

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 120

Senators Grendell, Coughlin, Fingerhut

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A B I L L

To amend sections 3704.035, 3704.05, 3704.141, 1
3704.143, 3704.16, 3704.99, 3706.01, 4503.03, 2
4503.10, 4503.102, 4503.103, 4503.51, 5552.01, and 3
5739.02, to enact sections 3704.20, 3704.21, 4
3704.22, 3704.23, and 4503.043, and to repeal 5
sections 3704.14, 3704.142, and 3704.17 of the 6
Revised Code regarding motor vehicle emissions 7
inspections. 8

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

Section 1. That sections 3704.035, 3704.05, 3704.141, 9
3704.143, 3704.16, 3704.99, 3706.01, 4503.03, 4503.10, 4503.102, 10
4503.103, 4503.51, 5552.01, and 5739.02 be amended and sections 11
3704.20, 3704.21, 3704.22, 3704.23, and 4503.043 of the Revised 12
Code be enacted to read as follows: 13

Sec. 3704.035. There is hereby created in the state treasury 14
the clean air fund. Except as otherwise provided in division (K) 15
of section 3745.11 of the Revised Code, all moneys collected under 16
divisions (C), (D), (F), (G), (H), (I), and (J) of that section 17
and under section 3745.111 of the Revised Code, and any gifts, 18
grants, or contributions received by the director of environmental 19
protection for the purposes of the fund, shall be credited to the 20

fund. The director shall expend moneys from the fund exclusively 21
to pay the cost of administering and enforcing the laws of this 22
state pertaining to the prevention, control, and abatement of air 23
pollution and rules adopted and terms and conditions of permits, 24
variances, and orders issued under those laws, except that the 25
director shall not expend moneys credited to the fund for the 26
administration and enforcement of motor vehicle inspection ~~and~~ 27
~~maintenance~~ programs and requirements under sections ~~3704.14,~~ 28
3704.141, 3704.16, 3704.161, 3704.162, and ~~3704.17~~ 3704.20 to 29
3704.23 of the Revised Code. 30

Specifically, the director shall expend all moneys credited 31
to the fund from fees assessed under section 3745.11 of the 32
Revised Code pursuant to the Title V permit program established 33
under section 3704.036 of the Revised Code, and from any gifts, 34
grants, or contributions received for the purposes of that 35
program, solely to administer and enforce that program pursuant to 36
the federal Clean Air Act, this chapter, and rules adopted under 37
it, except as costs relating to enforcement are limited by the 38
federal Clean Air Act. The director shall establish separate and 39
distinct accounting for all such moneys. 40

The director shall report biennially to the general assembly 41
the amounts of fees and other moneys credited to the fund under 42
this section and the amounts expended from it for each of the 43
various air pollution control programs. 44

Sec. 3704.05. (A) No person shall cause, permit, or allow 45
emission of an air contaminant in violation of any rule adopted by 46
the director of environmental protection under division (E) of 47
section 3704.03 of the Revised Code unless the person is the 48
holder of a variance that is issued under division (H) of that 49
section and consistent with the federal Clean Air Act permitting 50
the emission of the contaminant in excess of that permitted by the 51

rule or the person is the holder of an operating permit that 52
includes a compliance schedule issued pursuant to rules adopted 53
under division (G) of section 3704.03 of the Revised Code. 54

(B) No person who is the holder of a variance issued under 55
division (H) of section 3704.03 of the Revised Code shall cause, 56
permit, or allow emission of an air contaminant or contaminants 57
listed therein in violation of the conditions of the variance or 58
fail to obey an order of the director issued under authority of 59
that division. 60

(C) No person who is the holder of a permit issued under 61
division (F) or (G) of section 3704.03 of the Revised Code shall 62
violate any of its terms or conditions. 63

(D) No person shall fail to install and maintain monitoring 64
devices or to submit reports or other information as may be 65
required under division (I) of section 3704.03 of the Revised 66
Code. 67

(E) No person to whom a permit or variance has been issued 68
shall refuse entry to an authorized representative of the director 69
or the environmental protection agency as provided in division (M) 70
of section 3704.03 of the Revised Code or hinder or thwart the 71
person in making an investigation. 72

(F) No person shall fail to submit plans and specifications 73
as required by section 3704.03 of the Revised Code. 74

(G) No person shall violate any order, rule, or determination 75
of the director issued, adopted, or made under this chapter. 76

(H) No person shall do any of the following: 77

(1) Falsify any plans, specifications, data, reports, 78
records, or other information required to be kept or submitted to 79
the director by this chapter or rules adopted under it; 80

(2) Make any false material statement, representation, or 81

certification in any form, notice, or report required by the Title V permit program; 82
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(3) Render inaccurate any monitoring device required by a Title V permit. 84
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Violation of division (H)(1), (2), or (3) of this section is not also falsification under section 2921.13 of the Revised Code. 86
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(I) No person shall knowingly falsify an inspection certificate submitted to another under section ~~3704.14~~ 3704.20 or 3704.21, whichever is applicable, or Chapter 4503. of the Revised Code. Violation of this division is not also falsification under section 2921.13 of the Revised Code. 88
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(J) No person shall do either of the following: 93

(1) With regard to the Title V permit program, fail to pay any administrative penalty assessed in accordance with rules adopted under division (S) of section 3704.03 of the Revised Code or any fee assessed under section 3745.11 of the Revised Code; 94
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(2) Violate any applicable requirement of a Title V permit or any permit condition, except for an emergency as defined in 40 C.F.R. 70.6 (g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or order issued by the director pursuant to the Title V permit program. 98
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(K) On and after the three hundred sixty-sixth day following the administrator's final approval of the Title V permit program, or on and after the three hundred sixty-sixth day following the commencement of operation of a new major source required to comply with section 112(g) or part C or D of Title I of the federal Clean Air Act, whichever is later, no person shall operate any such source that is required to obtain a Title V permit under section 3704.036 of the Revised Code or rules adopted under it unless such 104
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a permit has been issued authorizing operation of the source or
unless a complete and timely application for the issuance,
renewal, or modification of a Title V permit for the source has
been submitted to the director under that section.

