following year. 49166
The administrator of workers' compensation shall provide 49167
professional and clerical assistance to the commission, as the 49168
commission considers appropriate. 49169

~~(F)~~(G) The commission shall: 49170

(1) Review progress of the bureau in meeting its cost and 49171
quality objectives and in complying with this chapter and Chapters 49172
4123., 4127., and 4131. of the Revised Code; 49173

(2) Issue an annual report on the cost and quality objectives 49174
of the bureau to the president of the senate, the speaker of the 49175
house of representatives, and the governor; 49176

(3) Review all independent financial audits of the bureau. 49177
The administrator shall provide access to records of the bureau to 49178
facilitate the review required under this division. 49179

(4) Study issues as requested by the administrator or the 49180
governor; 49181

(5) Contract with an independent actuarial firm to assist the 49182
commission in making recommendations to the administrator 49183
regarding premium rates; 49184

(6) Establish objectives, policies, and criteria for the 49185
administration of the investment program that include asset 49186
allocation targets and ranges, risk factors, asset class 49187
benchmarks, time horizons, total return objectives, and 49188

performance evaluation guidelines, and monitor the administrator's
progress in implementing the objectives, policies, and criteria on
a quarterly basis. The commission shall review and publish the
objectives, policies, and criteria no less than annually and shall
make copies available to interested parties. The commission shall
prohibit, on a prospective basis, any specific investment ~~activity~~
it finds to be contrary to its investment objectives, policies,
and criteria.

~~The investment policy in existence on March 7, 1997, shall
continue until the commission approves objectives, policies, and
criteria for the administration of the investment program pursuant
to this section.~~

The objectives, policies, and criteria adopted by the
commission for the operation of the investment program shall
prohibit investing assets of funds, directly or indirectly, in
vehicles that target any of the following:

(a) Coins;

(b) Artwork;

(c) Horses;

(d) Jewelry or gems;

(e) Stamps;

(f) Antiques;

(g) Artifacts;

(h) Collectibles;

(i) Memorabilia;

(j) Similar unregulated investments that are not commonly
part of an institutional portfolio, that lack liquidity, and that
lack readily determinable valuation.

(7) Specify in the objectives, policies, and criteria for the

investment program that the administrator is permitted to invest 49218
in an investment class only if the commission, by a majority vote, 49219
opens that class. After the commission opens a class but prior to 49220
the administrator investing in that class, the commission shall 49221
adopt rules establishing due diligence standards for employees' of 49222
the bureau to follow when investing in that class and shall 49223
establish policies and procedures to review and monitor the 49224
performance and value of each investment class. The commission 49225
shall submit a report annually on the performance and value of 49226
each investment class to the governor, the president and minority 49227
leader of the senate, and the speaker and minority leader of the 49228
house of representatives. The commission may vote to close any 49229
investment class. 49230

(8) Advise and consent on all of the following: 49231

(a) Administrative rules the administrator submits to it 49232
pursuant to division (B)(5) of section 4121.121 of the Revised 49233
Code for the classification of occupations or industries, for 49234
premium rates and contributions, for the amount to be credited to 49235
the surplus fund, for rules and systems of rating, rate revisions, 49236
and merit rating; 49237

(b) The overall policy of the bureau of workers' compensation 49238
as set by the administrator; 49239

(c) The duties and authority conferred upon the administrator 49240
pursuant to section 4121.37 of the Revised Code; 49241

(d) Rules the administrator adopts for the health partnership 49242
program and the qualified health plan system, as provided in 49243
sections 4121.44, 4121.441, and 4121.442 of the Revised Code; 49244

(e) Rules the administrator submits to it pursuant to Chapter 49245
4167. of the Revised Code regarding the public employment risk 49246
reduction program and the protection of public health care workers 49247
from exposure incidents. 49248

As used in this division, "public health care worker" and 49249
"exposure incident" have the same meanings as in section 4167.25 49250
of the Revised Code. 49251

~~(8)~~(9) Perform all duties required under section 4121.125 of 49252
the Revised Code. 49253

~~(G)~~(H) The office of a member of the commission who is 49254
convicted of or pleads guilty to a felony, a theft offense as 49255
defined in section 2913.01 of the Revised Code, or a violation of 49256
section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 49257
2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code 49258
shall be deemed vacant. The vacancy shall be filled in the same 49259
manner as the original appointment. A person who has pleaded 49260
guilty to or been convicted of an offense of that nature is 49261
ineligible to be a member of the commission. A member who receives 49262
a bill of indictment for any of the offenses specified in this 49263
section shall be automatically suspended from the commission 49264
pending resolution of the criminal matter. 49265

(I) As used in this section, "employee organization" means 49266
any labor or bona fide organization in which employees participate 49267
and which exists for the purpose, in whole or in part, of dealing 49268
with employers concerning grievances, labor disputes, wages, 49269
hours, terms and other conditions of employment. 49270

Sec. 4121.121. (A) There is hereby created the bureau of 49271
workers' compensation, which shall be administered by the 49272
administrator of workers' compensation. A person appointed to the 49273
position of administrator shall possess significant management 49274
experience in effectively managing an organization or 49275
organizations of substantial size and complexity. The governor 49276
shall appoint the administrator as provided in section 121.03 of 49277
the Revised Code, and the administrator shall serve at the 49278
pleasure of the governor. The governor shall fix the 49279

administrator's salary on the basis of the administrator's 49280
experience and the administrator's responsibilities and duties 49281
under this chapter and Chapters 4123., 4127., 4131., and 4167. of 49282
the Revised Code. The governor shall not appoint to the position 49283
of administrator any person who has, or whose spouse has, given a 49284
contribution to the campaign committee of the governor in an 49285
amount greater than one thousand dollars during the two-year 49286
period immediately preceding the date of the appointment of the 49287
administrator. 49288

The administrator shall hold no other public office and shall 49289
devote full time to the duties of administrator. Before entering 49290
upon the duties of the office, the administrator shall take an 49291
oath of office as required by sections 3.22 and 3.23 of the 49292
Revised Code, and shall file in the office of the secretary of 49293
state, a bond signed by the administrator and by surety approved 49294
by the governor, for the sum of fifty thousand dollars payable to 49295
the state, conditioned upon the faithful performance of the 49296
administrator's duties. 49297

(B) The administrator is responsible for the management of 49298
the bureau of workers' compensation and for the discharge of all 49299
administrative duties imposed upon the administrator in this 49300
chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised 49301
Code, and in the discharge thereof shall do all of the following: 49302

(1) Establish the overall administrative policy of the bureau 49303
for the purposes of this chapter and Chapters 4123., 4127., 4131., 49304
and 4167. of the Revised Code, and perform all acts and exercise 49305
all authorities and powers, discretionary and otherwise that are 49306
required of or vested in the bureau or any of its employees in 49307
this chapter and Chapters 4123., 4127., 4131., and 4167. of the 49308
Revised Code, except the acts and the exercise of authority and 49309
power that is required of and vested in the oversight commission 49310
or the industrial commission pursuant to those chapters. The 49311

treasurer of state shall honor all warrants signed by the 49312
administrator, or by one or more of the administrator's employees, 49313
authorized by the administrator in writing, or bearing the 49314
facsimile signature of the administrator or such employee under 49315
sections 4123.42 and 4123.44 of the Revised Code. 49316

(2) Employ, direct, and supervise all employees required in 49317
connection with the performance of the duties assigned to the 49318
bureau by this chapter and Chapters 4123., 4127., 4131., and 4167. 49319
of the Revised Code, and may establish job classification plans 49320
and compensation for all employees of the bureau provided that 49321
this grant of authority shall not be construed as affecting any 49322
employee for whom the state employment relations board has 49323
established an appropriate bargaining unit under section 4117.06 49324
of the Revised Code. All positions of employment in the bureau are 49325
in the classified civil service except those employees the 49326
administrator may appoint to serve at the administrator's pleasure 49327
in the unclassified civil service pursuant to section 124.11 of 49328
the Revised Code. The administrator shall fix the salaries of 49329
employees the administrator appoints to serve at the 49330
administrator's pleasure, including the chief operating officer, 49331
staff physicians, and other senior management personnel of the 49332
bureau and shall establish the compensation of staff attorneys of 49333
the bureau's legal section and their immediate supervisors, and 49334
take whatever steps are necessary to provide adequate compensation 49335
for other staff attorneys. 49336

The administrator may appoint a person holding a certified 49337
position in the classified service to any state position in the 49338
unclassified service of the bureau of workers' compensation. A 49339
person so appointed shall retain the right to resume the position 49340
and status held by the person in the classified service 49341
immediately prior to the person's appointment in the unclassified 49342
service. If the position the person previously held has been 49343

filled or placed in the unclassified service, or is otherwise 49344
unavailable, the person shall be appointed to a position in the 49345
classified service within the bureau that the department of 49346
administrative services certifies is comparable in compensation to 49347
the position the person previously held. Reinstatement to a 49348
position in the classified service shall be to a position 49349
substantially equal to that held previously, as certified by the 49350
department of administrative services. Service in the position in 49351
the unclassified service shall be counted as service in the 49352
position in the classified service held by the person immediately 49353
prior to the person's appointment in the unclassified service. 49354
When a person is reinstated to a position in the classified 49355
service as provided in this section, the person is entitled to all 49356
rights, status, and benefits accruing to the position during the 49357
person's time of service in the position in the unclassified 49358
service. 49359

(3) Reorganize the work of the bureau, its sections, 49360
departments, and offices to the extent necessary to achieve the 49361
most efficient performance of its functions and to that end may 49362
establish, change, or abolish positions and assign and reassign 49363
duties and responsibilities of every employee of the bureau. All 49364
persons employed by the commission in positions that, after 49365
November 3, 1989, are supervised and directed by the administrator 49366
under this section are transferred to the bureau in their 49367
respective classifications but subject to reassignment and 49368
reclassification of position and compensation as the administrator 49369
determines to be in the interest of efficient administration. The 49370
civil service status of any person employed by the commission is 49371
not affected by this section. Personnel employed by the bureau or 49372
the commission who are subject to Chapter 4117. of the Revised 49373
Code shall retain all of their rights and benefits conferred 49374
pursuant to that chapter as it presently exists or is hereafter 49375

amended and nothing in this chapter or Chapter 4123. of the
Revised Code shall be construed as eliminating or interfering with
Chapter 4117. of the Revised Code or the rights and benefits
conferred under that chapter to public employees or to any
bargaining unit.

(4) Provide offices, equipment, supplies, and other
facilities for the bureau.

(5) Prepare and submit to the oversight commission
information the administrator considers pertinent or the oversight
commission requires, together with the administrator's
recommendations, in the form of administrative rules, for the
advice and consent of the oversight commission, for
classifications of occupations or industries, for premium rates
and contributions, for the amount to be credited to the surplus
fund, for rules and systems of rating, rate revisions, and merit
rating. The administrator shall obtain, prepare, and submit any
other information the oversight commission requires for the prompt
and efficient discharge of its duties.

(6) Keep the accounts required by division (A) of section
4123.34 of the Revised Code and all other accounts and records
necessary to the collection, administration, and distribution of
the workers' compensation funds and shall obtain the statistical
and other information required by section 4123.19 of the Revised
Code.

(7) Exercise the investment powers vested in the
administrator by section 4123.44 of the Revised Code in accordance
with the investment objectives, policies, and criteria established
by the oversight commission pursuant to section 4121.12 of the
Revised Code and in consultation with the chief investment officer
of the bureau of workers' compensation. The administrator shall
not engage in any prohibited investment activity specified by the

oversight commission pursuant to division ~~(F)~~(G)(6) of section 49407
4121.12 of the Revised Code and shall not invest in any type of 49408
investment specified in division (G)(6)(a) to (j) of that section. 49409
All business shall be transacted, all funds invested, all warrants 49410
for money drawn and payments made, and all cash and securities and 49411
other property held, in the name of the bureau, or in the name of 49412
its nominee, provided that nominees are authorized by the 49413
administrator solely for the purpose of facilitating the transfer 49414
of securities, and restricted to the administrator and designated 49415
employees. 49416

(8) Make contracts for and supervise the construction of any 49417
project or improvement or the construction or repair of buildings 49418
under the control of the bureau. 49419

(9) Purchase supplies, materials, equipment, and services; 49420
make contracts for, operate, and superintend the telephone, other 49421
telecommunication, and computer services for the use of the 49422
bureau; and make contracts in connection with office reproduction, 49423
forms management, printing, and other services. Notwithstanding 49424
sections 125.12 to 125.14 of the Revised Code, the administrator 49425
may transfer surplus computers and computer equipment directly to 49426
an accredited public school within the state. The computers and 49427
computer equipment may be repaired or refurbished prior to the 49428
transfer. 49429

(10) Separately from the budget the industrial commission 49430
submits, prepare and submit to the director of budget and 49431
management a budget for each biennium. The budget submitted shall 49432
include estimates of the costs and necessary expenditures of the 49433
bureau in the discharge of any duty imposed by law. 49434

(11) As promptly as possible in the course of efficient 49435
administration, decentralize and relocate such of the personnel 49436
and activities of the bureau as is appropriate to the end that the 49437
receipt, investigation, determination, and payment of claims may 49438

be undertaken at or near the place of injury or the residence of
the claimant and for that purpose establish regional offices, in
such places as the administrator considers proper, capable of
discharging as many of the functions of the bureau as is
practicable so as to promote prompt and efficient administration
in the processing of claims. All active and inactive lost-time
claims files shall be held at the service office responsible for
the claim. A claimant, at the claimant's request, shall be
provided with information by telephone as to the location of the
file pertaining to the claimant's claim. The administrator shall
ensure that all service office employees report directly to the
director for their service office.

(12) Provide a written binder on new coverage where the
administrator considers it to be in the best interest of the risk.
The administrator, or any other person authorized by the
administrator, shall grant the binder upon submission of a request
for coverage by the employer. A binder is effective for a period
of thirty days from date of issuance and is nonrenewable. Payroll
reports and premium charges shall coincide with the effective date
of the binder.

(13) Set standards for the reasonable and maximum handling
time of claims payment functions, ensure, by rules, the impartial
and prompt treatment of all claims and employer risk accounts, and
establish a secure, accurate method of time stamping all incoming
mail and documents hand delivered to bureau employees.

(14) Ensure that all employees of the bureau follow the
orders and rules of the commission as such orders and rules relate
to the commission's overall adjudicatory policy-making and
management duties under this chapter and Chapters 4123., 4127.,
and 4131. of the Revised Code.

(15) Manage and operate a data processing system with a

common data base for the use of both the bureau and the commission 49470
and, in consultation with the commission, using electronic data 49471
processing equipment, shall develop a claims tracking system that 49472
is sufficient to monitor the status of a claim at any time and 49473
that lists appeals that have been filed and orders or 49474
determinations that have been issued pursuant to section 4123.511 49475
or 4123.512 of the Revised Code, including the dates of such 49476
filings and issuances. 49477

(16) Establish and maintain a medical section within the 49478
bureau. The medical section shall do all of the following: 49479

(a) Assist the administrator in establishing standard medical 49480
fees, approving medical procedures, and determining eligibility 49481
and reasonableness of the compensation payments for medical, 49482
hospital, and nursing services, and in establishing guidelines for 49483
payment policies which recognize usual, customary, and reasonable 49484
methods of payment for covered services; 49485

(b) Provide a resource to respond to questions from claims 49486
examiners for employees of the bureau; 49487

(c) Audit fee bill payments; 49488

(d) Implement a program to utilize, to the maximum extent 49489
possible, electronic data processing equipment for storage of 49490
information to facilitate authorizations of compensation payments 49491
for medical, hospital, drug, and nursing services; 49492

(e) Perform other duties assigned to it by the administrator. 49493

(17) Appoint, as the administrator determines necessary, 49494
panels to review and advise the administrator on disputes arising 49495
over a determination that a health care service or supply provided 49496
to a claimant is not covered under this chapter or Chapter 4123. 49497
of the Revised Code or is medically unnecessary. If an individual 49498
health care provider is involved in the dispute, the panel shall 49499

consist of individuals licensed pursuant to the same section of
the Revised Code as such health care provider.