Sec. 3704.141. (A) Each motor bus, as defined in section
4501.01 of the Revised Code, that is owned or operated by a
transit system, authority, or commission organized under Chapter
306. or 747. of the Revised Code or under a municipal or county
charter or ordinance and within a county that is subject to either
section ~~3704.14~~ 3704.20 or 3704.21 of the Revised Code shall meet
emission standards for hydrocarbons, carbon monoxide, and, in the
case of diesel fueled motor buses, particulate opacity established
by the director of environmental protection under rules adopted
under division (B) of this section.

(B) In accordance with Chapter 119. of the Revised Code, the
director shall adopt, and may amend and rescind, rules necessary
for the implementation, administration, operation, and enforcement
of this section.

Sec. 3704.143. (A) As used in this section, "contract" means
a contract entered into by the state under former section 3704.14
of the Revised Code with a private contractor for the purpose of
conducting emissions inspections under a motor vehicle inspection
and maintenance program.

(B) ~~Notwithstanding division (D)(5) of section 3704.14 of the
Revised Code, the~~ The director of administrative services or the
director of environmental protection, as applicable, shall not
renew any contract that is in existence on September 5, 2001.
Further, the director of administrative services or the director
of environmental protection, as applicable, shall not enter into a
new contract upon the expiration or termination of any contract

that is in existence on September 5, 2001, or enter into any new 142
contract for the implementation of a motor vehicle inspection and 143
maintenance program in a county in which such a program is not 144
operating on that date. 145

This division does not apply to the remote sensing motor 146
vehicle emissions inspection program established in section 147
3704.20 of the Revised Code and rules adopted under it or to the 148
enhanced motor vehicle inspection and maintenance program 149
established in section 3704.21 of the Revised Code and rules 150
adopted under it. 151

~~(C) Notwithstanding section 3704.14 of the Revised Code or 152
any other section of the Revised Code that requires emissions 153
inspections to be conducted or proof of such inspections to be 154
provided, upon the expiration or termination of all contracts that 155
are in existence on September 5, 2001, the director of 156
environmental protection shall terminate all motor vehicle 157
inspection and maintenance programs in this state and shall not 158
implement a new motor vehicle inspection and maintenance program 159
unless this section is repealed and such a program is authorized 160
by the general assembly. 161~~

~~(D) Notwithstanding section 3704.14 of the Revised Code or 162
any other section of the Revised Code that requires emissions 163
inspections to be conducted or proof of such inspections to be 164
provided, if If the general assembly authorizes any program for 165
the inspection of motor vehicle emissions ~~under division (C) of 166
this section~~ after all contracts for a motor vehicle inspection 167
and maintenance program that are in existence on September 5, 168
2001, terminate or expire, a motor vehicle, the legal title to 169
which has never been transferred by a manufacturer, distributor, 170
or dealer to an ultimate purchaser as defined in section 4517.01 171
of the Revised Code, shall be exempt from any emissions 172
inspections that are required under such a program for a period of 173~~

~~five~~ six years commencing on the date when the first certificate 174
of title to the vehicle was issued on behalf of the ultimate 175
purchaser under Chapter 4503. of the Revised Code. A motor vehicle 176
that is exempt from any emissions inspections for a period of ~~five~~ 177
six years under this division shall remain exempt during that 178
~~five-year~~ six-year period regardless of whether legal title to the 179
motor vehicle is transferred during that period. 180

Sec. 3704.16. (A) As used in sections 3704.16 to 3704.162 of 181
the Revised Code: 182

(1) "Tamper with" means to remove permanently, bypass, 183
defeat, or render inoperative, in whole or part, any emission 184
control system that is installed on or in a motor vehicle. 185

(2) "Motor vehicle" has the same meaning as in section 186
4501.01 of the Revised Code. 187

(3) "Emission control system" means any system designated by 188
the United States environmental protection agency as an emission 189
control system under Title II of the "Clean Air Act Amendments." 190
"Emission control system" includes any device or element of design 191
of the system. 192

(4) "Clean Air Act Amendments" has the same meaning as in 193
section ~~3704.14~~ 3704.20 of the Revised Code. 194

(5) Notwithstanding section 3704.01 of the Revised Code, 195
"person" has the same meaning as in section 1.59 of the Revised 196
Code. 197

(B) No person shall do any of the following: 198

(1) Sell, offer for sale, possess for sale, advertise, 199
manufacture, install, or use any part or component intended for 200
use with or as part of any motor vehicle when the primary effect 201
is to bypass, defeat, or render inoperative, in whole or part, the 202
emission control system; 203

(2) Introduce a leaded fuel into a motor vehicle that is	204
designed, manufactured, or certified by the United States	205
environmental protection agency to use only unleaded fuels;	206
(3) Tamper with any emission control system installed on or	207
in a motor vehicle prior to its sale and delivery to the ultimate	208
purchaser;	209
(4) Violate any rule or order the director of environmental	210
protection adopts or issues under section 3704.161 of the Revised	211
Code;	212
(5) Refuse to permit the director or his <u>the director's</u>	213
designee to inspect any motor vehicle or documents as provided in	214
division (A) of section 3704.161 of the Revised Code.	215
The sale, offering for sale, possession for sale,	216
advertisement, manufacture, installation, and use of a part or	217
component in violation of division (B)(1) of this section all	218
constitute separate offenses.	219
(C) No person shall knowingly do any of the following:	220
(1) Operate a motor vehicle that has been tampered with if	221
the motor vehicle or motor vehicle engine has been certified by	222
the United States environmental protection agency as meeting	223
federal or California emission control standards;	224
(2) Sell, lease, rent, or offer to sell, lease, or rent, or	225
transfer or offer to transfer title or a right to possession of a	226
motor vehicle that has been tampered with;	227
(3) Tamper with any emission control system installed on or	228
in a motor vehicle after sale, lease, or rental and delivery of	229
the vehicle to the ultimate purchaser, lessee, or renter.	230
The sale, lease, rental, and offer to sell, lease, or rent,	231
and other transfer or offer to transfer of title or a right to	232
possession of a motor vehicle in violation of division (C)(2) of	233

this section all constitute separate offenses. 234

(D) Division (C)(2) of this section does not apply to either 235
of the following: 236

(1) Any person who sells, leases, rents, or offers to sell, 237
lease, or rent, or transfers or offers to transfer title or a 238
right to possession of a motor vehicle that has been tampered with 239
if the person is acting as a motor vehicle auction owner, a 240
special auctioneer, or a salvage motor vehicle auction and if the 241
person holds a current and appropriate license to engage in those 242
activities issued under Chapter 4517., 4707., or 4738. of the 243
Revised Code; 244

(2) The sale, lease, rental, or offer to sell, lease, or 245
rent, or transfer or offer to transfer title or right to 246
possession of a motor vehicle that has been tampered with if the 247
vehicle is titled with a salvage certificate of title issued under 248
section 4505.11 of the Revised Code. 249

(E) Notwithstanding divisions (B)(1) and (3) and (C)(3) of 250
this section, it is not a violation of those divisions if either 251
of the following conditions is met: 252

(1) The action is taken for the purpose of repair or 253
replacement of the emission control system or is a necessary and 254
temporary procedure to repair or replace any other item on the 255
motor vehicle and the action results in the system's compliance 256
with the "Clean Air Act Amendments"; 257

(2) The action is for the purpose of converting a motor 258
vehicle to use a clean alternative fuel, as defined in Title II of 259
the "Clean Air Act Amendments," the motor vehicle complies with 260
the applicable standard adopted under Section 202 of that act when 261
operating on the fuel, an emission control system is installed or 262
replaced upon completion of the conversion, and the action results 263
in the system's compliance with that act when the motor vehicle 264

operates on the fuel for which it originally was designed. 265

Sec. 3704.20. (A) As used in this section: 266

(1) "Clean Air Act Amendments" means the "Clean Air Act 267
Amendments of 1990," 91 Stat. 685, 42 U.S.C. 7401, as amended, and 268
regulations adopted under it. 269

(2) "Motor vehicle" and "vehicle" have the same meanings as 270
in section 4501.01 of the Revised Code. 271

(3) "Remote sensing" means the measurement of motor vehicle 272
emissions through electronic or light-sensing equipment from a 273
remote location such as the roadside. 274

(4) "Remote sensing program" means a remote sensing motor 275
vehicle emissions inspection program conducted under this section 276
and rules adopted under it. 277

(B) Unless section 3704.21 of the Revised Code applies, the 278
director of environmental protection shall implement and supervise 279
a remote sensing motor vehicle emissions inspection program in any 280
county in which a motor vehicle inspection and maintenance program 281
is required under the Clean Air Act Amendments. The remote sensing 282
program shall be established so that it begins upon the expiration 283
of all contracts in existence on the effective date of this 284
section that were entered into for the purpose of conducting 285
emissions inspections under an enhanced motor vehicle inspection 286
and maintenance program under former section 3704.14 of the 287
Revised Code. The remote sensing program shall be implemented for 288
a period beginning January 1, 2006, and ending December 31, 2007. 289
No remote sensing program shall be implemented under this section 290
after December 31, 2007. 291

The director shall adopt rules in accordance with Chapter 292
119. of the Revised Code to facilitate the implementation, 293
supervision, administration, operation, and enforcement of the 294

remote sensing program. The rules shall provide for all of the 295
following: 296

(1) Criteria for selecting a contractor to conduct remote 297
sensing motor vehicle inspections and reinspections under the 298
program; 299

(2) Inspection procedures and standards, including, but not 300
limited to, emission standards to be used in remote sensing motor 301
vehicle inspections and emission standards for reinspections 302
conducted under this section, and the use of remote sensing 303
equipment that includes devices to detect and record a vehicle's 304
registration or other identification number; 305

(3) Procedures for the notification by mail of owners of 306
motor vehicles the district of registration of which is or is 307
located in any county that is subject to the remote sensing 308
program; 309

(4) Procedures for providing notification and instructions to 310
the owner of a motor vehicle that is not exempt from the 311
requirements of this section and that has failed a remote sensing 312
motor vehicle inspection conducted under this section. The rules 313
adopted under division (B)(4) of this section shall require the 314
owner of a vehicle that has failed a remote sensing motor vehicle 315
inspection to have the vehicle reinspected and receive an 316
inspection certificate in accordance with this section. 317

(5) Procedures for notifying the registrar of motor vehicles 318
when a vehicle has failed a remote sensing motor vehicle 319
inspection; 320

(6) Procedures for coordinating with the registrar of motor 321
vehicles regarding vehicles that are subject to the requirements 322
of this section and for which multi-year registrations apply, and 323
procedures for providing the notice indicated in division (B) of 324
section 4503.103 of the Revised Code; 325