(18) Pursuant to section 4123.65 of the Revised Code, approve
applications for the final settlement of claims for compensation
or benefits under this chapter and Chapters 4123., 4127., and
4131. of the Revised Code as the administrator determines
appropriate, except in regard to the applications of self-insuring
employers and their employees.

(19) Comply with section 3517.13 of the Revised Code, and
except in regard to contracts entered into pursuant to the
authority contained in section 4121.44 of the Revised Code, comply
with the competitive bidding procedures set forth in the Revised
Code for all contracts into which the administrator enters
provided that those contracts fall within the type of contracts
and dollar amounts specified in the Revised Code for competitive
bidding and further provided that those contracts are not
otherwise specifically exempt from the competitive bidding
procedures contained in the Revised Code.

(20) Adopt, with the advice and consent of the oversight
commission, rules for the operation of the bureau.

(21) Prepare and submit to the oversight commission
information the administrator considers pertinent or the oversight
commission requires, together with the administrator's
recommendations, in the form of administrative rules, for the
advice and consent of the oversight commission, for the health
partnership program and the qualified health plan system, as
provided in sections 4121.44, 4121.441, and 4121.442 of the
Revised Code.

(C) The administrator, with the advice and consent of the
senate, shall appoint a chief operating officer who has
significant experience in the field of workers' compensation

insurance or other similar insurance industry experience if the 49531
administrator does not possess such experience. The chief 49532
operating officer shall not commence the chief operating officer's 49533
duties until after the senate consents to the chief operating 49534
officer's appointment. The chief operating officer shall serve in 49535
the unclassified civil service of the state. 49536

Sec. 4121.125. (A) The workers' compensation oversight 49537
commission may contract with one or more outside actuarial firms 49538
and other professional persons, as the oversight commission 49539
determines necessary, to assist the oversight commission in 49540
measuring the performance of Ohio's workers' compensation system 49541
and in comparing Ohio's workers' compensation system to other 49542
state and private workers' compensation systems. The oversight 49543
commission, actuarial firm or firms, and professional persons 49544
shall make such measurements and comparisons using accepted 49545
insurance industry standards, including, but not limited to, 49546
standards promulgated by the National Council on Compensation 49547
Insurance. 49548

(B) The oversight commission may contract with one or more 49549
outside firms to conduct management and financial audits of the 49550
workers' compensation system, including audits of the reserve fund 49551
belonging to the state insurance fund, and to establish objective 49552
quality management principles and methods by which to review the 49553
performance of the workers' compensation system. 49554

(C) The administrator and the industrial commission shall 49555
compile information and provide access to records of the bureau 49556
and the industrial commission to the oversight commission to the 49557
extent necessary for fulfillment of both of the following 49558
requirements: 49559

(1) Conduct of the measurements and comparisons described in 49560
division (A) of this section; 49561

(2) Conduct of the management and financial audits and 49562
establishment of the principles and methods described in division 49563
(B) of this section. 49564

(D) The oversight commission shall have an independent 49565
auditor, at least once every ten years, conduct a fiduciary 49566
performance audit of the investment program of the bureau of 49567
workers' compensation. That audit shall include an audit of the 49568
investment policies of the oversight commission and investment 49569
procedures of the bureau. The oversight commission shall submit a 49570
copy of that audit to the auditor of state. 49571

(E) The bureau of workers' compensation, with the advice and 49572
consent of the oversight commission, shall employ an internal 49573
auditor who shall report directly to the oversight commission on 49574
investment matters. The oversight commission may request and 49575
review internal audits conducted by the internal auditor. 49576

(F) The administrator shall pay the expenses incurred by the 49577
oversight commission to effectively fulfill its duties and 49578
exercise its powers under this section as the administrator pays 49579
other operating expenses of the bureau. 49580

Sec. 4121.126. Except as provided in this chapter, no member 49581
of the workers' compensation oversight commission or employee of 49582
the bureau of workers' compensation shall have any direct or 49583
indirect interest in the gains or profits of any investment made 49584
by the administrator of workers' compensation or shall receive 49585
directly or indirectly any pay or emolument for the member's or 49586
employee's services. No member or person connected with the bureau 49587
directly or indirectly, for self or as an agent or partner of 49588
others, shall borrow any of its funds or deposits or in any manner 49589
use the funds or deposits except to make current and necessary 49590
payments that are authorized by the administrator. No member of 49591
the oversight commission or employee of the bureau shall become an 49592

indorser or surety or become in any manner an obligor for moneys 49593
loaned by or borrowed from the bureau. 49594

The administrator shall make no investments through or 49595
purchases from, or otherwise do any business with, any individual 49596
who is, or any partnership, association, or corporation that is 49597
owned or controlled by, a person who within the preceding three 49598
years was employed by the bureau, a board member of, or an officer 49599
of the oversight commission, or a person who within the preceding 49600
three years was employed by or was an officer holding a fiduciary, 49601
administrative, supervisory, or trust position, or any other 49602
position in which such person would be involved, on behalf of the 49603
person's employer, in decisions or recommendations affecting the 49604
investment policy of the bureau, and in which such person would 49605
benefit by any monetary gain. 49606

Sec. 4121.127. (A) Except as provided in division (B) of this 49607
section, a fiduciary shall not cause the bureau of workers' 49608
compensation to engage in a transaction, if the fiduciary knows or 49609
should know that such transaction constitutes any of the 49610
following, whether directly or indirectly: 49611

(1) The sale, exchange, or leasing of any property between 49612
the bureau and a party in interest; 49613

(2) Lending of money or other extension of credit between the 49614
bureau and a party in interest; 49615

(3) Furnishing of goods, services, or facilities between the 49616
bureau and a party in interest; 49617

(4) Transfer to, or use by or for the benefit of a party in 49618
interest, of any assets of the bureau; 49619

(5) Acquisition, on behalf of the bureau, of any employer 49620
security or employer real property. 49621

(B) Nothing in this section shall prohibit any transaction between the bureau and any fiduciary or party in interest if both of the following occur: 49622
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(1) All the terms and conditions of the transaction are comparable to the terms and conditions that might reasonably be expected in a similar transaction between similar parties who are not parties in interest. 49625
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(2) The transaction is consistent with fiduciary duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 49629
49630
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(C) A fiduciary shall not do any of the following: 49632

(1) Deal with the assets of the bureau in the fiduciary's own interest or for the fiduciary's own account; 49633
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(2) In the fiduciary's individual capacity or in any other capacity, act in any transaction involving the bureau on behalf of a party, or represent a party, whose interests are adverse to the interests of the bureau or to the injured employees served by the bureau; 49635
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(3) Receive any consideration for the fiduciary's own personal account from any party dealing with the bureau in connection with a transaction involving the assets of the bureau. 49640
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(D) In addition to any liability that a fiduciary may have under any other provision, a fiduciary, with respect to bureau, shall be liable for a breach of fiduciary responsibility in any the following circumstances: 49643
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(1) If the fiduciary knowingly participates in or knowingly undertakes to conceal an act or omission of another fiduciary, knowing such act or omission is a breach; 49647
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(2) If, by the fiduciary's failure to comply with this chapter or Chapter 4123., 4127., or 4131. of the Revised Code, the 49650
49651

fiduciary has enabled another fiduciary to commit a breach; 49652

(3) If the fiduciary has knowledge of a breach by another 49653
fiduciary of that fiduciary's duties under this chapter and 49654
Chapters 4123., 4127., and 4131. of the Revised Code, unless the 49655
fiduciary makes reasonable efforts under the circumstances to 49656
remedy the breach. 49657

(E) Every fiduciary of the bureau shall be bonded or insured 49658
for an amount of not less than one million dollars for loss by 49659
reason of acts of fraud or dishonesty. 49660

(F) As used in this section, "fiduciary" means a person who 49661
does any of the following: 49662

(1) Exercises discretionary authority or control with respect 49663
to the management of the bureau or with respect to the management 49664
or disposition of its assets; 49665

(2) Renders investment advice for a fee, directly or 49666
indirectly, with respect to money or property of the bureau; 49667

(3) Has discretionary authority or responsibility in the 49668
administration of the bureau. 49669

Sec. 4121.128. The attorney general shall be the legal 49670
adviser of the workers' compensation oversight commission. 49671

Sec. 4123.27. Information contained in the annual statement 49672
provided for in section 4123.26 of the Revised Code, and such 49673
other information as may be furnished to the bureau of workers' 49674
compensation by employers in pursuance of that section, is for the 49675
exclusive use and information of the bureau in the discharge of 49676
its official duties, and shall not be open to the public nor be 49677
used in any court in any action or proceeding pending therein 49678
unless the bureau is a party to the action or proceeding; but the 49679
information contained in the statement may be tabulated and 49680

published by the bureau in statistical form for the use and 49681
information of other state departments and the public. No person 49682
in the employ of the bureau, except those who are authorized by 49683
the administrator of workers' compensation, shall divulge any 49684
information secured by the person while in the employ of the 49685
bureau in respect to the transactions, property, claim files, 49686
records, or papers of the bureau or in respect to the business or 49687
mechanical, chemical, or other industrial process of any company, 49688
firm, corporation, person, association, partnership, or public 49689
utility to any person other than the administrator or to the 49690
superior of such employee of the bureau. 49691

Notwithstanding the restrictions imposed by this section, the 49692
governor, select or standing committees of the general assembly, 49693
the auditor of state, the attorney general, or their designees, 49694
pursuant to the authority granted in this chapter and Chapter 49695
4121. of the Revised Code, may examine any records, claim files, 49696
or papers in possession of the industrial commission or the 49697
bureau. They also are bound by the privilege that attaches to 49698
these papers. 49699

The administrator shall report to the director of job and 49700
family services or to the county director of job and family 49701
services the name, address, and social security number or other 49702
identification number of any person receiving workers' 49703
compensation whose name or social security number or other 49704
identification number is the same as that of a person required by 49705
a court or child support enforcement agency to provide support 49706
payments to a recipient or participant of public assistance, and 49707
whose name is submitted to the administrator by the director under 49708
section 5101.36 of the Revised Code. The administrator also shall 49709
inform the director of the amount of workers' compensation paid to 49710
the person during such period as the director specifies. 49711

Within fourteen days after receiving from the director of job 49712

and family services a list of the names and social security
numbers of recipients or participants of public assistance
pursuant to section 5101.181 of the Revised Code, the
administrator shall inform the auditor of state of the name,
current or most recent address, and social security number of each
person receiving workers' compensation pursuant to this chapter
whose name and social security number are the same as that of a
person whose name or social security number was submitted by the
director. The administrator also shall inform the auditor of state
of the amount of workers' compensation paid to the person during
such period as the director specifies.

The bureau and its employees, except for purposes of
furnishing the auditor of state with information required by this
section, shall preserve the confidentiality of recipients or
participants of public assistance in compliance with division (A)
of section 5101.181 of the Revised Code.

For the purposes of this section, "public assistance" means
medical assistance provided through the medical assistance program
established under section 5111.01 of the Revised Code, Ohio works
first provided under Chapter 5107. of the Revised Code,
prevention, retention, and contingency benefits and services
provided under Chapter 5108. of the Revised Code, or disability
financial assistance provided under Chapter 5115. of the Revised
Code, ~~or disability medical assistance provided under Chapter
5115. of the Revised Code.~~

Sec. 4123.44. The voting members of the workers' compensation
oversight commission, the administrator of workers' compensation,
and the bureau of workers' compensation chief investment officer
are the trustees of the state insurance fund. The administrator of
workers' compensation, in accordance with sections 4121.126 and
4121.127 of the Revised Code and the investment objectives,

policies, and criteria established by the workers' compensation 49744
oversight commission pursuant to section 4121.12 of the Revised 49745
Code, and in consultation with the bureau of workers' compensation 49746
chief investment officer, may invest any of the surplus or reserve 49747
belonging to the state insurance fund. 49748

The administrator shall not invest in any type of investment 49749
specified in divisions (G)(6)(a) to (j) of section 4121.12 of the 49750
Revised Code. 49751

The administrator and other fiduciaries shall discharge their 49752
duties with respect to the funds with the care, skill, prudence, 49753
and diligence under the circumstances then prevailing that a 49754
prudent person acting in a like capacity and familiar with such 49755
matters would use in the conduct of an enterprise of a like 49756
character and with like aims, and by diversifying the investments 49757
of the assets of the funds so as to minimize the risk of large 49758
losses, unless under the circumstances it is clearly prudent not 49759
to do so. 49760

To facilitate investment of the funds, the administrator may 49761
establish a partnership, trust, limited liability company, 49762
corporation, including a corporation exempt from taxation under 49763
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 49764
amended, or any other legal entity authorized to transact business 49765
in this state. 49766

When reporting on the performance of investments, the 49767
administrator shall comply with the performance presentation 49768
standards established by the association for investment management 49769
and research. 49770

All investments shall be purchased at current market prices 49771
and the evidences of title to the investments shall be placed in 49772
the custody of the treasurer of state, who is hereby designated as 49773
custodian, or in the custody of the treasurer of state's 49774

authorized agent. Evidences of title of the investments so 49775
purchased may be deposited by the treasurer of state for 49776
safekeeping with an authorized agent selected by the treasurer of 49777
state who is a qualified trustee under section 135.18 of the 49778
Revised Code. The treasurer of state or the agent shall collect 49779
the principal, dividends, distributions, and interest as they 49780
become due and payable and place them when collected into the 49781
state insurance fund. 49782

The treasurer of state shall pay for investments purchased by 49783
the administrator on receipt of written or electronic instructions 49784
from the administrator or the administrator's designated agent 49785
authorizing the purchase, and pending receipt of the evidence of 49786
title of the investment by the treasurer of state or the treasurer 49787
of state's authorized agent. The administrator may sell 49788
investments held by the administrator, and the treasurer of state 49789
or the treasurer of state's authorized agent shall accept payment 49790
from the purchaser and deliver evidence of title of the investment 49791
to the purchaser, on receipt of written or electronic instructions 49792
from the administrator or the administrator's designated agent 49793
authorizing the sale, and pending receipt of the moneys for the 49794
investments. The amount received shall be placed in the state 49795
insurance fund. The administrator and the treasurer of state may 49796
enter into agreements to establish procedures for the purchase and 49797
sale of investments under this division and the custody of the 49798
investments. 49799

No purchase or sale of any investment shall be made under 49800
this section, except as authorized by the administrator. 49801

Any statement of financial position distributed by the 49802
administrator shall include the fair value, as of the statement 49803
date, of all investments held by the administrator under this 49804
section. 49805