<u>(7) A system for the maintenance and reporting of remote sensing inspection data and reinspection data;</u>	326
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<u>(8) The manner of identifying exempt vehicles;</u>	328
<u>(9) The locations of reinspection stations conducting reinspections of motor vehicles that fail a remote sensing motor vehicle inspection;</u>	329
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<u>(10) Standards for engine tune-ups that are required under division (D) of this section and the establishment of a waiver amount for purposes of that division;</u>	332
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<u>(11) The establishment of a repair cap for the purposes of division (D)(3)(b) of this section;</u>	335
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<u>(12) Any other requirements and procedures that are necessary to implement, supervise, administer, operate, and enforce the remote sensing program.</u>	337
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<u>(C) The remote sensing inspections and the reinspections conducted under the remote sensing motor vehicle emissions inspection program shall be conducted by one or more private contractors. The director of administrative services shall issue and award all contracts pursuant to a request for proposal process. The director shall use the director's best efforts to secure as many proposals as possible for each contract, which shall include the division of the state into independent zones for the purpose of submission of the proposals and awarding of the contracts. Each such zone shall consist of a consolidated metropolitan statistical area or, if such an area does not exist, of a metropolitan statistical area as defined by the bureau of the census in the United States department of commerce.</u>	340
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<u>Contracts awarded under this division shall include provisions for consequential damages, but shall not include provisions requiring compensation for lost or anticipated profits.</u>	353
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A contract entered into under this division shall require a 356
contractor to be in good standing with the laws of this state and 357
with the laws of political subdivisions of this state and shall 358
require a contractor to periodically submit an affidavit attesting 359
to that fact. 360

Contracts awarded under this division are subject to section 361
153.012 of the Revised Code. For the purpose of that section, the 362
operation of the remote sensing motor vehicle emissions inspection 363
program is hereby deemed to be a public improvement. 364

The department of administrative services may issue to the 365
environmental protection agency a release and permit under section 366
125.06 of the Revised Code pursuant to which that agency may issue 367
and award a contract or contracts under this division. If a 368
release and permit is issued, any reference to the director of 369
administrative services under this division is deemed to be a 370
reference to the director of environmental protection. 371

(D)(1) Except as otherwise provided in this section and rules 372
adopted under it, if a motor vehicle the district of registration 373
of which is or is located in a county that is subject to the 374
remote sensing motor vehicle emissions inspection program fails a 375
remote sensing inspection, the owner of the vehicle shall have the 376
vehicle reinspected by a contractor in accordance with this 377
section and rules adopted under it not later than thirty days 378
after notification of the failure of the remote sensing inspection 379
is provided to the owner in accordance with those rules. 380

(2) If a vehicle that is required to be reinspected passes 381
the reinspection, the contractor shall give the owner an 382
inspection certificate for the vehicle. 383

(3) If a vehicle that is required to be reinspected fails the 384
reinspection, the owner shall have the cost of repairs necessary 385
to pass the reinspection estimated by a repair facility, which 386

cost shall include the cost of an engine tune-up. The owner then 387
shall proceed as follows: 388

(a) If the cost of the repairs that are necessary for the 389
vehicle to pass the reinspection does not exceed the waiver limit 390
established in rules adopted under this section, the owner shall 391
have the repairs performed on the vehicle. The owner then shall 392
have the vehicle reinspected again by a contractor. 393

If the vehicle passes the second reinspection, the contractor 394
shall give the owner an inspection certificate for the vehicle. If 395
the vehicle fails the second reinspection, and the cost of the 396
repairs already performed on the vehicle is less than the 397
applicable waiver limit, the owner shall have additional repairs 398
costing up to the waiver limit performed on the vehicle in order 399
to enable it to pass a third reinspection. 400

If, after repairs costing at least the applicable waiver 401
limit have been performed on the vehicle, the vehicle passes the 402
third reinspection, the contractor shall give the owner an 403
inspection certificate for the vehicle. However, if, after repairs 404
costing at least the applicable waiver limit have been performed 405
on the vehicle, the vehicle fails the third reinspection, but the 406
third reinspection indicates an improvement in emissions of the 407
pollutant concerning which the vehicle initially failed and if, 408
following the repairs, no emission levels increase above the 409
standards established in rules adopted under this section for any 410
pollutant concerning which the vehicle did not initially fail, the 411
contractor shall give the owner an inspection certificate for the 412
vehicle that includes a waiver indicating that the vehicle did not 413
pass the required reinspection, but that the owner had repairs 414
costing at least the applicable waiver limit performed on the 415
vehicle. 416

(b) If the cost of the repairs that are necessary for the 417

vehicle to pass an emissions reinspection is estimated to be more 418
than the applicable waiver limit, the owner need not have all of 419
those repairs performed on the vehicle, but shall have an engine 420
tune-up performed on the vehicle that meets the standards 421
established in rules adopted under this section as well as any 422
other necessary repairs the cost of which, together with the cost 423
of the engine tune-up, equals at least the applicable waiver 424
limit. Upon the owner's presentation of original repair receipts 425
attesting that repairs costing at least the applicable waiver 426
limit, including, without limitation, the engine tune-up, have 427
been performed on the vehicle, the contractor shall perform a 428
reinspection of the vehicle to determine the effectiveness of the 429
required engine tune-up and other repairs. If the reinspection 430
indicates an improvement in emissions of the pollutant concerning 431
which the vehicle initially failed and if, following the repairs, 432
no emission levels increase above the standards established in 433
rules adopted under this section for any pollutant concerning 434
which the vehicle did not initially fail, the contractor shall 435
give the owner an inspection certificate for the vehicle that 436
includes a waiver indicating that the vehicle did not pass the 437
required reinspection, but that the owner complied with all 438
requirements governing waivers. 439

However, if the reinspection does not show an improvement in 440
emissions of the pollutant concerning which the vehicle initially 441
failed or if emission levels increase above the standards 442
established in rules adopted under this section for any pollutant 443
concerning which the vehicle did not initially fail, the owner of 444
the motor vehicle shall have repairs performed on the vehicle the 445
cost of which, together with repairs already performed on the 446
vehicle, equals at least the amount of the repair cap established 447
in rules adopted under this section. The owner shall present 448
receipts to the contractor indicating that the owner has had 449

repairs performed in an amount at least equal to the repair cap. 450
Upon presentation of the receipts, the contractor shall give the 451
owner an inspection certificate for the vehicle that includes an 452
indication that the vehicle did not pass the required 453
reinspection, but that repairs costing an amount that is at least 454
equal to the repair cap have been performed on the vehicle. 455