When in the judgment of the administrator it is necessary to 49806
provide available funds for the payment of compensation or 49807
benefits under this chapter, the administrator may borrow money 49808
from any available source and pledge as security a sufficient 49809
amount of bonds or other securities in which the state insurance 49810
fund is invested. The aggregate unpaid amount of loans existing at 49811
any one time for money so borrowed shall not exceed ten million 49812
dollars. The bonds or other securities so pledged as security for 49813
such loans to the administrator shall be the sole security for the 49814
payment of the principal and interest of any such loan. The 49815
administrator shall not be personally liable for the payment of 49816
the principal or the interest of any such loan. No such loan shall 49817
be made for a longer period of time than one year. Such loans may 49818
be renewed but no one renewal shall be for a period in excess of 49819
one year. Such loans shall bear such rate of interest as the 49820
administrator determines and in negotiating the loans, the 49821
administrator shall endeavor to secure as favorable interest rates 49822
and terms as circumstances will permit. 49823

The treasurer of state may deliver to the person or 49824
governmental agency making such loan, the bonds or other 49825
securities which are to be pledged by the administrator as 49826
security for such loan, upon receipt by the treasurer of state of 49827
an order of the administrator authorizing such loan. Upon payment 49828
of any such loan by the administrator, the bonds or other 49829
securities pledged as security therefor shall be returned to the 49830
treasurer of state as custodian of such bonds. 49831

The administrator may pledge with the treasurer of state such 49832
amount of bonds or other securities in which the state insurance 49833
fund is invested as is reasonably necessary as security for any 49834
certificates issued, or paid out, by the treasurer of state upon 49835
any warrants drawn by the administrator. 49836

The administrator may secure investment information services, 49837

consulting services, and other like services to facilitate 49838
investment of the surplus and reserve belonging to the state 49839
insurance fund. The administrator shall pay the expense of 49840
securing such services from the state insurance fund. 49841

Sec. 4123.441. (A) The bureau of workers' compensation, with 49842
the advice and consent of the workers' compensation oversight 49843
commission shall employ a person or designate an employee of the 49844
bureau who is designated as a chartered financial analyst by the 49845
CFA institute and who is licensed by the division of securities in 49846
the department of commerce as a bureau of workers' compensation 49847
chief investment officer to be the chief investment officer for 49848
the bureau of workers' compensation. After ninety days after the 49849
effective date of this section, the bureau of workers' 49850
compensation may not employ a bureau of workers' compensation 49851
chief investment officer, as defined in section 1707.01 of the 49852
Revised Code, who does not hold a valid bureau of workers' 49853
compensation chief investment officer license issued by the 49854
division of securities in the department of commerce. The 49855
oversight commission shall notify the division of securities of 49856
the department of commerce in writing of its designation and of 49857
any change in its designation within ten calendar days after the 49858
designation or change. 49859

(B) The bureau of workers' compensation chief investment 49860
officer shall reasonably supervise employees of the bureau who 49861
handle investment of assets of funds specified in this chapter and 49862
Chapters 4121., 4127., and 4131. of the Revised Code with a view 49863
toward preventing violations of Chapter 1707. of the Revised Code, 49864
the "Commodity Exchange Act," 42 Stat. 998, 7 U.S.C. 1, the 49865
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C. 77a, the 49866
"Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78a, 49867
and the rules and regulations adopted under those statutes. This 49868

duty of reasonable supervision shall include the adoption, 49869
implementation, and enforcement of written policies and procedures 49870
reasonably designed to prevent employees of the bureau who handle 49871
investment of assets of the funds specified in this chapter and 49872
Chapters 4121., 4127., and 4131. of the Revised Code, from 49873
misusing material, nonpublic information in violation of those 49874
laws, rules, and regulations. 49875

For purposes of this division, no bureau of workers' 49876
compensation chief investment officer shall be considered to have 49877
failed to satisfy the officer's duty of reasonable supervision if 49878
the officer has done all of the following: 49879

(1) Adopted and implemented written procedures, and a system 49880
for applying the procedures, that would reasonably be expected to 49881
prevent and detect, insofar as practicable, any violation by 49882
employees handling investments of assets of the funds specified in 49883
this chapter and Chapters 4121., 4127., and 4131. of the Revised 49884
Code; 49885

(2) Reasonably discharged the duties and obligations 49886
incumbent on the bureau of workers' compensation chief investment 49887
officer by reason of the established procedures and the system for 49888
applying the procedures when the officer had no reasonable cause 49889
to believe that there was a failure to comply with the procedures 49890
and systems; 49891

(3) Reviewed, at least annually, the adequacy of the policies 49892
and procedures established pursuant to this section and the 49893
effectiveness of their implementation. 49894

(C) The bureau of workers' compensation chief investment 49895
officer shall establish and maintain a policy to monitor and 49896
evaluate the effectiveness of securities transactions executed on 49897
behalf of the bureau. 49898

Sec. 4123.444. (A) As used in this section and section 4123.445 of the Revised Code: 49899
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(1) "Bureau of workers' compensation funds" means any fund specified in Chapter 4121., 4123., 4127., or 4131. of the Revised Code that the administrator of workers' compensation has the authority to invest, in accordance with the administrator's investment authority under section 4123.44 of the Revised Code. 49901
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(2) "Investment manager" means any person with whom the administrator of workers' compensation contracts pursuant to section 4123.44 of the Revised Code to facilitate the investment of assets of bureau of workers' compensation funds. 49906
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(3) "Business entity" means any person with whom an investment manager contracts for the investment of assets of bureau of workers' compensation funds. 49910
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(4) "Financial or investment crime" means any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code or other law of this state, or the laws of any other state or the United States that are substantially equivalent to those offenses. 49913
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(B)(1) Before entering into a contract with an investment manager to invest bureau of workers' compensation funds, the administrator shall do both of the following: 49921
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(a) Request from any investment manager with whom the administrator wishes to contract for those investments a list of all employees who will be investing assets of bureau of workers' compensation funds. The list shall specify each employee's state of residence for the five years prior to the date of the 49924
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administrator's request.

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(b) Request that the superintendent of the bureau of criminal investigation and identification conduct a criminal records check in accordance with this section and section 109.579 of the Revised Code with respect to every employee the investment manager names in that list.

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(2) After an investment manager enters into a contract with the administrator to invest bureau of workers' compensation funds and before an investment manager enters into a contract with a business entity to facilitate those investments, the investment manager shall request from any business entity with whom the investment manager wishes to contract to make those investments a list of all employees who will be investing assets of the bureau of workers' compensation funds. The list shall specify each employee's state of residence for the five years prior to the investment manager's request. The investment manager shall forward to the administrator the list received from the business entity. The administrator shall request the superintendent to conduct a criminal records check in accordance with this section and section 109.579 of the Revised Code with respect to every employee the business entity names in that list. Upon receipt of the results of the criminal records check, the administrator shall forward a copy of those results to the investment manager.

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(3) If, after a contract has been entered into between the administrator and an investment manager or between an investment manager and a business entity for the investment of assets of bureau of workers' compensation funds, the investment manager or business entity wishes to have an employee who was not the subject of a criminal records check under division (B)(1) or (B)(2) of this section invest assets of the bureau of workers' compensation funds, that employee shall be the subject of a criminal records check pursuant to this section and section 109.579 of the Revised

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Code prior to handling the investment of assets of those funds. 49961
The investment manager shall submit to the administrator the name 49962
of that employee along with the employee's state of residence for 49963
the five years prior to the date in which the administrator 49964
requests the criminal records check. The administrator shall 49965
request that the superintendent conduct a criminal records check 49966
on that employee pursuant to this section and section 109.579 of 49967
the Revised Code. 49968

(C)(1) If an employee who is the subject of a criminal 49969
records check pursuant to division (B) of this section has not 49970
been a resident of this state for the five-year period immediately 49971
prior to the time the criminal records check is requested or does 49972
not provide evidence that within that five-year period the 49973
superintendent has requested information about the employee from 49974
the federal bureau of investigation in a criminal records check, 49975
the administrator shall request that the superintendent obtain 49976
information from the federal bureau of investigation as a part of 49977
the criminal records check for the employee. If the employee has 49978
been a resident of this state for at least that five-year period, 49979
the administrator may, but is not required to, request that the 49980
superintendent request and include in the criminal records check 49981
information about that employee from the federal bureau of 49982
investigation. 49983

(2) The administrator shall provide to an investment manager 49984
a copy of the form prescribed pursuant to division (C)(1) of 49985
section 109.579 of the Revised Code and a standard impression 49986
sheet for each employee for whom a criminal records check must be 49987
performed, to obtain fingerprint impressions as prescribed 49988
pursuant to division (C)(2) of section 109.579 of the Revised 49989
Code. The investment manager shall obtain the completed form and 49990
impression sheet either directly from each employee or from a 49991
business entity and shall forward the completed form and sheet to 49992

the administrator, who shall forward these forms and sheets to the 49993
superintendent. 49994

(3) Any employee who receives a copy of the form and the 49995
impression sheet pursuant to division (C)(2) of this section and 49996
who is requested to complete the form and provide a set of 49997
fingerprint impressions shall complete the form or provide all the 49998
information necessary to complete the form and shall complete the 49999
impression sheets in the manner prescribed in division (C)(2) of 50000
section 109.579 of the Revised Code. 50001

(D) For each criminal records check the administrator 50002
requests under this section, at the time the administrator makes a 50003
request the administrator shall pay to the superintendent the fee 50004
the superintendent prescribes pursuant to division (E) of section 50005
109.579 of the Revised Code. 50006

Sec. 4123.445. (A) The administrator of workers' compensation 50007
shall not enter into a contract with an investment manager for the 50008
investment of assets of the bureau of workers' compensation funds 50009
if any employee of that investment manager who will be investing 50010
assets of bureau of workers' compensation funds has been convicted 50011
of or pleaded guilty to a financial or investment crime. 50012

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(B) An investment manager who has entered into a contract 50014
with the bureau of workers' compensation for the investment of 50015
assets of bureau of workers' compensation funds shall not contract 50016
with a business entity for the investment of those assets if any 50017
employee of that business manager who will be investing assets of 50018
bureau of workers' compensation funds has been convicted of or 50019
pleaded guilty to a financial or investment crime. 50020

(C) The administrator shall not enter into a contract with an 50021
investment manager who refuses to submit the list of the 50022

investment manager's employees required under division (B) of 50023
section 4123.444 of the Revised Code. An investment manager shall 50024
not enter into a contract with a business entity who refuses to 50025
submit the list of the business entity's employees required under 50026
division (B) of section 4123.444 of the Revised Code. 50027

(D) If, after a contract has been awarded to an investment 50028
manager or business entity for the investment of assets of bureau 50029
of workers' compensation funds, the investment manager or business 50030
entity discovers that an employee who is handling the investment 50031
of those assets has been convicted of or pleaded guilty to a 50032
financial or investment crime, the investment manager or business 50033
entity immediately shall notify the administrator. 50034

Sec. 4123.47. (A) The administrator of workers' compensation 50035
shall have actuarial audits of the state insurance fund and all 50036
other funds specified in this chapter and Chapters 4121., 4127., 50037
and 4131. of the Revised Code made at least once every two years 50038
each year. The audits shall be made and certified by recognized 50039
insurance actuaries who shall be selected as the administrator 50040
determines. The audits shall cover the premium rates, 50041
classifications, and all other matters involving the 50042
administration of the state insurance fund and all other funds 50043
specified in this chapter and Chapters 4121., 4127., and 4131. of 50044
the Revised Code. The expense of the audits shall be paid from the 50045
state insurance fund. The administrator shall make copies of the 50046
audits available to the public at cost. 50047

(B) The auditor of state annually shall conduct an audit of 50048
the administration of this chapter by the industrial commission 50049
and the bureau of workers' compensation and the safety and hygiene 50050
fund. The cost of the audit shall be charged to the administrative 50051
costs of the bureau as defined in section 4123.341 of the Revised 50052
Code. The audit shall include audits of all fiscal activities, 50053

claims processing and handling, and employer premium collections. 50054
The auditor shall prepare a report of the audit together with 50055
recommendations and transmit copies of the report to the 50056
industrial commission the workers' compensation oversight 50057
commission, the administrator, the governor, and to the general 50058
assembly. The auditor shall make copies of the report available to 50059
the public at cost. 50060

(C) The administrator may retain the services of a recognized 50061
actuary on a consulting basis for the purpose of evaluating the 50062
actuarial soundness of premium rates and classifications and all 50063
other matters involving the administration of the state insurance 50064
fund. The expense of services provided by the actuary shall be 50065
paid from the state insurance fund. 50066

Sec. 4301.10. (A) The division of liquor control shall do all 50067
of the following: 50068

(1) Control the traffic in beer and intoxicating liquor in 50069
this state, including the manufacture, importation, and sale of 50070
beer and intoxicating liquor; 50071

(2) Grant or refuse permits for the manufacture, 50072
distribution, transportation, and sale of beer and intoxicating 50073
liquor and the sale of alcohol, as authorized or required by this 50074
chapter and Chapter 4303. of the Revised Code. A certificate, 50075
signed by the superintendent of liquor control and to which is 50076
affixed the official seal of the division, stating that it appears 50077
from the records of the division that no permit has been issued to 50078
the person specified in the certificate, or that a permit, if 50079
issued, has been revoked, canceled, or suspended, shall be 50080
received as prima-facie evidence of the facts recited in the 50081
certificate in any court or before any officer of this state. 50082

(3) Put into operation, manage, and control a system of state 50083

liquor stores for the sale of spirituous liquor at retail and to
holders of permits authorizing the sale of spirituous liquor;
however, the division shall not establish any drive-in state
liquor stores; and by means of those types of stores, and any
manufacturing plants, distributing and bottling plants,
warehouses, and other facilities that it considers expedient,
establish and maintain a state monopoly of the distribution of
spirituous liquor and its sale in packages or containers; and for
that purpose, manufacture, buy, import, possess, and sell
spirituous liquors as provided in this chapter and Chapter 4303.
of the Revised Code, and in the rules promulgated by the
superintendent of liquor control pursuant to those chapters; lease
or in any manner acquire the use of any land or building required
for any of those purposes; purchase any equipment that is
required; and borrow money to carry on its business, and issue,
sign, endorse, and accept notes, checks, and bills of exchange;
but all obligations of the division created under authority of
this division shall be a charge only upon the moneys received by
the division from the sale of spirituous liquor and its other
business transactions in connection with the sale of spirituous
liquor, and shall not be general obligations of the state;

(4) Enforce the administrative provisions of this chapter and
Chapter 4303. of the Revised Code, and the rules and orders of the
liquor control commission and the superintendent relating to the
manufacture, importation, transportation, distribution, and sale
of beer ~~and or~~ intoxicating liquors liquor. The attorney general,
any prosecuting attorney, and any prosecuting officer of a
municipal corporation or a municipal court shall, at the request
of the division of liquor control or the department of public
safety, prosecute any person charged with the violation of any
provision in those chapters or of any section of the Revised Code
relating to the manufacture, importation, transportation,

distribution, and sale of beer ~~and~~ or intoxicating liquor. 50116

(5) Determine the locations of all state liquor stores and 50117
manufacturing, distributing, and bottling plants required in 50118
connection with those stores, subject to this chapter and Chapter 50119
4303. of the Revised Code; 50120

(6) Conduct inspections of liquor permit premises to 50121
determine compliance with the administrative provisions of this 50122
chapter and Chapter 4303. of the Revised Code and the rules 50123
adopted under those provisions by the liquor control commission. 50124

Except as otherwise provided in division (A)(6) of this 50125
section, those inspections may be conducted only during those 50126
hours in which the permit holder is open for business and only by 50127
authorized agents or employees of the division or by any peace 50128
officer, as defined in section 2935.01 of the Revised Code. 50129
Inspections may be conducted at other hours only to determine 50130
compliance with laws or commission rules that regulate the hours 50131
of sale of beer ~~and~~ or intoxicating liquor and only if the 50132
investigator has reasonable cause to believe that those laws or 50133
rules are being violated. Any inspection conducted pursuant to 50134
division (A)(6) of this section is subject to all of the following 50135
requirements: 50136

(a) The only property that may be confiscated is contraband, 50137
as defined in section 2901.01 of the Revised Code, or property 50138
that is otherwise necessary for evidentiary purposes. 50139

(b) A complete inventory of all property confiscated from the 50140
premises shall be given to the permit holder or the permit 50141
holder's agent or employee by the confiscating agent or officer at 50142
the conclusion of the inspection. At that time, the inventory 50143
shall be signed by the confiscating agent or officer, and the 50144
agent or officer shall give the permit holder or the permit 50145
holder's agent or employee the opportunity to sign the inventory. 50146

(c) Inspections conducted pursuant to division (A)(6) of this section shall be conducted in a reasonable manner. A finding by any court of competent jurisdiction that ~~the~~ an inspection was not conducted in a reasonable manner in accordance with this section or any rules ~~promulgated~~ adopted by the commission may be considered grounds for suppression of evidence. A finding by the ~~liquor control~~ commission that ~~the~~ an inspection was not conducted in a reasonable manner in accordance with this section or any rules ~~promulgated~~ adopted by ~~the commission~~ it may be considered grounds for dismissal of the commission case.