(E) If a motor vehicle that is required to be reinspected 456
under this section is covered by a valid and unexpired emission 457
performance warranty as provided under section 207(b) of the Clean 458
Air Act Amendments, the owner shall have any repairs necessary for 459
the vehicle to pass the reinspection performed on the vehicle 460
under that warranty. The waiver and repair cap requirements 461
established in division (D) of this section and rules adopted 462
under this section do not apply to such a vehicle. 463

(F)(1) The owner of a motor vehicle that is required to be 464
reinspected under this section, but that is leased to another 465
person may require the lessee to have the vehicle reinspected and 466
obtain an inspection certificate on behalf of the owner. 467

(2) The owner or lessee of a motor vehicle that is required 468
to be reinspected under this section and rules adopted under it 469
shall present an inspection certificate issued for that vehicle by 470
a contractor under this section when registering the vehicle under 471
Chapter 4503. of the Revised Code. Proof that an inspection 472
certificate was issued for a motor vehicle, if required by this 473
section, shall be provided before the registrar of motor vehicles 474
may issue license plates for that vehicle under section 4503.40 or 475
4503.42 of the Revised Code. 476

Sec. 3704.21. (A) As used in this section: 477

(1) "Clean Air Act Amendments" has the same meaning as in 478
section 3704.20 of the Revised Code. 479

(2) "Enhanced motor vehicle inspection and maintenance program" or "enhanced program" means a motor vehicle emissions inspection and maintenance program conducted under this section that complies with the requirements governing an enhanced motor vehicle inspection and maintenance program under the Clean Air Act Amendments. 480
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(3) "Licensee" means a person issued a license under division (D) of this section. 486
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(4) "Motor vehicle" or "vehicle" has the same meaning as in section 4501.01 of the Revised Code. 488
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(B) The director of environmental protection shall implement and supervise an enhanced motor vehicle inspection and maintenance program under this section in any county in which a motor vehicle inspection and maintenance program is required under the Clean Air Act Amendments, and shall not implement a remote sensing motor vehicle emissions inspection program under section 3704.20 of the Revised Code in that county, if both of the following apply: 490
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(1) Implementation of a remote sensing program in that county does not comply with requirements of the Clean Air Act Amendments and regulations adopted under it by the United States environmental protection agency. 497
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(2) In lieu of a remote sensing program, an enhanced motor vehicle inspection and maintenance program is required under the Clean Air Act Amendments for that county. 501
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If an enhanced program is required in any county of the state, the director shall implement and supervise the program beginning January 1, 2006, and ending December 31, 2007. No enhanced program shall be implemented under this section after December 31, 2007. 504
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(C) For purposes of facilitating the implementation, 509

supervision, administration, operation, and enforcement of the
enhanced motor vehicle inspection and maintenance program, and not
later than November 1, 2005, the director shall adopt rules in
accordance with Chapter 119. of the Revised Code establishing all
of the following:

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(1) Motor vehicle inspection standards and procedures,
including, but not limited to, emissions standards and procedures
for the issuance of inspection certificates. The standards and
procedures shall ensure that motor vehicles required to be
inspected under this section are not required to be inspected more
than once during any two consecutive annual motor vehicle
registration periods.

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(2) Standards and procedures governing waivers for motor
vehicles that are unable to pass an inspection conducted under
this section and the issuance of inspection certificates for those
vehicles;

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(3) Requirements and procedures governing the issuance of
licenses to inspection stations, including, but not limited to,
application requirements. The rules shall authorize the director
to include terms and conditions as part of a license in order to
ensure compliance with this section and rules adopted under it.
The rules shall require a licensee to be in good standing at all
times with the laws of this state and with the laws of political
subdivisions of this state and shall require a licensee to
periodically submit an affidavit attesting to that fact.

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(4) Procedures for compensating licensees for conducting
inspections from money credited to the Clean Air Act automobile
emissions compliance fund created in section 3704.23 of the
Revised Code. The rules shall require a licensee to submit
evidence in the form of an invoice for purposes of verifying the
completion of an inspection. Compensation shall not exceed

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nineteen dollars and fifty cents for each inspection conducted. 541

(5) Procedures for coordinating with the registrar of motor vehicles regarding vehicles that are subject to the requirements of this section and for which multi-year registrations apply; 542
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(6) Any other requirements or procedures that the director determines are necessary for the implementation, supervision, administration, operation, and enforcement of the enhanced motor vehicle inspection and maintenance program, including the maintenance of records by licensees. 545
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(D)(1) All inspections conducted under the enhanced motor vehicle inspection and maintenance program shall be performed by licensees who meet the requirements for the issuance of a license established in rules adopted under this section. The director shall issue licenses for inspection stations for the purposes of the enhanced program. The term of a license shall be not more than two years. 550
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(2) A licensee shall conduct inspections under the enhanced program as required in rules adopted under this section. 557
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(3) A licensee shall not charge a fee for conducting inspections under this section, but shall be reimbursed as required in rules adopted under this section. 559
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(4) A licensee shall maintain and make available for inspection by the director or the director's authorized representative accurate records as required in rules adopted under this section. 562
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(E)(1) The owner of a motor vehicle the district of registration of which is or is located in a county that is subject to the enhanced motor vehicle inspection and maintenance program shall have the vehicle inspected biennially within three hundred sixty-five days prior to the registration deadline for the vehicle 566
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established pursuant to rules adopted under section 4503.101 of 571
the Revised Code. The inspection, any required reinspection, and 572
any issuance of a waiver for the motor vehicle shall be conducted 573
by a licensee in accordance with rules adopted under this section. 574

(2) A motor vehicle that fails an inspection shall be 575
reinspected. A licensee shall give the owner of a vehicle an 576
inspection certificate if either of the following applies: 577

(a) The motor vehicle passes an inspection or reinspection. 578

(b) The motor vehicle has met the standards for a waiver 579
established in rules adopted under this section. 580

(3) The owner of a motor vehicle that is required to be 581
inspected under this section, but that is leased to another person 582
may require the lessee to have the vehicle inspected and obtain an 583
inspection certificate on behalf of the owner. In such cases, the 584
references to "owner" in this section include the lessee. 585

(4) The owner of a motor vehicle that is required to be 586
inspected under this section shall present an inspection 587
certificate issued for that vehicle by a licensee when registering 588
the vehicle under Chapter 4503. of the Revised Code. 589

(5) If a motor vehicle that is required to be inspected under 590
this section is covered by a valid and unexpired emission 591
performance warranty as provided under section 207(b) of the Clean 592
Air Act Amendments, the owner shall have any repairs necessary for 593
the vehicle to pass the inspection performed on the vehicle under 594
that warranty. Such a vehicle is not eligible for a waiver under 595
rules adopted under this section. 596

(F) The director shall notify, by mail, the owners of motor 597
vehicles, the district of registration of which is or is located 598
in a county that is subject to the enhanced program, of the 599
applicable requirements of the program. 600

Sec. 3704.22. The following motor vehicles are exempt from 601
the remote sensing motor vehicle emissions inspection program 602
established in section 3704.20 of the Revised Code and the 603
enhanced motor vehicle inspection and maintenance program 604
established in section 3704.21 of the Revised Code: 605

(A) Vehicles over twenty-five years old, as determined by 606
model year, on the date on which a remote sensing motor vehicle 607
emissions inspection is conducted under section 3704.20 of the 608
Revised Code or on which proof of a biennial inspection otherwise 609
would be required to be submitted with an application for 610
registration of the vehicles under section 3704.21 and Chapter 611
4503. of the Revised Code, as applicable; 612

(B) Vehicles registered to military personnel assigned to 613
military reservations outside this state, the district of 614
registration of which is or is located in a county that is subject 615
to the program; 616

(C) Passenger cars and noncommercial motor vehicles, as 617
defined in section 4501.01 of the Revised Code, that weigh over 618
ten thousand pounds gross vehicle weight; 619

(D) Commercial cars, as defined in section 4501.01 of the 620
Revised Code, having a taxable gross vehicle weight of more than 621
ten thousand pounds as provided in section 4503.042 of the Revised 622
Code; 623

(E) Historical vehicles registered under section 4503.181 of 624
the Revised Code; 625

(F) Licensed collector's vehicles as defined in section 626
4501.01 of the Revised Code; 627

(G) Parade and exhibition vehicles registered under section 628
4503.18 of the Revised Code; 629

(H) Motorcycles as defined in section 4511.01 of the Revised 630

Code; 631

(I) Electrically powered and alternatively fueled vehicles, 632
including at least those that are equipped to operate using 633
primarily one hundred per cent propane, butane, hydrogen, alcohol, 634
or natural gas as fuel; 635

(J) Recreational vehicles as defined in section 4501.01 of 636
the Revised Code; 637

(K) A motor vehicle, the legal title to which has never been 638
transferred by a manufacturer, distributor, or dealer to an 639
ultimate purchaser as defined in section 4517.01 of the Revised 640
Code, for a period of six years commencing on the date on which 641
the first certificate of title to the vehicle was issued on behalf 642
of the ultimate purchaser under Chapter 4503. of the Revised Code. 643
A motor vehicle is exempt for the six-year period under this 644
division regardless of whether legal title to the motor vehicle is 645
transferred during that period. 646

Sec. 3704.23. There is hereby created in the state treasury 647
the Clean Air Act automobile emissions compliance fund consisting 648
of money credited to the fund under section 4503.105 of the 649
Revised Code. Money in the fund shall be used by the director of 650
environmental protection to compensate a contractor who has 651
entered into a contract under division (C) of section 3704.20 of 652
the Revised Code, if applicable, to compensate licensees under 653
section 3704.21 of the Revised Code, if applicable, and to pay the 654
costs associated with the environmental protection agency's 655
administration, supervision, and enforcement of the program 656
established under either of those sections. 657

Sec. 3704.99. (A) Whoever recklessly violates division (A), 658
(B), (C), (D), (E), (F), (G), or (I) of section 3704.05 or 659
division (B)(5) of section 3704.16 of the Revised Code shall be 660

661 fined not more than twenty-five thousand dollars or imprisoned not
662 more than one year, or both, for each violation. Each day the
663 violation continues after a conviction for a violation is a
664 separate offense.

665 (B) Whoever knowingly violates division (H), (J), or (K) of
666 section 3704.05 of the Revised Code shall be fined not more than
667 ten thousand dollars for each day of each such violation.

668 (C) Whoever violates section 3704.15 ~~or division (B)(1) or~~
669 ~~(2) or (C)(1) or (2) of section 3704.17~~ of the Revised Code is
670 guilty of a misdemeanor of the first degree.

671 (D) Whoever violates division (B)(2) or knowingly violates
672 division (C)(1) of section 3704.16 of the Revised Code is guilty
673 of a minor misdemeanor.

674 (E) Whoever violates division (B)(1) or (3) or knowingly
675 violates division (C)(2) or (3) of section 3704.16 of the Revised
676 Code shall be fined not less than five hundred nor more than
677 twenty-five hundred dollars for each day of each violation.

678 (F) Whoever recklessly violates division (B)(4) of section
679 3704.16 of the Revised Code shall be fined not more than
680 twenty-five thousand dollars or imprisoned not more than one year,
681 or both, for each violation. Each day the violation continues
682 after a conviction for a violation is a separate offense.