If any court of competent jurisdiction finds that property confiscated as the result of an administrative inspection is not necessary for evidentiary purposes and is not contraband, as defined in section 2901.01 of the Revised Code, the court shall order the immediate return of the confiscated property, provided that property is not otherwise subject to forfeiture, to the permit holder. However, the return of this property is not grounds for dismissal of the case. The commission likewise may order the return of confiscated property if no criminal prosecution is pending or anticipated.

(7) Delegate to any of its agents or employees any power of investigation that the division possesses with respect to the enforcement of any of the administrative laws relating to beer ~~and~~ or intoxicating liquor, provided that this division does not authorize the division to designate any agent or employee to serve as an enforcement agent. The employment and designation of enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 to 5502.19 of the Revised Code.

(8) Collect the following fees:

(a) A biennial ~~fifty-dollar~~ fifty-dollar registration fee for

each agent, solicitor, or salesperson, registered pursuant to 50178
section 4303.25 of the Revised Code, of a beer or intoxicating 50179
liquor manufacturer, supplier, broker, or wholesale distributor 50180
doing business in this state; 50181

(b) A fifty-dollar product registration fee for each new beer 50182
or intoxicating liquor product sold in this state. The product 50183
registration fee shall be accompanied by a copy of the federal 50184
label and product approval for the new product. 50185

(c) An annual three-hundred-dollar supplier registration fee 50186
from each manufacturer or supplier that produces and ships into 50187
this state, or ships into this state, intoxicating liquor or beer, 50188
in addition to an initial application fee of one hundred dollars. 50189

Each supplier, agent, solicitor, or salesperson registration 50190
issued under this division shall authorize the person named to 50191
carry on the activity specified in the registration. Each agent, 50192
solicitor, or salesperson registration is valid for two years or 50193
for the unexpired portion of a two-year registration period. Each 50194
supplier registration is valid for one year or for the unexpired 50195
portion of a one-year registration period. Registrations shall end 50196
on their respective uniform expiration date, which shall be 50197
designated by the division, and are subject to suspension, 50198
revocation, cancellation, or fine as authorized by this chapter 50199
and Chapter 4303. of the Revised Code. 50200

(9) Establish a system of electronic data interchange within 50201
the division and regulate the electronic transfer of information 50202
and funds among persons and governmental entities engaged in the 50203
manufacture, distribution, and retail sale of alcoholic beverages; 50204

(10) Exercise all other powers expressly or by necessary 50205
implication conferred upon the division by this chapter and 50206
Chapter 4303. of the Revised Code, and all powers necessary for 50207
the exercise or discharge of any power, duty, or function 50208

expressly conferred or imposed upon the division by those chapters. 50209
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(B) The division may do all of the following: 50211

(1) Sue, but may be sued only in connection with the execution of leases of real estate and the purchases and contracts necessary for the operation of the state liquor stores that are made under this chapter and Chapter 4303. of the Revised Code; 50212
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(2) Enter into leases and contracts of all descriptions and acquire and transfer title to personal property with regard to the sale, distribution, and storage of spirituous liquor within the state; 50216
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(3) Terminate at will any lease entered into pursuant to division (B)(2) of this section upon first giving ninety days' notice in writing to the lessor of its intention to do so; 50220
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(4) Fix the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor shall be sold by the division. Those retail prices shall be the same at all state liquor stores, except to the extent that a price differential is required to collect a county sales tax levied pursuant to section 5739.021 of the Revised Code and for which tax the tax commissioner has authorized prepayment pursuant to section 5739.05 of the Revised Code. In fixing selling prices, the division shall compute an anticipated gross profit at least sufficient to provide in each calendar year all costs and expenses of the division and also an adequate working capital reserve for the division. The gross profit shall not exceed forty per cent of the retail selling price based on costs of the division, and in addition the sum required by section 4301.12 of the Revised Code to be paid into the state treasury. An amount equal to one and one-half per cent of that gross profit shall be paid into the statewide treatment and prevention fund created by section 4301.30 50223
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of the Revised Code and be appropriated by the general assembly 50240
from the fund to the department of alcohol and drug addiction 50241
services as provided in section 4301.30 of the Revised Code. 50242

On spirituous liquor manufactured in this state from the 50243
juice of grapes or fruits grown in this state, the division shall 50244
compute an anticipated gross profit of not to exceed ten per cent. 50245
~~The~~ 50246

The wholesale prices fixed under this division shall be at a 50247
discount of not less than ~~twelve and one half~~ six per cent of the 50248
retail selling prices as determined by the division in accordance 50249
with this section. 50250

(C) The division may approve the expansion or diminution of a 50251
premises to which a liquor permit has been issued and may adopt 50252
standards governing such an expansion or diminution. 50253

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 50254
the Revised Code: 50255

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 50256
fluid ounces. 50257

(2) "Sale" or "sell" includes exchange, barter, gift, 50258
distribution, and, except with respect to A-4 permit holders, 50259
offer for sale. 50260

(B) For the purposes of providing revenues for the support of 50261
the state and encouraging the grape industries in the state, a tax 50262
is hereby levied on the sale or distribution of wine in Ohio, 50263
except for known sacramental purposes, at the rate of thirty cents 50264
per wine gallon for wine containing not less than four per cent of 50265
alcohol by volume and not more than fourteen per cent of alcohol 50266
by volume, ninety-eight cents per wine gallon for wine containing 50267
more than fourteen per cent but not more than twenty-one per cent 50268
of alcohol by volume, one dollar and eight cents per wine gallon 50269

for vermouth, and one dollar and forty-eight cents per wine gallon 50270
for sparkling and carbonated wine and champagne, the tax to be 50271
paid by the holders of A-2 and B-5 permits or by any other person 50272
selling or distributing wine upon which no tax has been paid. From 50273
the tax paid under this section on wine, vermouth, and sparkling 50274
and carbonated wine and champagne, the treasurer of state shall 50275
credit to the Ohio grape industries fund created under section 50276
924.54 of the Revised Code a sum equal to one cent per gallon for 50277
each gallon upon which the tax is paid. 50278

(C) For the purpose of providing revenues for the support of 50279
the state, there is hereby levied a tax on prepared and bottled 50280
highballs, cocktails, cordials, and other mixed beverages at the 50281
rate of one dollar and twenty cents per wine gallon to be paid by 50282
holders of A-4 permits or by any other person selling or 50283
distributing those products upon which no tax has been paid. Only 50284
one sale of the same article shall be used in computing the amount 50285
of tax due. The tax on mixed beverages to be paid by holders of 50286
A-4 permits under this section shall not attach until the 50287
ownership of the mixed beverage is transferred for valuable 50288
consideration to a wholesaler or retailer, and no payment of the 50289
tax shall be required prior to that time. 50290

(D) During the period of July 1, ~~2003~~ 2005, through June 30, 50291
~~2005~~ 2007, from the tax paid under this section on wine, vermouth, 50292
and sparkling and carbonated wine and champagne, the treasurer of 50293
state shall credit to the Ohio grape industries fund created under 50294
section 924.54 of the Revised Code a sum equal to two cents per 50295
gallon upon which the tax is paid. The amount credited under this 50296
division is in addition to the amount credited to the Ohio grape 50297
industries fund under division (B) of this section. 50298

(E) For the purpose of providing revenues for the support of 50299
the state, there is hereby levied a tax on cider at the rate of 50300
twenty-four cents per wine gallon to be paid by the holders of A-2 50301

and B-5 permits or by any other person selling or distributing 50302
cider upon which no tax has been paid. Only one sale of the same 50303
article shall be used in computing the amount of the tax due. 50304

Sec. 4303.182. (A) Except as otherwise provided in divisions 50305
(B) to (G) of this section, permit D-6 shall be issued to the 50306
holder of an A-1-A, A-2, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, 50307
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 50308
or D-7 permit to allow sale under that permit between the hours of 50309
ten a.m. and midnight, or between the hours of one p.m. and 50310
midnight, on Sunday, as applicable, if that sale has been 50311
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 50312
of the Revised Code and under the restrictions of that 50313
authorization. 50314

(B) Permit D-6 shall be issued to the holder of any permit, 50315
including a D-4a and D-5d permit, authorizing the sale of 50316
intoxicating liquor issued for a premises located at any publicly 50317
owned airport, as defined in section 4563.01 of the Revised Code, 50318
at which commercial airline companies operate regularly scheduled 50319
flights on which space is available to the public, to allow sale 50320
under such permit between the hours of ten a.m. and midnight on 50321
Sunday, whether or not that sale has been authorized under section 50322
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50323

(C) Permit D-6 shall be issued to the holder of a D-5a 50324
permit, and to the holder of a D-3 or D-3a permit who is the owner 50325
or operator of a hotel or motel that is required to be licensed 50326
under section 3731.03 of the Revised Code, that contains at least 50327
fifty rooms for registered transient guests, and that has on its 50328
premises a retail food establishment or a food service operation 50329
licensed pursuant to Chapter 3717. of the Revised Code that 50330
operates as a restaurant for purposes of this chapter and is 50331
affiliated with the hotel or motel and within or contiguous to the 50332

hotel or motel and serving food within the hotel or motel, to 50333
allow sale under such permit between the hours of ten a.m. and 50334
midnight on Sunday, whether or not that sale has been authorized 50335
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50336
Revised Code. 50337

(D) The holder of a D-6 permit that is issued to a sports 50338
facility may make sales under the permit between the hours of 50339
eleven a.m. and midnight on any Sunday on which a professional 50340
baseball, basketball, football, hockey, or soccer game is being 50341
played at the sports facility. As used in this division, "sports 50342
facility" means a stadium or arena that has a seating capacity of 50343
at least four thousand and that is owned or leased by a 50344
professional baseball, basketball, football, hockey, or soccer 50345
franchise or any combination of those franchises. 50346

(E) Permit D-6 shall be issued to the holder of any permit 50347
that authorizes the sale of beer or intoxicating liquor and that 50348
is issued to a premises located in or at the Ohio historical 50349
society area or the state fairgrounds, as defined in division (B) 50350
of section 4301.40 of the Revised Code, to allow sale under that 50351
permit between the hours of ten a.m. and midnight on Sunday, 50352
whether or not that sale has been authorized under section 50353
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50354

(F) Permit D-6 shall be issued to the holder of any permit 50355
that authorizes the sale of intoxicating liquor and that is issued 50356
to an outdoor performing arts center to allow sale under that 50357
permit between the hours of one p.m. and midnight on Sunday, 50358
whether or not that sale has been authorized under section 50359
4301.361 of the Revised Code. A D-6 permit issued under this 50360
division is subject to the results of an election, held after the 50361
D-6 permit is issued, on question (B)(4) as set forth in section 50362
4301.351 of the Revised Code. Following the end of the period 50363
during which an election may be held on question (B)(4) as set 50364

forth in that section, sales of intoxicating liquor may continue 50365
at an outdoor performing arts center under a D-6 permit issued 50366
under this division, unless an election on that question is held 50367
during the permitted period and a majority of the voters voting in 50368
the precinct on that question vote "no." 50369

As used in this division, "outdoor performing arts center" 50370
means an outdoor performing arts center that is located on not 50371
less than eight hundred acres of land and that is open for 50372
performances from the first day of April to the last day of 50373
October of each year. 50374

(G) Permit D-6 shall be issued to the holder of any permit 50375
that authorizes the sale of beer or intoxicating liquor and that 50376
is issued to a golf course owned by the state, a conservancy 50377
district, a park district created under Chapter 1545. of the 50378
Revised Code, or another political subdivision to allow sale under 50379
that permit between the hours of ten a.m. and midnight on Sunday, 50380
whether or not that sale has been authorized under section 50381
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50382

(H) Permit D-6 shall be issued to the holder of a D-5g permit 50383
to allow sale under that permit between the hours of ten a.m. and 50384
midnight on Sunday, whether or not that sale has been authorized 50385
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50386
Revised Code. 50387

(I) Permit D-6 shall be issued to the holder of any D permit 50388
for a premises that is licensed under Chapter 3717. of the Revised 50389
Code and that is located at a ski area to allow sale under the D-6 50390
permit between the hours of ten a.m. and midnight on Sunday, 50391
whether or not that sale has been authorized under section 50392
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50393

As used in this division, "ski area" means a ski area as 50394
defined in section 4169.01 of the Revised Code, provided that the 50395

passenger tramway operator at that area is registered under 50396
section 4169.03 of the Revised Code. 50397

(J) If the restriction to licensed premises where the sale of 50398
food and other goods and services exceeds fifty per cent of the 50399
total gross receipts of the permit holder at the premises is 50400
applicable, the division of liquor control may accept an affidavit 50401
from the permit holder to show the proportion of the permit 50402
holder's gross receipts derived from the sale of food and other 50403
goods and services. If the liquor control commission determines 50404
that affidavit to have been false, it shall revoke the permits of 50405
the permit holder at the premises concerned. 50406

~~(J)~~(K) The fee for the D-6 permit is five hundred dollars 50407
when it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, 50408
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 50409
D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 permit is 50410
four hundred dollars when it is issued to the holder of a C-2 50411
permit. 50412

Sec. 4501.01. As used in this chapter and Chapters 4503., 50413
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 50414
Revised Code, and in the penal laws, except as otherwise provided: 50415

(A) "Vehicles" means everything on wheels or runners, 50416
including motorized bicycles, but does not mean electric personal 50417
assistive mobility devices, vehicles that are operated exclusively 50418
on rails or tracks or from overhead electric trolley wires, and 50419
vehicles that belong to any police department, municipal fire 50420
department, or volunteer fire department, or that are used by such 50421
a department in the discharge of its functions. 50422

(B) "Motor vehicle" means any vehicle, including mobile homes 50423
and recreational vehicles, that is propelled or drawn by power 50424
other than muscular power or power collected from overhead 50425

electric trolley wires. "Motor vehicle" does not include utility 50426
vehicles as defined in division (VV) of this section, motorized 50427
bicycles, road rollers, traction engines, power shovels, power 50428
cranes, and other equipment used in construction work and not 50429
designed for or employed in general highway transportation, 50430
well-drilling machinery, ditch-digging machinery, farm machinery, 50431
trailers that are used to transport agricultural produce or 50432
agricultural production materials between a local place of storage 50433
or supply and the farm when drawn or towed on a public road or 50434
highway at a speed of twenty-five miles per hour or less, 50435
threshing machinery, hay-baling machinery, corn sheller, 50436
hammermill and agricultural tractors, machinery used in the 50437
production of horticultural, agricultural, and vegetable products, 50438
and trailers that are designed and used exclusively to transport a 50439
boat between a place of storage and a marina, or in and around a 50440
marina, when drawn or towed on a public road or highway for a 50441
distance of no more than ten miles and at a speed of twenty-five 50442
miles per hour or less. 50443

(C) "Agricultural tractor" and "traction engine" mean any 50444
self-propelling vehicle that is designed or used for drawing other 50445
vehicles or wheeled machinery, but has no provisions for carrying 50446
loads independently of such other vehicles, and that is used 50447
principally for agricultural purposes. 50448

(D) "Commercial tractor," except as defined in division (C) 50449
of this section, means any motor vehicle that has motive power and 50450
either is designed or used for drawing other motor vehicles, or is 50451
designed or used for drawing another motor vehicle while carrying 50452
a portion of the other motor vehicle or its load, or both. 50453

(E) "Passenger car" means any motor vehicle that is designed 50454
and used for carrying not more than nine persons and includes any 50455
motor vehicle that is designed and used for carrying not more than 50456
fifteen persons in a ridesharing arrangement. 50457

(F) "Collector's vehicle" means any motor vehicle or 50458
agricultural tractor or traction engine that is of special 50459
interest, that has a fair market value of one hundred dollars or 50460
more, whether operable or not, and that is owned, operated, 50461
collected, preserved, restored, maintained, or used essentially as 50462
a collector's item, leisure pursuit, or investment, but not as the 50463
owner's principal means of transportation. "Licensed collector's 50464
vehicle" means a collector's vehicle, other than an agricultural 50465
tractor or traction engine, that displays current, valid license 50466
tags issued under section 4503.45 of the Revised Code, or a 50467
similar type of motor vehicle that displays current, valid license 50468
tags issued under substantially equivalent provisions in the laws 50469
of other states. 50470

(G) "Historical motor vehicle" means any motor vehicle that 50471
is over twenty-five years old and is owned solely as a collector's 50472
item and for participation in club activities, exhibitions, tours, 50473
parades, and similar uses, but that in no event is used for 50474
general transportation. 50475

(H) "Noncommercial motor vehicle" means any motor vehicle, 50476
including a farm truck as defined in section 4503.04 of the 50477
Revised Code, that is designed by the manufacturer to carry a load 50478
of no more than one ton and is used exclusively for purposes other 50479
than engaging in business for profit. 50480

(I) "Bus" means any motor vehicle that has motor power and is 50481
designed and used for carrying more than nine passengers, except 50482
any motor vehicle that is designed and used for carrying not more 50483
than fifteen passengers in a ridesharing arrangement. 50484

(J) "Commercial car" or "truck" means any motor vehicle that 50485
has motor power and is designed and used for carrying merchandise 50486
or freight, or that is used as a commercial tractor. 50487

(K) "Bicycle" means every device, other than a tricycle that 50488

is designed solely for use as a play vehicle by a child, that is
propelled solely by human power upon which any person may ride,
and that has either two tandem wheels, or one wheel in front and
two wheels in the rear, any of which is more than fourteen inches
in diameter.

(L) "Motorized bicycle" means any vehicle that either has two
tandem wheels or one wheel in the front and two wheels in the
rear, that is capable of being pedaled, and that is equipped with
a helper motor of not more than fifty cubic centimeters piston
displacement that produces no more than one brake horsepower and
is capable of propelling the vehicle at a speed of no greater than
twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is
designed or used for carrying property or persons wholly on its
own structure and for being drawn by a motor vehicle, and includes
any such vehicle that is formed by or operated as a combination of
a semitrailer and a vehicle of the dolly type such as that
commonly known as a trailer dolly, a vehicle used to transport
agricultural produce or agricultural production materials between
a local place of storage or supply and the farm when drawn or
towed on a public road or highway at a speed greater than
twenty-five miles per hour, and a vehicle that is designed and
used exclusively to transport a boat between a place of storage
and a marina, or in and around a marina, when drawn or towed on a
public road or highway for a distance of more than ten miles or at
a speed of more than twenty-five miles per hour. "Trailer" does
not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a
travel trailer or trailer that is used to transport a boat as
described in division (B) of this section, but, where applicable,
includes a vehicle that is used to transport a boat as described
in division (M) of this section, that has a gross weight of no

more than three thousand pounds, and that is used exclusively for 50521
purposes other than engaging in business for a profit. 50522

(O) "Mobile home" means a building unit or assembly of closed 50523
construction that is fabricated in an off-site facility, is more 50524
than thirty-five body feet in length or, when erected on site, is 50525
three hundred twenty or more square feet, is built on a permanent 50526
chassis, is transportable in one or more sections, and does not 50527
qualify as a manufactured home as defined in division (C)(4) of 50528
section 3781.06 of the Revised Code or as an industrialized unit 50529
as defined in division (C)(3) of section 3781.06 of the Revised 50530
Code. 50531

(P) "Semitrailer" means any vehicle of the trailer type that 50532
does not have motive power and is so designed or used with another 50533
and separate motor vehicle that in operation a part of its own 50534
weight or that of its load, or both, rests upon and is carried by 50535
the other vehicle furnishing the motive power for propelling 50536
itself and the vehicle referred to in this division, and includes, 50537
for the purpose only of registration and taxation under those 50538
chapters, any vehicle of the dolly type, such as a trailer dolly, 50539
that is designed or used for the conversion of a semitrailer into 50540
a trailer. 50541

(Q) "Recreational vehicle" means a vehicular portable 50542
structure that meets all of the following conditions: 50543

(1) It is designed for the sole purpose of recreational 50544
travel. 50545

(2) It is not used for the purpose of engaging in business 50546
for profit. 50547

(3) It is not used for the purpose of engaging in intrastate 50548
commerce. 50549

(4) It is not used for the purpose of commerce as defined in 50550

49 C.F.R. 383.5, as amended. 50551

(5) It is not regulated by the public utilities commission 50552
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 50553

(6) It is classed as one of the following: 50554

(a) "Travel trailer" means a nonself-propelled recreational 50555
vehicle that does not exceed an overall length of thirty-five 50556
feet, exclusive of bumper and tongue or coupling, and contains 50557
less than three hundred twenty square feet of space when erected 50558
on site. "Travel trailer" includes a tent-type fold-out camping 50559
trailer as defined in section 4517.01 of the Revised Code. 50560

(b) "Motor home" means a self-propelled recreational vehicle 50561
that has no fifth wheel and is constructed with permanently 50562
installed facilities for cold storage, cooking and consuming of 50563
food, and for sleeping. 50564

(c) "Truck camper" means a nonself-propelled recreational 50565
vehicle that does not have wheels for road use and is designed to 50566
be placed upon and attached to a motor vehicle. "Truck camper" 50567
does not include truck covers that consist of walls and a roof, 50568
but do not have floors and facilities enabling them to be used as 50569
a dwelling. 50570

(d) "Fifth wheel trailer" means a vehicle that is of such 50571
size and weight as to be movable without a special highway permit, 50572
that has a gross trailer area of four hundred square feet or less, 50573
that is constructed with a raised forward section that allows a 50574
bi-level floor plan, and that is designed to be towed by a vehicle 50575
equipped with a fifth-wheel hitch ordinarily installed in the bed 50576
of a truck. 50577

(e) "Park trailer" means a vehicle that is commonly known as 50578
a park model recreational vehicle, meets the American national 50579
standard institute standard A119.5 (1988) for park trailers, is 50580

built on a single chassis, has a gross trailer area of four 50581
hundred square feet or less when set up, is designed for seasonal 50582
or temporary living quarters, and may be connected to utilities 50583
necessary for the operation of installed features and appliances. 50584

(R) "Pneumatic tires" means tires of rubber and fabric or 50585
tires of similar material, that are inflated with air. 50586

(S) "Solid tires" means tires of rubber or similar elastic 50587
material that are not dependent upon confined air for support of 50588
the load. 50589

(T) "Solid tire vehicle" means any vehicle that is equipped 50590
with two or more solid tires. 50591

(U) "Farm machinery" means all machines and tools that are 50592
used in the production, harvesting, and care of farm products, and 50593
includes trailers that are used to transport agricultural produce 50594
or agricultural production materials between a local place of 50595
storage or supply and the farm when drawn or towed on a public 50596
road or highway at a speed of twenty-five miles per hour or less. 50597

(V) "Owner" includes any person or firm, other than a 50598
manufacturer or dealer, that has title to a motor vehicle, except 50599
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 50600
includes in addition manufacturers and dealers. 50601

(W) "Manufacturer" and "dealer" include all persons and firms 50602
that are regularly engaged in the business of manufacturing, 50603
selling, displaying, offering for sale, or dealing in motor 50604
vehicles, at an established place of business that is used 50605
exclusively for the purpose of manufacturing, selling, displaying, 50606
offering for sale, or dealing in motor vehicles. A place of 50607
business that is used for manufacturing, selling, displaying, 50608
offering for sale, or dealing in motor vehicles shall be deemed to 50609
be used exclusively for those purposes even though snowmobiles or 50610
all-purpose vehicles are sold or displayed for sale thereat, even 50611

though farm machinery is sold or displayed for sale thereat, or
even though repair, accessory, gasoline and oil, storage, parts,
service, or paint departments are maintained thereat, or, in any
county having a population of less than seventy-five thousand at
the last federal census, even though a department in a place of
business is used to dismantle, salvage, or rebuild motor vehicles
by means of used parts, if such departments are operated for the
purpose of furthering and assisting in the business of
manufacturing, selling, displaying, offering for sale, or dealing
in motor vehicles. Places of business or departments in a place of
business used to dismantle, salvage, or rebuild motor vehicles by
means of using used parts are not considered as being maintained
for the purpose of assisting or furthering the manufacturing,
selling, displaying, and offering for sale or dealing in motor
vehicles.

(X) "Operator" includes any person who drives or operates a
motor vehicle upon the public highways.

(Y) "Chauffeur" means any operator who operates a motor
vehicle, other than a taxicab, as an employee for hire; or any
operator whether or not the owner of a motor vehicle, other than a
taxicab, who operates such vehicle for transporting, for gain,
compensation, or profit, either persons or property owned by
another. Any operator of a motor vehicle who is voluntarily
involved in a ridesharing arrangement is not considered an
employee for hire or operating such vehicle for gain,
compensation, or profit.

(Z) "State" includes the territories and federal districts of
the United States, and the provinces of Canada.

(AA) "Public roads and highways" for vehicles includes all
public thoroughfares, bridges, and culverts.

(BB) "Manufacturer's number" means the manufacturer's

original serial number that is affixed to or imprinted upon the 50643
chassis or other part of the motor vehicle. 50644

(CC) "Motor number" means the manufacturer's original number 50645
that is affixed to or imprinted upon the engine or motor of the 50646
vehicle. 50647

(DD) "Distributor" means any person who is authorized by a 50648
motor vehicle manufacturer to distribute new motor vehicles to 50649
licensed motor vehicle dealers at an established place of business 50650
that is used exclusively for the purpose of distributing new motor 50651
vehicles to licensed motor vehicle dealers, except when the 50652
distributor also is a new motor vehicle dealer, in which case the 50653
distributor may distribute at the location of the distributor's 50654
licensed dealership. 50655

(EE) "Ridesharing arrangement" means the transportation of 50656
persons in a motor vehicle where the transportation is incidental 50657
to another purpose of a volunteer driver and includes ridesharing 50658
arrangements known as carpools, vanpools, and buspools. 50659

(FF) "Apportionable vehicle" means any vehicle that is used 50660
or intended for use in two or more international registration plan 50661
member jurisdictions that allocate or proportionally register 50662
vehicles, that is used for the transportation of persons for hire 50663
or designed, used, or maintained primarily for the transportation 50664
of property, and that meets any of the following qualifications: 50665

(1) Is a power unit having a gross vehicle weight in excess 50666
of twenty-six thousand pounds; 50667

(2) Is a power unit having three or more axles, regardless of 50668
the gross vehicle weight; 50669

(3) Is a combination vehicle with a gross vehicle weight in 50670
excess of twenty-six thousand pounds. 50671

"Apportionable vehicle" does not include recreational 50672

vehicles, vehicles displaying restricted plates, city pick-up and 50673
delivery vehicles, buses used for the transportation of chartered 50674
parties, or vehicles owned and operated by the United States, this 50675
state, or any political subdivisions thereof. 50676

(GG) "Chartered party" means a group of persons who contract 50677
as a group to acquire the exclusive use of a passenger-carrying 50678
motor vehicle at a fixed charge for the vehicle in accordance with 50679
the carrier's tariff, lawfully on file with the United States 50680
department of transportation, for the purpose of group travel to a 50681
specified destination or for a particular itinerary, either agreed 50682
upon in advance or modified by the chartered group after having 50683
left the place of origin. 50684

(HH) "International registration plan" means a reciprocal 50685
agreement of member jurisdictions that is endorsed by the American 50686
association of motor vehicle administrators, and that promotes and 50687
encourages the fullest possible use of the highway system by 50688
authorizing apportioned registration of fleets of vehicles and 50689
recognizing registration of vehicles apportioned in member 50690
jurisdictions. 50691

(II) "Restricted plate" means a license plate that has a 50692
restriction of time, geographic area, mileage, or commodity, and 50693
includes license plates issued to farm trucks under division (J) 50694
of section 4503.04 of the Revised Code. 50695

(JJ) "Gross vehicle weight," with regard to any commercial 50696
car, trailer, semitrailer, or bus that is taxed at the rates 50697
established under section 4503.042 of the Revised Code, means the 50698
unladen weight of the vehicle fully equipped plus the maximum 50699
weight of the load to be carried on the vehicle. 50700

(KK) "Combined gross vehicle weight" with regard to any 50701
combination of a commercial car, trailer, and semitrailer, that is 50702
taxed at the rates established under section 4503.042 of the 50703

Revised Code, means the total unladen weight of the combination of
vehicles fully equipped plus the maximum weight of the load to be
carried on that combination of vehicles.

(LL) "Chauffeured limousine" means a motor vehicle that is
designed to carry nine or fewer passengers and is operated for
hire on an hourly basis pursuant to a prearranged contract for the
transportation of passengers on public roads and highways along a
route under the control of the person hiring the vehicle and not
over a defined and regular route. "Prearranged contract" means an
agreement, made in advance of boarding, to provide transportation
from a specific location in a chauffeured limousine at a fixed
rate per hour or trip. "Chauffeured limousine" does not include
any vehicle that is used exclusively in the business of funeral
directing.

(MM) "Manufactured home" has the same meaning as in division
(C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or
a mobile home, means to become located in this state by the
placement of the home on real property, but does not include the
placement of a manufactured home or a mobile home in the inventory
of a new motor vehicle dealer or the inventory of a manufacturer,
remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic,
optical, electromagnetic, or any other form of technology that
entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated,
communicated, received, or stored by electronic means for use in
an information system or for transmission from one information
system to another.