683 (G) The sentencing court, in addition to the penalty provided
684 in divisions (D), (E), and (F) of this section, shall order the
685 offender to restore within thirty days any emission control system
686 that was tampered with in connection with the violation or to
687 provide proof that the motor vehicle whose emission control system
688 was tampered with has been dismantled or destroyed. The court may
689 extend that deadline for good cause shown. If the offender does
690 not take the corrective action ordered under this division, each

day that the violation continues is a separate offense. Violation 691
of a court order entered under this division is punishable as 692
contempt under Chapter 2705. of the Revised Code. 693

Sec. 3706.01. As used in this chapter: 694

(A) "Governmental agency" means a department, division, or 695
other unit of state government, a municipal corporation, county, 696
township, and other political subdivision, or any other public 697
corporation or agency having the power to acquire, construct, or 698
operate air quality facilities, the United States or any agency 699
thereof, and any agency, commission, or authority established 700
pursuant to an interstate compact or agreement. 701

(B) "Person" means any individual, firm, partnership, 702
association, or corporation, or any combination thereof. 703

(C) "Air contaminant" means particulate matter, dust, fumes, 704
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 705
odorous substance, or any combination thereof. 706

(D) "Air pollution" means the presence in the ambient air of 707
one or more air contaminants in sufficient quantity and of such 708
characteristics and duration as to injure human health or welfare, 709
plant or animal life, or property, or that unreasonably interferes 710
with the comfortable enjoyment of life or property. 711

(E) "Ambient air" means that portion of the atmosphere 712
outside of buildings and other enclosures, stacks, or ducts that 713
surrounds human, plant, or animal life, or property. 714

(F) "Emission" means the release into the outdoor atmosphere 715
of an air contaminant. 716

(G) "Air quality facility" means any of the following: 717

(1) Any method, modification or replacement of property, 718
process, device, structure, or equipment that removes, reduces, 719

prevents, contains, alters, conveys, stores, disperses, or 720
disposes of air contaminants or substances containing air 721
contaminants, or that renders less noxious or reduces the 722
concentration of air contaminants in the ambient air, including, 723
without limitation, facilities and expenditures that qualify as 724
air pollution control facilities under section 103 (C)(4)(F) of 725
the Internal Revenue Code of 1954, as amended, and regulations 726
adopted thereunder; 727

~~(2) Motor vehicle inspection stations operated in accordance 728
with, and any equipment used for motor vehicle inspections 729
conducted under, section 3704.14 of the Revised Code and rules 730
adopted under it; 731~~

~~(3) Ethanol or other biofuel facilities, including any 732
equipment used at the ethanol or other biofuel facility for the 733
production of ethanol or other biofuels; 734~~

~~(4)(3) Any property or portion thereof used for the 735
collection, storage, treatment, utilization, processing, or final 736
disposal of solid waste resulting from any method, process, 737
device, structure, or equipment that removes, reduces, prevents, 738
contains, alters, conveys, stores, disperses, or disposes of air 739
contaminants, or that renders less noxious or reduces the 740
concentration of air contaminants in the ambient air; 741~~

~~(5)(4) Any property, device, or equipment that promotes the 742
reduction of emissions of air contaminants into the ambient air 743
through improvements in the efficiency of energy utilization or 744
energy conservation. 745~~

"Air quality facility" further includes any property or 746
system to be used in whole or in part for any of the purposes in 747
divisions (G)(1) to ~~(5)(4)~~ of this section, whether another 748
purpose is also served, and any property or system incidental to 749
or that has to do with, or the end purpose of which is, any of the 750

foregoing. Air quality facilities that are defined in this 751
division for industry, commerce, distribution, or research, 752
including public utility companies, are hereby determined to be 753
those that qualify as facilities for the control of air pollution 754
and thermal pollution related to air under Section 13 of Article 755
VIII, Ohio Constitution. 756

(H) "Project" or "air quality project" means any air quality 757
facility, including undivided or other interests therein, acquired 758
or to be acquired or constructed or to be constructed by the Ohio 759
air quality development authority under this chapter, or acquired 760
or to be acquired or constructed or to be constructed by a 761
governmental agency or person with all or a part of the cost 762
thereof being paid from a loan or grant from the authority under 763
this chapter, including all buildings and facilities that the 764
authority determines necessary for the operation of the project, 765
together with all property, rights, easements, and interests that 766
may be required for the operation of the project. 767

(I) "Cost" as applied to an air quality project means the 768
cost of acquisition and construction, the cost of acquisition of 769
all land, rights-of-way, property rights, easements, franchise 770
rights, and interests required for such acquisition and 771
construction, the cost of demolishing or removing any buildings or 772
structures on land so acquired, including the cost of acquiring 773
any lands to which such buildings or structures may be moved, the 774
cost of acquiring or constructing and equipping a principal office 775
and sub-offices of the authority, the cost of diverting highways, 776
interchange of highways, and access roads to private property, 777
including the cost of land or easements for such access roads, the 778
cost of public utility and common carrier relocation or 779
duplication, the cost of all machinery, furnishings, and 780
equipment, financing charges, interest prior to and during 781
construction and for no more than eighteen months after completion 782

of construction, engineering, expenses of research and development 783
with respect to air quality facilities, legal expenses, plans, 784
specifications, surveys, studies, estimates of cost and revenues, 785
working capital, other expenses necessary or incident to 786
determining the feasibility or practicability of acquiring or 787
constructing such project, administrative expense, and such other 788
expense as may be necessary or incident to the acquisition or 789
construction of the project, the financing of such acquisition or 790
construction, including the amount authorized in the resolution of 791
the authority providing for the issuance of air quality revenue 792
bonds to be paid into any special funds from the proceeds of such 793
bonds, and the financing of the placing of such project in 794
operation. Any obligation, cost, or expense incurred by any 795
governmental agency or person for surveys, borings, preparation of 796
plans and specifications, and other engineering services, or any 797
other cost described above, in connection with the acquisition or 798
construction of a project may be regarded as a part of the cost of 799
that project and may be reimbursed out of the proceeds of air 800
quality revenue bonds as authorized by this chapter. 801