(QQ) "Electronic signature" means a signature in electronic
form attached to or logically associated with an electronic

record. 50735

(RR) "Financial transaction device" has the same meaning as 50736
in division (A) of section 113.40 of the Revised Code. 50737

(SS) "Electronic motor vehicle dealer" means a motor vehicle 50738
dealer licensed under Chapter 4517. of the Revised Code whom the 50739
registrar of motor vehicles determines meets the criteria 50740
designated in section 4503.035 of the Revised Code for electronic 50741
motor vehicle dealers and designates as an electronic motor 50742
vehicle dealer under that section. 50743

(TT) "Electric personal assistive mobility device" means a 50744
self-balancing two non-tandem wheeled device that is designed to 50745
transport only one person, has an electric propulsion system of an 50746
average of seven hundred fifty watts, and when ridden on a paved 50747
level surface by an operator who weighs one hundred seventy pounds 50748
has a maximum speed of less than twenty miles per hour. 50749

(UU) "Limited driving privileges" means the privilege to 50750
operate a motor vehicle that a court grants under section 4510.021 50751
of the Revised Code to a person whose driver's or commercial 50752
driver's license or permit or nonresident operating privilege has 50753
been suspended. 50754

(VV) "Utility vehicle" means a self-propelled vehicle 50755
designed with a bed, principally for the purpose of transporting 50756
material or cargo in connection with construction, agricultural, 50757
forestry, grounds maintenance, lawn and garden, materials 50758
handling, or similar activities. 50759

Sec. 4501.37. (A) No court may reverse, suspend, or delay any 50760
order made by the registrar of motor vehicles, or enjoin, 50761
restrain, or interfere with the registrar or a deputy registrar in 50762
the performance of official duties, except as provided in this 50763
chapter and Chapter 4507. or 4510. of the Revised Code. 50764

(B) A court shall not order the bureau of motor vehicles to delete a record of conviction unless the court finds that deletion of the record of conviction is necessary to correct an error. The bureau shall not comply with a court order that directs the deletion of a record of conviction unless the order states that the record of conviction is being deleted in order to correct an error.

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles may adopt rules to permit any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases one or more motor vehicles to file a written application for registration for no more than five succeeding registration years. The rules adopted by the registrar may designate the classes of motor vehicles that are eligible for such registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.

(ii) The registrar shall adopt rules to permit any person or lessee who owns or leases two or more trailers or semitrailers that are subject to the tax rates prescribed in section 4503.042 of the Revised Code for such trailers or semitrailers to file a written application for registration for not more than five succeeding registration years. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering.

(b)(i) Except as provided in division (A)(1)(b)(ii) of this section, the registrar shall adopt rules to permit any person who owns a motor vehicle to file an application for registration for the next two succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C)

of section 4503.11 of the Revised Code. A person who is 50796
registering a vehicle under division (A)(1)(b) of this section 50797
shall pay for each year of registration the additional fee 50798
established under division (C)(1) of section 4503.10 of the 50799
Revised Code. The person shall also pay one and one-half times the 50800
amount of the deputy registrar service fee specified in division 50801
(D) of section 4503.10 of the Revised Code or the bureau of motor 50802
vehicles service fee specified in division (G) of that section, as 50803
applicable. 50804

(ii) Division (A)(1)(b)(i) of this section does not apply to 50805
a person receiving an apportioned license plate under the 50806
international registration plan, or the owner of a commercial car 50807
used solely in intrastate commerce, or the owner of a bus as 50808
defined in section 4513.50 of the Revised Code. 50809

(2) No person applying for a multi-year registration under 50810
division (A)(1) of this section is entitled to a refund of any 50811
taxes or fees paid. 50812

(3) The registrar shall not issue to any applicant who has 50813
been issued a final, nonappealable order under division (B) of 50814
this section a multi-year registration or renewal thereof under 50815
this division or rules adopted under it for any motor vehicle that 50816
is required to be inspected under section 3704.14 of the Revised 50817
Code the district of registration of which, as determined under 50818
section 4503.10 of the Revised Code, is or is located in the 50819
county named in the order. 50820

(B) Upon receipt from the director of environmental 50821
protection of a notice issued under ~~division (J) of rules adopted~~ 50822
under section 3704.14 of the Revised Code indicating that an owner 50823
of a motor vehicle that is required to be inspected under that 50824
section who obtained a multi-year registration for the vehicle 50825
under division (A) of this section or rules adopted under that 50826

division has not obtained ~~an~~ a required inspection certificate for 50827
the vehicle ~~in accordance with that section in a year intervening~~ 50828
~~between the years of issuance and expiration of the multi-year~~ 50829
~~registration in which the owner is required to have the vehicle~~ 50830
~~inspected and obtain an inspection certificate for it under~~ 50831
~~division (F)(1)(a) of that section,~~ the registrar in accordance 50832
with Chapter 119. of the Revised Code shall issue an order to the 50833
owner impounding the certificate of registration and 50834
identification license plates for the vehicle. The order also 50835
shall prohibit the owner from obtaining or renewing a multi-year 50836
registration for any vehicle that is required to be inspected 50837
under that section, the district of registration of which is or is 50838
located in the same county as the county named in the order during 50839
the number of years after expiration of the current multi-year 50840
registration that equals the number of years for which the current 50841
multi-year registration was issued. 50842

An order issued under this division shall require the owner 50843
to surrender to the registrar the certificate of registration and 50844
license plates for the vehicle named in the order within five days 50845
after its issuance. If the owner fails to do so within that time, 50846
the registrar shall certify that fact to the county sheriff or 50847
local police officials who shall recover the certificate of 50848
registration and license plates for the vehicle. 50849

(C) Upon the occurrence of either of the following 50850
circumstances, the registrar in accordance with Chapter 119. of 50851
the Revised Code shall issue to the owner a modified order 50852
rescinding the provisions of the order issued under division (B) 50853
of this section impounding the certificate of registration and 50854
license plates for the vehicle named in that original order: 50855

(1) Receipt from the director of environmental protection of 50856
a subsequent notice under ~~division (J) of~~ rules adopted under 50857
section 3704.14 of the Revised Code that the owner has obtained 50858

the inspection certificate for the vehicle as required under 50859
~~division (F)(1)(a) of that section~~ those rules; 50860

(2) Presentation to the registrar by the owner of the 50861
required inspection certificate for the vehicle. 50862

(D) The owner of a motor vehicle for which the certificate of 50863
registration and license plates have been impounded pursuant to an 50864
order issued under division (B) of this section, upon issuance of 50865
a modified order under division (C) of this section, may apply to 50866
the registrar for their return. A fee of two dollars and fifty 50867
cents shall be charged for the return of the certificate of 50868
registration and license plates for each vehicle named in the 50869
application. 50870

Sec. 4503.471. (A) Any person who is a member in good 50871
standing of the international association of firefighters may 50872
apply to the registrar of motor vehicles for the registration of 50873
any passenger car, noncommercial vehicle, ~~motor home~~ recreational 50874
vehicle, or other vehicle of a class approved by the registrar 50875
that the person owns or leases and the issuance of international 50876
association of firefighters license plates. The application shall 50877
be accompanied by the written evidence that the registrar may 50878
require by rule showing that the person is a member in good 50879
standing of the international association of firefighters. The 50880
application for international association of firefighters license 50881
plates may be combined with a request for a special reserved 50882
license plate under section 4503.40 or 4503.42 of the Revised 50883
Code. 50884

Upon receipt of an application for registration of a vehicle 50885
under this section and presentation of satisfactory evidence 50886
showing that the person is a member in good standing of the 50887
international association of firefighters, the registrar shall 50888
issue to the applicant the appropriate vehicle registrations, sets 50889

of license plates and validation stickers, or validation stickers 50890
alone when required by section 4503.191 of the Revised Code. 50891

In addition to the letters and numbers ordinarily inscribed 50892
on the license plates, international association of firefighters 50893
license plates shall be inscribed with a Maltese cross emblem 50894
designed by the international association of firefighters and 50895
approved by the registrar. International association of 50896
firefighters license plates shall bear county identification 50897
stickers that identify the county of registration by name or 50898
number. 50899

The license plates and validation stickers shall be issued 50900
upon payment of the regular license fee as prescribed under 50901
section 4503.04 of the Revised Code, payment of any local motor 50902
vehicle tax levied under Chapter 4504. of the Revised Code, and 50903
payment of an additional fee of ten dollars for the purpose of 50904
compensating the bureau of motor vehicles for additional services 50905
required in the issuing of license plates under this section. If 50906
the application for international association of firefighters 50907
license plates is combined with a request for a special reserved 50908
license plate under section 4503.40 or 4503.42 of the Revised 50909
Code, the license plate and validation sticker shall be issued 50910
upon payment of the fees and taxes contained in this division and 50911
the additional fee prescribed under section 4503.40 or 4503.42 of 50912
the Revised Code. The registrar shall deposit the additional fee 50913
of ten dollars in the state bureau of motor vehicles fund created 50914
by section 4501.25 of the Revised Code. 50915

Whenever a person no longer is eligible to be issued 50916
international association of firefighters license plates, the 50917
person shall surrender the international association of 50918
firefighters license plates to the bureau in exchange for license 50919
plates without the Maltese cross emblem described in this section. 50920
A fee of five dollars shall be charged for the services required 50921

in the issuing of replacement plates when a person no longer is 50922
eligible to be issued international association of firefighters 50923
license plates. 50924

A person may make application for international association 50925
of firefighters license plates at any time of year, and the 50926
registrar shall issue international association of firefighters 50927
license plates and replacement plates at any time of year. 50928

(B) No person who is not a member in good standing of the 50929
international association of firefighters shall willfully and 50930
falsely represent that the person is a member in good standing of 50931
the international association of firefighters for the purpose of 50932
obtaining international association of firefighters license plates 50933
under this section. No person shall own or lease a vehicle bearing 50934
international association of firefighters license plates unless 50935
the person is eligible to be issued international association of 50936
firefighters license plates. 50937

(C) Whoever violates division (B) of this section is guilty 50938
of a misdemeanor of the fourth degree. 50939

Sec. 4503.48. Any person who is a member of the Ohio national 50940
guard or the reserves of the armed forces of the United States may 50941
apply to the registrar of motor vehicles for the registration of 50942
any passenger car, noncommercial motor vehicle, ~~motor home~~ 50943
recreational vehicle, or other vehicle of a class approved by the 50944
registrar that the person owns or leases. The application shall be 50945
accompanied by such written evidence that the person is a member 50946
of the Ohio national guard or of the reserves as the registrar 50947
requires by rule. 50948

Upon receipt of an application for registration of a motor 50949
vehicle under this section, presentation of satisfactory evidence 50950
of membership in the Ohio national guard or the reserves, and 50951

payment of the regular license fees as prescribed under section 50952
4503.04 of the Revised Code and any local motor vehicle license 50953
tax levied under Chapter 4504. of the Revised Code, the registrar 50954
shall issue to the applicant the appropriate motor vehicle 50955
registration and a set of license plates and a validation sticker, 50956
or a validation sticker alone when required by section 4503.191 of 50957
the Revised Code. In addition to the letters and numbers 50958
ordinarily inscribed thereon, the license plates shall be 50959
inscribed with identifying words or markings designed by the 50960
department of public safety. The license plates shall bear county 50961
identification stickers that identify the county of registration 50962
by name or number. 50963

Sec. 4503.50. (A) The owner or lessee of any passenger car, 50964
noncommercial motor vehicle, ~~motor home~~ recreational vehicle, or 50965
other vehicle of a class approved by the registrar of motor 50966
vehicles may apply to the registrar for the registration of the 50967
vehicle and issuance of future farmers of America license plates. 50968
The application for future farmers of America license plates may 50969
be combined with a request for a special reserved license plate 50970
under section 4503.40 or 4503.42 of the Revised Code. Upon receipt 50971
of the completed application and compliance with division (B) of 50972
this section, the registrar shall issue to the applicant the 50973
appropriate vehicle registration and a set of future farmers of 50974
America license plates with a validation sticker or a validation 50975
sticker alone when required by section 4503.191 of the Revised 50976
Code. 50977

In addition to the letters and numbers ordinarily inscribed 50978
on the license plates, future farmers of America license plates 50979
shall be inscribed with identifying words or markings representing 50980
the future farmers of America and approved by the registrar. 50981
Future farmers of America license plates shall bear county 50982

identification stickers that identify the county of registration 50983
by name or number. 50984

(B) The future farmers of America license plates and 50985
validation sticker shall be issued upon receipt of a contribution 50986
as provided in division (C) of this section and upon payment of 50987
the regular license tax as prescribed under section 4503.04 of the 50988
Revised Code, a fee of ten dollars for the purpose of compensating 50989
the bureau of motor vehicles for additional services required in 50990
the issuing of the future farmers of America license plates, any 50991
applicable motor vehicle tax levied under Chapter 4504. of the 50992
Revised Code, and compliance with all other applicable laws 50993
relating to the registration of motor vehicles. If the application 50994
for future farmers of America license plates is combined with a 50995
request for a special reserved license plate under section 4503.40 50996
or 4503.42 of the Revised Code, the license plate and validation 50997
sticker shall be issued upon payment of the contribution, fees, 50998
and taxes referred to or established in this division and the 50999
additional fee prescribed under section 4503.40 or 4503.42 of the 51000
Revised Code. 51001

(C) For each application for registration and registration 51002
renewal the registrar receives under this section, the registrar 51003
shall collect a contribution of fifteen dollars. The registrar 51004
shall transmit this contribution to the treasurer of state for 51005
deposit in the license plate contribution fund created in section 51006
4501.21 of the Revised Code. 51007

The registrar shall deposit the additional fee of ten dollars 51008
specified in division (B) of this section that the applicant for 51009
registration pays for the purpose of compensating the bureau for 51010
the additional services required in the issuing of the applicant's 51011
future farmers of America license plates in the state bureau of 51012
motor vehicles fund created in section 4501.25 of the Revised 51013
Code. 51014

Sec. 4503.53. Any person who served in the armed forces of 51015
the United States in Saudi Arabia or Kuwait during Operation 51016
Desert Storm or Operation Desert Shield, in Panama during the 51017
invasion, in Grenada during the invasion, in Lebanon during the 51018
invasion, during the Vietnam conflict, during the Korean conflict, 51019
during World War II, or during World War I, and who is on active 51020
duty or is an honorably discharged veteran may apply to the 51021
registrar of motor vehicles for the registration of any passenger 51022
car, noncommercial motor vehicle, ~~motor home~~ recreational vehicle, 51023
or other vehicle of a class approved by the registrar the person 51024
owns or leases. The application shall be accompanied by such 51025
written evidence of the applicant's service as the registrar 51026
requires by rule. In the case of an honorably discharged veteran, 51027
the written evidence shall include a copy of the applicant's 51028
DD-214 form or an equivalent document. 51029

Upon receipt of an application for registration of a motor 51030
vehicle under this section, presentation of satisfactory evidence 51031
of military service in Saudi Arabia or Kuwait during Operation 51032
Desert Storm or Operation Desert Shield, in Panama during the 51033
invasion, in Grenada during the invasion, in Lebanon during the 51034
invasion, during the Vietnam conflict, during the Korean conflict, 51035
during World War II, or during World War I, and payment of the 51036
regular license tax as prescribed under section 4503.04 of the 51037
Revised Code and any applicable local tax levied under Chapter 51038
4504. of the Revised Code, the registrar shall issue to the 51039
applicant the appropriate motor vehicle registration and a set of 51040
license plates and a validation sticker, or a validation sticker 51041
alone when required by section 4503.191 of the Revised Code. In 51042
accordance with rules adopted by the registrar, each license plate 51043
shall be inscribed with identifying letters or numerals and the 51044
word "VETERAN"; in addition, each license plate shall be inscribed 51045
with a design and words indicating service in Saudi Arabia, 51046

Kuwait, Panama, Grenada, or Lebanon, or during the Vietnam 51047
conflict, the Korean conflict, World War II, or World War I. 51048

Sec. 4503.571. Any person who has been awarded the purple 51049
heart may apply to the registrar of motor vehicles for the 51050
registration of any passenger car, noncommercial motor vehicle, 51051
~~motor home~~ recreational vehicle, or other vehicle of a class 51052
approved by the registrar that the person owns or leases. The 51053
application shall be accompanied by such documentary evidence in 51054
support of the award as the registrar may require. The application 51055
may be combined with a request for a special reserved license 51056
plate under section 4503.40 or 4503.42 of the Revised Code. 51057

Upon receipt of an application for registration of a motor 51058
vehicle under this section and the required taxes and fees, and 51059
upon presentation of the required supporting evidence of the award 51060
of the purple heart, the registrar shall issue to the applicant 51061
the appropriate motor vehicle registration and a set of license 51062
plates and a validation sticker, or a validation sticker alone 51063
when required by section 4503.191 of the Revised Code. 51064

In addition to the letters and numbers ordinarily inscribed 51065
on the license plates, the license plates shall be inscribed with 51066
the words "PURPLE HEART." The license plates shall bear county 51067
identification stickers that identify the county of registration 51068
by name or number. 51069

The license plates and validation stickers shall be issued 51070
upon payment of the regular license fee required by section 51071
4503.04 of the Revised Code, payment of any local motor vehicle 51072
license tax levied under Chapter 4504. of the Revised Code, and 51073
compliance with all other applicable laws relating to the 51074
registration of motor vehicles. If the application is combined 51075
with a request for a special reserved license plate under section 51076
4503.40 or 4503.42 of the Revised Code, the license plates and 51077

validation sticker shall be issued upon payment of the fees and 51078
taxes referred to in this section and the additional fee 51079
prescribed under section 4503.40 or 4503.42 of the Revised Code. 51080

No person who is not a recipient of the purple heart shall 51081
willfully and falsely represent that the person is a recipient of 51082
a purple heart for the purpose of obtaining license plates under 51083
this section. No person shall own a motor vehicle bearing license 51084
plates under this section unless the person is eligible to be 51085
issued those license plates. 51086

Sec. 4503.59. The owner or lessee of any passenger car, 51087
noncommercial motor vehicle, ~~motor-home~~ recreational vehicle, or 51088
other vehicle of a class approved by the registrar of motor 51089
vehicles who is certified by the Pearl Harbor survivors 51090
association as having survived the attack on Pearl Harbor may 51091
apply to the registrar for the registration of the vehicle and 51092
issuance of Pearl Harbor license plates. The application for Pearl 51093
Harbor license plates may be combined with a request for a special 51094
reserved license plate under section 4503.40 or 4503.42 of the 51095
Revised Code. Upon receipt of the completed application, 51096
presentation by the applicant of documentation issued by the Pearl 51097
Harbor survivors association certifying that the applicant 51098
survived the attack on Pearl Harbor, and compliance by the 51099
applicant with this section, the registrar shall issue to the 51100
applicant the appropriate vehicle registration and a set of Pearl 51101
Harbor license plates with a validation sticker or a validation 51102
sticker alone when required by section 4503.191 of the Revised 51103
Code. 51104

In addition to the letters and numbers ordinarily inscribed 51105
thereon, Pearl Harbor license plates shall be inscribed with the 51106
words "Pearl Harbor" and a symbol or logo designed by the Pearl 51107
Harbor survivors association and approved by the registrar. Pearl 51108

Harbor license plates shall bear county identification stickers 51109
that identify the county of registration by name or number. 51110

Pearl Harbor license plates and validation stickers shall be 51111
issued upon payment of the regular license fee required by section 51112
4503.04 of the Revised Code, payment of any local motor vehicle 51113
license tax levied under Chapter 4504. of the Revised Code, and 51114
compliance with all other applicable laws relating to the 51115
registration of motor vehicles. If the application for Pearl 51116
Harbor license plates is combined with a request for a special 51117
reserved license plate under section 4503.40 or 4503.42 of the 51118
Revised Code, the license plates and validation sticker shall be 51119
issued upon payment of the fees and taxes contained in this 51120
section and the additional fee prescribed under section 4503.40 or 51121
4503.42 of the Revised Code. 51122

Sec. 4503.73. (A) The owner or lessee of any passenger car, 51123
noncommercial motor vehicle, ~~motor home~~ recreational vehicle, or 51124
other vehicle of a class approved by the registrar of motor 51125
vehicles may apply to the registrar for the registration of the 51126
vehicle and issuance of "the leader in flight" license plates. The 51127
application for "the leader in flight" license plates may be 51128
combined with a request for a special reserved license plate under 51129
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 51130
the completed application and compliance with division (B) of this 51131
section, the registrar shall issue to the applicant the 51132
appropriate vehicle registration and a set of "the leader in 51133
flight" license plates with a validation sticker or a validation 51134
sticker alone when required by section 4503.191 of the Revised 51135
Code. 51136

In addition to the letters and numbers ordinarily inscribed 51137
thereon, "the leader in flight" license plates shall be inscribed 51138
with the words "the leader in flight" and illustrations of a space 51139

shuttle in a vertical position and the Wright "B" airplane. "The
leader in flight" license plates shall bear county identification
stickers that identify the county of registration by name or
number.

(B) "The leader in flight" license plates and validation
sticker shall be issued upon receipt of a contribution as provided
in division (C) of this section and payment of the regular license
tax as prescribed under section 4503.04 of the Revised Code, a fee
of ten dollars for the purpose of compensating the bureau of motor
vehicles for additional services required in the issuing of "the
leader in flight" license plates, any applicable motor vehicle tax
levied under Chapter 4504. of the Revised Code, and compliance
with all other applicable laws relating to the registration of
motor vehicles. If the application for "the leader in flight"
license plates is combined with a request for a special reserved
license plate under section 4503.40 or 4503.42 of the Revised
Code, the license plate and validation sticker shall be issued
upon payment of the fees and taxes referred to or established in
this division and the additional fee prescribed under section
4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration
renewal received under this section, the registrar shall collect a
contribution of fifteen dollars. The registrar shall transmit this
contribution to the treasurer of state for deposit in the license
plate contribution fund created in section 4501.21 of the Revised
Code.

The registrar shall deposit the additional fee of ten dollars
specified in division (B) of this section that the applicant for
registration voluntarily pays for the purpose of compensating the
bureau for the additional services required in the issuing of the
applicant's "the leader in flight" license plates in the state
bureau of motor vehicles fund created in section 4501.25 of the

Revised Code. 51172

Sec. 4503.85. (A) The owner or lessee of any passenger car, 51173
noncommercial motor vehicle, ~~motor home~~ recreational vehicle, or 51174
other vehicle of a class approved by the registrar of motor 51175
vehicles may apply to the registrar for the registration of the 51176
vehicle and issuance of "Fish Lake Erie" license plates. The 51177
application for "Fish Lake Erie" license plates may be combined 51178
with a request for a special reserved license plate under section 51179
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 51180
completed application and compliance with division (B) of this 51181
section, the registrar shall issue to the applicant the 51182
appropriate vehicle registration, a set of "Fish Lake Erie" 51183
license plates, and a validation sticker, or a validation sticker 51184
alone when required by section 4503.191 of the Revised Code. 51185

In addition to the letters and numbers ordinarily inscribed 51186
on the license plates, "Fish Lake Erie" license plates shall be 51187
inscribed with identifying words or markings designed by the Ohio 51188
sea grant college program and approved by the registrar. "Fish 51189
Lake Erie" license plates shall bear county identification 51190
stickers that identify the county of registration by name or 51191
number. 51192

(B) "Fish Lake Erie" license plates and a validation sticker 51193
or, when applicable, a validation sticker alone shall be issued 51194
upon receipt of an application for registration of a motor vehicle 51195
submitted under this section and a contribution as provided in 51196
division (C) of this section, payment of the regular license tax 51197
as prescribed under section 4503.04 of the Revised Code, any 51198
applicable motor vehicle tax levied under Chapter 4504. of the 51199
Revised Code, and an additional fee of ten dollars, and compliance 51200
with all other applicable laws relating to the registration of 51201
motor vehicles. If the application for "Fish Lake Erie" license 51202

plates is combined with a request for a special reserved license
plate under section 4503.40 or 4503.42 of the Revised Code, the
license plates and validation sticker or validation sticker alone
shall be issued upon payment of the fees and taxes referred to or
established in this division plus the additional fee prescribed in
section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration
renewal that the registrar receives under this section, the
registrar shall collect a contribution of fifteen dollars. The
registrar shall deposit this contribution into the state treasury
to the credit of the license plate contribution fund created in
section 4501.21 of the Revised Code.

The additional fee of ten dollars described in division (B)
of this section shall be for the purpose of compensating the
bureau of motor vehicles for additional services required in
issuing license plates under this section. The registrar shall
deposit that fee into the state treasury to the credit of the
state bureau of motor vehicles fund created by section 4501.25 of
the Revised Code.

Sec. 4503.91. (A) The owner or lessee of any passenger car,
noncommercial motor vehicle, ~~motor home~~ recreational vehicle, 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. 51234

In addition to the letters and numbers ordinarily inscribed 51235
on license plates, "choose life" license plates shall be inscribed 51236
with the words "choose life" and a marking designed by "choose 51237
life, inc.," a private, nonprofit corporation incorporated in the 51238
state of Florida. The registrar shall review the design and 51239
approve it if the design is feasible. If the design is not 51240
feasible, the registrar shall notify "choose life, inc," and the 51241
organization may resubmit designs until a feasible one is 51242
approved. "Choose life" license plates shall bear county 51243
identification stickers that identify the county of registration 51244
by name or number. 51245

(B) "Choose life" license plates and a validation sticker, or 51246
a validation sticker alone, shall be issued upon receipt of a 51247
contribution as provided in division (C) of this section and upon 51248
payment of the regular license tax prescribed in section 4503.04 51249
of the Revised Code, any applicable motor vehicle tax levied under 51250
Chapter 4504. of the Revised Code, any applicable additional fee 51251
prescribed by section 4503.40 or 4503.42 of the Revised Code, a 51252
fee of ten dollars for the purpose of compensating the bureau of 51253
motor vehicles for additional services required in the issuing of 51254
"choose life" license plates, and compliance with all other 51255
applicable laws relating to the registration of motor vehicles. 51256

(C)(1) For each application for registration and registration 51257
renewal received under this section, the registrar shall collect a 51258
contribution of twenty dollars. The registrar shall transmit this 51259
contribution to the treasurer of state for deposit in the "choose 51260
life" fund created in section 3701.65 of the Revised Code. 51261

(2) The registrar shall deposit the additional fee of ten 51262
dollars specified in division (B) of this section for the purpose 51263
of compensating the bureau for the additional services required in 51264

issuing "choose life" license plates in the state bureau of motor 51265
vehicles fund created in section 4501.25 of the Revised Code. 51266

Sec. 4505.06. (A)(1) Application for a certificate of title 51267
shall be made in a form prescribed by the registrar of motor 51268
vehicles and shall be sworn to before a notary public or other 51269
officer empowered to administer oaths. The application shall be 51270
filed with the clerk of any court of common pleas. An application 51271
for a certificate of title may be filed electronically by any 51272
electronic means approved by the registrar in any county with the 51273
clerk of the court of common pleas of that county. Any payments 51274
required by this chapter shall be considered as accompanying any 51275
electronically transmitted application when payment actually is 51276
received by the clerk. Payment of any fee or taxes may be made by 51277
electronic transfer of funds. 51278

(2) The application for a certificate of title shall be 51279
accompanied by the fee prescribed in section 4505.09 of the 51280
Revised Code. The fee shall be retained by the clerk who issues 51281
the certificate of title and shall be distributed in accordance 51282
with that section. If a clerk of a court of common pleas, other 51283
than the clerk of the court of common pleas of an applicant's 51284
county of residence, issues a certificate of title to the 51285
applicant, the clerk shall transmit data related to the 51286
transaction to the automated title processing system. 51287

(3) If a certificate of title previously has been issued for 51288
a motor vehicle in this state, the application for a certificate 51289
of title also shall be accompanied by that certificate of title 51290
duly assigned, unless otherwise provided in this chapter. If a 51291
certificate of title previously has not been issued for the motor 51292
vehicle in this state, the application, unless otherwise provided 51293
in this chapter, shall be accompanied by a manufacturer's or 51294
importer's certificate or by a certificate of title of another 51295

state from which the motor vehicle was brought into this state. If 51296
the application refers to a motor vehicle last previously 51297
registered in another state, the application also shall be 51298
accompanied by the physical inspection certificate required by 51299
section 4505.061 of the Revised Code. If the application is made 51300
by two persons regarding a motor vehicle in which they wish to 51301
establish joint ownership with right of survivorship, they may do 51302
so as provided in section 2131.12 of the Revised Code. If the 51303
applicant requests a designation of the motor vehicle in 51304
beneficiary form so that upon the death of the owner of the motor 51305
vehicle, ownership of the motor vehicle will pass to a designated 51306
transfer-on-death beneficiary or beneficiaries, the applicant may 51307
do so as provided in section 2131.13 of the Revised Code. A person 51308
who establishes ownership of a motor vehicle that is transferable 51309
on death in accordance with section 2131.13 of the Revised Code 51310
may terminate that type of ownership or change the designation of 51311
the transfer-on-death beneficiary or beneficiaries by applying for 51312
a certificate of title pursuant to this section. The clerk shall 51313
retain the evidence of title presented by the applicant and on 51314
which the certificate of title is issued, except that, if an 51315
application for a certificate of title is filed electronically by 51316
an electronic motor vehicle dealer on behalf of the purchaser of a 51317
motor vehicle, the clerk shall retain the completed electronic 51318
record to which the dealer converted the certificate of title 51319
application and other required documents. The registrar, after 51320
consultation with the attorney general, shall adopt rules that 51321
govern the location at which, and the manner in which, are stored 51322
the actual application and all other documents relating to the 51323
sale of a motor vehicle when an electronic motor vehicle dealer 51324
files the application for a certificate of title electronically on 51325
behalf of the purchaser. 51326

The clerk shall use reasonable diligence in ascertaining 51327

whether or not the facts in the application for a certificate of
title are true by checking the application and documents
accompanying it or the electronic record to which a dealer
converted the application and accompanying documents with the
records of motor vehicles in the clerk's office. If the clerk is
satisfied that the applicant is the owner of the motor vehicle and
that the application is in the proper form, the clerk, within five
business days after the application is filed and except as
provided in section 4505.021 of the Revised Code, shall issue a
physical certificate of title over the clerk's signature and
sealed with the clerk's seal, unless the applicant specifically
requests the clerk not to issue a physical certificate of title
and instead to issue an electronic certificate of title. For
purposes of the transfer of a certificate of title, if the clerk
is satisfied that the secured party has duly discharged a lien
notation but has not canceled the lien notation with a clerk, the
clerk may cancel the lien notation on the automated title
processing system and notify the clerk of the county of origin.

(4) In the case of the sale of a motor vehicle to a general
buyer or user by a dealer, by a motor vehicle leasing dealer
selling the motor vehicle to the lessee or, in a case in which the
leasing dealer subleased the motor vehicle, the sublessee, at the
end of the lease agreement or sublease agreement, or by a
manufactured home broker, the certificate of title shall be
obtained in the name of the buyer by the dealer, leasing dealer,
or manufactured home broker, as the case may be, upon application
signed by the buyer. The certificate of title shall be issued, or
the process of entering the certificate of title application
information into the automated title processing system if a
physical certificate of title is not to be issued shall be
completed, within five business days after the application for
title is filed with the clerk. If the buyer of the motor vehicle

previously leased the motor vehicle and is buying the motor
vehicle at the end of the lease pursuant to that lease, the
certificate of title shall be obtained in the name of the buyer by
the motor vehicle leasing dealer who previously leased the motor
vehicle to the buyer or by the motor vehicle leasing dealer who
subleased the motor vehicle to the buyer under a sublease
agreement.

In all other cases, except as provided in section 4505.032
and division (D)(2) of section 4505.11 of the Revised Code, such
certificates shall be obtained by the buyer.

(5)(a)(i) If the certificate of title is being obtained in
the name of the buyer by a motor vehicle dealer or motor vehicle
leasing dealer and there is a security interest to be noted on the
certificate of title, the dealer or leasing dealer shall submit
the application for the certificate of title and payment of the
applicable tax to a clerk within seven business days after the
later of the delivery of the motor vehicle to the buyer or the
date the dealer or leasing dealer obtains the manufacturer's or
importer's certificate, or certificate of title issued in the name
of the dealer or leasing dealer, for the motor vehicle. Submission
of the application for the certificate of title and payment of the
applicable tax within the required seven business days may be
indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the
security interest noted on its face, the dealer or leasing dealer
shall forward the certificate of title to the secured party at the
location noted in the financing documents or otherwise specified
by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer
is liable to a secured party for a late fee of ten dollars per day
for each certificate of title application and payment of the

applicable tax that is submitted to a clerk more than seven 51391
business days but less than twenty-one days after the later of the 51392
delivery of the motor vehicle to the buyer or the date the dealer 51393
or leasing dealer obtains the manufacturer's or importer's 51394
certificate, or certificate of title issued in the name of the 51395
dealer or leasing dealer, for the motor vehicle and, from then on, 51396
twenty-five dollars per day until the application and applicable 51397
tax are submitted to a clerk. 51398

(b) In all cases of transfer of a motor vehicle, the 51399
application for certificate of title shall be filed within thirty 51400
days after the assignment or delivery of the motor vehicle. If an 51401
application for a certificate of title is not filed within the 51402
period specified in division (A)(5)(b) of this section, the clerk 51403
shall collect a fee of five dollars for the issuance of the 51404
certificate, except that no such fee shall be required from a 51405
motor vehicle salvage dealer, as defined in division (A) of 51406
section 4738.01 of the Revised Code, who immediately surrenders 51407
the certificate of title for cancellation. The fee shall be in 51408
addition to all other fees established by this chapter, and shall 51409
be retained by the clerk. The registrar shall provide, on the 51410
certificate of title form prescribed by section 4505.07 of the 51411
Revised Code, language necessary to give evidence of the date on 51412
which the assignment or delivery of the motor vehicle was made. 51413

(6) As used in division (A) of this section, "lease 51414
agreement," "lessee," and "sublease agreement" have the same 51415
meanings as in section 4505.04 of the Revised Code. 51416

(B)(1) The clerk, except as provided in this section, shall 51417
refuse to accept for filing any application for a certificate of 51418
title and shall refuse to issue a certificate of title unless the 51419
dealer or manufactured home broker or the applicant, in cases in 51420
which the certificate shall be obtained by the buyer, submits with 51421
the application payment of the tax levied by or pursuant to 51422

Chapters 5739. and 5741. of the Revised Code based on the 51423
purchaser's county of residence. Upon payment of the tax in 51424
accordance with division (E) of this section, the clerk shall 51425
issue a receipt prescribed by the registrar and agreed upon by the 51426
tax commissioner showing payment of the tax or a receipt issued by 51427
the commissioner showing the payment of the tax. When submitting 51428
payment of the tax to the clerk, a dealer shall retain any 51429
discount to which the dealer is entitled under section 5739.12 of 51430
the Revised Code. 51431

(2) For receiving and disbursing such taxes paid to the clerk 51432
by a resident of the clerk's county, the clerk may retain a 51433
poundage fee of one and one one-hundredth per cent, and the clerk 51434
shall pay the poundage fee into the certificate of title 51435
administration fund created by section 325.33 of the Revised Code. 51436
The clerk shall not retain a poundage fee from payments of taxes 51437
by persons who do not reside in the clerk's county. 51438

A clerk, however, may retain from the taxes paid to the clerk 51439
an amount equal to the poundage fees associated with certificates 51440
of title issued by other clerks of courts of common pleas to 51441
applicants who reside in the first clerk's county. The registrar, 51442
in consultation with the tax commissioner and the clerks of the 51443
courts of common pleas, shall develop a report from the automated 51444
title processing system that informs each clerk of the amount of 51445
the poundage fees that the clerk is permitted to retain from those 51446
taxes because of certificates of title issued by the clerks of 51447
other counties to applicants who reside in the first clerk's 51448
county. 51449

(3) In the case of casual sales of motor vehicles, as defined 51450
in section 4517.01 of the Revised Code, the price for the purpose 51451
of determining the tax shall be the purchase price on the assigned 51452
certificate of title executed by the seller and filed with the 51453
clerk by the buyer on a form to be prescribed by the registrar, 51454

which shall be prima-facie evidence of the amount for the 51455
determination of the tax. 51456

(4) Each county clerk shall forward to the treasurer of state 51457
all sales and use tax collections resulting from sales of motor 51458
vehicles, off-highway motorcycles, and all-purpose vehicles during 51459
a calendar week on or before the Friday following the close of 51460
that week. If, on any Friday, the offices of the clerk of courts 51461
or the state are not open for business, the tax shall be forwarded 51462
to the treasurer of state on or before the next day on which the 51463
offices are open. Every remittance of tax under division (B)(4) of 51464
this section shall be accompanied by a remittance report in such 51465
form as the tax commissioner prescribes. Upon receipt of a tax 51466
remittance and remittance report, the treasurer of state shall 51467
date stamp the report and forward it to the tax commissioner. If 51468
the tax due for any week is not remitted by a clerk of courts as 51469
required under division (B)(4) of this section, the commissioner 51470
may require the clerk to forfeit the poundage fees for the sales 51471
made during that week. The treasurer of state may require the 51472
clerks of courts to transmit tax collections and remittance 51473
reports electronically. 51474

(C)(1) If the transferor indicates on the certificate of 51475
title that the odometer reflects mileage in excess of the designed 51476
mechanical limit of the odometer, the clerk shall enter the phrase 51477
"exceeds mechanical limits" following the mileage designation. If 51478
the transferor indicates on the certificate of title that the 51479
odometer reading is not the actual mileage, the clerk shall enter 51480
the phrase "nonactual: warning - odometer discrepancy" following 51481
the mileage designation. The clerk shall use reasonable care in 51482
transferring the information supplied by the transferor, but is 51483
not liable for any errors or omissions of the clerk or those of 51484
the clerk's deputies in the performance of the clerk's duties 51485
created by this chapter. 51486

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by

a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales.

(E) The clerk shall accept any payment of a tax in cash, or by cashier's check, certified check, draft, money order, or teller check issued by any insured financial institution payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a clerk for the use of any form of payment may be paid by the clerk from the certificate of title administration fund created in

section 325.33 of the Revised Code, or may be assessed by the
clerk upon the applicant as an additional fee. Upon collection,
the additional fees shall be paid by the clerk into that
certificate of title administration fund.

The clerk shall make a good faith effort to collect any
payment of taxes due but not made because the payment was returned
or dishonored, but the clerk is not personally liable for the
payment of uncollected taxes or uncollected fees. The clerk shall
notify the tax commissioner of any such payment of taxes that is
due but not made and shall furnish the information to the
commissioner that the commissioner requires. The clerk shall
deduct the amount of taxes due but not paid from the clerk's
periodic remittance of tax payments, in accordance with procedures
agreed upon by the tax commissioner. The commissioner may collect
taxes due by assessment in the manner provided in section 5739.13
of the Revised Code.

Any person who presents payment that is returned or
dishonored for any reason is liable to the clerk for payment of a
penalty over and above the amount of the taxes due. The clerk
shall determine the amount of the penalty, and the penalty shall
be no greater than that amount necessary to compensate the clerk
for banking charges, legal fees, or other expenses incurred by the
clerk in collecting the returned or dishonored payment. The
remedies and procedures provided in this section are in addition
to any other available civil or criminal remedies. Subsequently
collected penalties, poundage fees, and title fees, less any title
fee due the state, from returned or dishonored payments collected
by the clerk shall be paid into the certificate of title
administration fund. Subsequently collected taxes, less poundage
fees, shall be sent by the clerk to the treasurer of state at the
next scheduled periodic remittance of tax payments, with
information as the commissioner may require. The clerk may abate

all or any part of any penalty assessed under this division. 51583

(F) In the following cases, the clerk shall accept for filing 51584
an application and shall issue a certificate of title without 51585
requiring payment or evidence of payment of the tax: 51586

(1) When the purchaser is this state or any of its political 51587
subdivisions, a church, or an organization whose purchases are 51588
exempted by section 5739.02 of the Revised Code; 51589

(2) When the transaction in this state is not a retail sale 51590
as defined by section 5739.01 of the Revised Code; 51591

(3) When the purchase is outside this state or in interstate 51592
commerce and the purpose of the purchaser is not to use, store, or 51593
consume within the meaning of section 5741.01 of the Revised Code; 51594

(4) When the purchaser is the federal government; 51595

(5) When the motor vehicle was purchased outside this state 51596
for use outside this state; 51597

(6) When the motor vehicle is purchased by a nonresident of 51598
this state for immediate removal from this state, and will be 51599
permanently titled and registered in another state, as provided by 51600
division (B)(23) of section 5739.02 of the Revised Code, and upon 51601
presentation of a copy of the affidavit provided by that section, 51602
and a copy of the exemption certificate provided by section 51603
5739.03 of the Revised Code. 51604

~~The clerk shall forward all payments of taxes, less poundage 51605
fees, to the treasurer of state in a manner to be prescribed by 51606
the tax commissioner and shall furnish information to the 51607
commissioner as the commissioner requires. 51608~~

(G) An application, as prescribed by the registrar and agreed 51609
to by the tax commissioner, shall be filled out and sworn to by 51610
the buyer of a motor vehicle in a casual sale. The application 51611
shall contain the following notice in bold lettering: "WARNING TO 51612

TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 51613
law to state the true selling price. A false statement is in 51614
violation of section 2921.13 of the Revised Code and is punishable 51615
by six months' imprisonment or a fine of up to one thousand 51616
dollars, or both. All transfers are audited by the department of 51617
taxation. The seller and buyer must provide any information 51618
requested by the department of taxation. The buyer may be assessed 51619
any additional tax found to be due." 51620

(H) For sales of manufactured homes or mobile homes occurring 51621
on or after January 1, 2000, the clerk shall accept for filing, 51622
pursuant to Chapter 5739. of the Revised Code, an application for 51623
a certificate of title for a manufactured home or mobile home 51624
without requiring payment of any tax pursuant to section 5739.02, 51625
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 51626
issued by the tax commissioner showing payment of the tax. For 51627
sales of manufactured homes or mobile homes occurring on or after 51628
January 1, 2000, the applicant shall pay to the clerk an 51629
additional fee of five dollars for each certificate of title 51630
issued by the clerk for a manufactured or mobile home pursuant to 51631
division (H) of section 4505.11 of the Revised Code and for each 51632
certificate of title issued upon transfer of ownership of the 51633
home. The clerk shall credit the fee to the county certificate of 51634
title administration fund, and the fee shall be used to pay the 51635
expenses of archiving those certificates pursuant to division (A) 51636
of section 4505.08 and division (H)(3) of section 4505.11 of the 51637
Revised Code. The tax commissioner shall administer any tax on a 51638
manufactured or mobile home pursuant to Chapters 5739. and 5741. 51639
of the Revised Code. 51640

(I) Every clerk shall have the capability to transact by 51641
electronic means all procedures and transactions relating to the 51642
issuance of motor vehicle certificates of title that are described 51643
in the Revised Code as being accomplished by electronic means. 51644

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 51645
of this section, the following shall apply: 51646

(1) No person shall drive a commercial motor vehicle on a 51647
highway in this state unless the person holds, and has in the 51648
person's possession, a valid commercial driver's license with 51649
proper endorsements for the motor vehicle being driven, issued by 51650
the registrar of motor vehicles, a valid examiner's commercial 51651
driving permit issued under section 4506.13 of the Revised Code, a 51652
valid restricted commercial driver's license and waiver for 51653
farm-related service industries issued under section 4506.24 of 51654
the Revised Code, or a valid commercial driver's license temporary 51655
instruction permit issued by the registrar and is accompanied by 51656
an authorized state driver's license examiner or tester or a 51657
person who has been issued and has in the person's immediate 51658
possession a current, valid commercial driver's license with 51659
proper endorsements for the motor vehicle being driven. 51660

(2) No person shall be issued a commercial driver's license 51661
until the person surrenders to the registrar of motor vehicles all 51662
valid licenses issued to the person by another jurisdiction 51663
recognized by this state. The registrar shall report the surrender 51664
of a license to the issuing authority, together with information 51665
that a license is now issued in this state. The registrar shall 51666
destroy any such license that is not returned to the issuing 51667
authority. 51668

(3) No person who has been a resident of this state for 51669
thirty days or longer shall drive a commercial motor vehicle under 51670
the authority of a commercial driver's license issued by another 51671
jurisdiction. 51672

(B) Nothing in division (A) of this section applies to any 51673
qualified person when engaged in the operation of any of the 51674
following: 51675

(1) A farm truck;	51676
(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;	51677 51678
(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;	51679 51680
(4) A recreational vehicle;	51681
(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;	51682 51683 51684 51685 51686 51687 51688 51689 51690 51691
(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserve technicians.	51692 51693 51694 51695
(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the public utilities commission pursuant to Chapter 4919., 4921., or 4923. of the Revised Code.	51696 51697 51698 51699 51700 51701
(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the	51702 51703 51704 51705

furtherance of a commercial enterprise; 51706

(9) A police SWAT team vehicle. 51707

(C) Nothing contained in division (B)(5) of this section 51708
shall be construed as preempting or superseding any law, rule, or 51709
regulation of this state concerning the safe operation of 51710
commercial motor vehicles. 51711

(D) Whoever violates this section is guilty of a misdemeanor 51712
of the first degree. 51713

Sec. 4506.07. (A) Every application for a commercial driver's 51714
license, restricted commercial driver's license, or a commercial 51715
driver's temporary instruction permit, or a duplicate of such a 51716
license, shall be made upon a form approved and furnished by the 51717
registrar of motor vehicles. Except as provided in section 4506.24 51718
of the Revised Code in regard to a restricted commercial driver's 51719
license, the application shall be signed by the applicant and 51720
shall contain the following information: 51721

(1) The applicant's name, date of birth, social security 51722
account number, sex, general description including height, weight, 51723
and color of hair and eyes, current residence, duration of 51724
residence in this state, country of citizenship, and occupation; 51725

(2) Whether the applicant previously has been licensed to 51726
operate a commercial motor vehicle or any other type of motor 51727
vehicle in another state or a foreign jurisdiction and, if so, 51728
when, by what state, and whether the license or driving privileges 51729
currently are suspended or revoked in any jurisdiction, or the 51730
applicant otherwise has been disqualified from operating a 51731
commercial motor vehicle, or is subject to an out-of-service order 51732
issued under this chapter or any similar law of another state or a 51733
foreign jurisdiction and, if so, the date of, locations involved, 51734
and reason for the suspension, revocation, disqualification, or 51735