(J) "Owner" includes an individual, copartnership, 802
association, or corporation having any title or interest in any 803
property, rights, easements, or interests authorized to be 804
acquired by this chapter. 805

(K) "Revenues" means all rentals and other charges received 806
by the authority for the use or services of any air quality 807
project, any gift or grant received with respect to any air 808
quality project, any moneys received with respect to the lease, 809
sublease, sale, including installment sale or conditional sale, or 810
other disposition of an air quality project, moneys received in 811
repayment of and for interest on any loans made by the authority 812
to a person or governmental agency, whether from the United States 813
or any department, administration, or agency thereof, or 814

otherwise, proceeds of such bonds to the extent that use thereof 815
for payment of principal of, premium, if any, or interest on the 816
bonds is authorized by the authority, proceeds from any insurance, 817
condemnation, or guaranty pertaining to a project or property 818
mortgaged to secure bonds or pertaining to the financing of the 819
project, and income and profit from the investment of the proceeds 820
of air quality revenue bonds or of any revenues. 821

(L) "Public roads" includes all public highways, roads, and 822
streets in the state, whether maintained by the state, county, 823
city, township, or other political subdivision. 824

(M) "Public utility facilities" includes tracks, pipes, 825
mains, conduits, cables, wires, towers, poles, and other equipment 826
and appliances of any public utility. 827

(N) "Construction," unless the context indicates a different 828
meaning or intent, includes reconstruction, enlargement, 829
improvement, or providing furnishings or equipment. 830

(O) "Air quality revenue bonds," unless the context indicates 831
a different meaning or intent, includes air quality revenue notes, 832
air quality revenue renewal notes, and air quality revenue 833
refunding bonds, except that notes issued in anticipation of the 834
issuance of bonds shall have a maximum maturity of five years as 835
provided in section 3706.05 of the Revised Code and notes or 836
renewal notes issued as the definitive obligation may be issued 837
maturing at such time or times with a maximum maturity of forty 838
years from the date of issuance of the original note. 839

(P) "Solid waste" means any garbage; refuse; sludge from a 840
waste water treatment plant, water supply treatment plant, or air 841
pollution control facility; and other discarded material, 842
including solid, liquid, semisolid, or contained gaseous material 843
resulting from industrial, commercial, mining, and agricultural 844
operations, and from community activities, but not including solid 845

or dissolved material in domestic sewage, or solid or dissolved
material in irrigation return flows or industrial discharges that
are point sources subject to permits under section 402 of the
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat.
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or
byproduct material as defined by the "Atomic Energy Act of 1954,"
68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste,
other than a recyclable byproduct, generated from a municipal,
commercial, or industrial waste water treatment plant, water
supply plant, or air pollution control facility or any other such
wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at
which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from
agricultural products, including potatoes, cereal, grains, cheese
whey, and sugar beets; forest products; or other renewable or
biomass resources, including residue and waste generated from the
production, processing, and marketing of agricultural products,
forest products, and other renewable or biomass resources, that
meets all of the specifications in the American society for
testing and materials (ASTM) specification D 4806-88 and is
denatured as specified in Parts 20 and 21 of Title 27 of the Code
of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic
biomass resources, including renewable organic matter, crop waste
residue, wood, aquatic plants and other crops, animal waste, solid
waste, or sludge, and that is used for the production of energy
for transportation or other purposes.

Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may

designate the county auditor in each county a deputy registrar. If 876
the population of a county is forty thousand or less according to 877
the last federal census and if the county auditor is designated by 878
the registrar as a deputy registrar, no other person need be 879
designated in the county to act as a deputy registrar. 880

(b) The registrar may designate a clerk of a court of common 881
pleas as a deputy registrar if the population of the county is 882
forty thousand or less according to the last federal census. All 883
fees collected and retained by a clerk for conducting deputy 884
registrar services shall be paid into the county treasury to the 885
credit of the certificate of title administration fund created 886
under section 325.33 of the Revised Code. 887

(c) In all other instances, the registrar shall contract with 888
one or more other persons in each county to act as deputy 889
registrars. 890

(2) Deputy registrars shall accept applications for the 891
annual license tax for any vehicle not taxed under section 4503.63 892
of the Revised Code and shall assign distinctive numbers in the 893
same manner as the registrar. Such deputies shall be located in 894
such locations in the county as the registrar sees fit. There 895
shall be at least one deputy registrar in each county. 896

Deputy registrar contracts are subject to the provisions of 897
division (B) of section 125.081 of the Revised Code. 898

(B) The registrar shall not contract with any person to act 899
as a deputy registrar if the person or, where applicable, the 900
person's spouse or a member of the person's immediate family has 901
made, within the current calendar year or any one of the previous 902
three calendar years, one or more contributions totaling in excess 903
of one hundred dollars to any person or entity included in 904
division (A)(2) of section 4503.033 of the Revised Code. As used 905
in this division, "immediate family" has the same meaning as in 906

division (D) of section 102.01 of the Revised Code, and "entity" 907
includes any political party and any "continuing association" as 908
defined in division (B)(4) of section 3517.01 of the Revised Code 909
or "political action committee" as defined in division (B)(8) of 910
that section that is primarily associated with that political 911
party. For purposes of this division, contributions to any 912
continuing association or any political action committee that is 913
primarily associated with a political party shall be aggregated 914
with contributions to that political party. 915

The contribution limitations contained in this division do 916
not apply to any county auditor or clerk of a court of common 917
pleas. 918

The registrar shall not contract with either of the following 919
to act as a deputy registrar: 920

(1) Any elected public official other than a county auditor 921
or, as authorized by division (A)(1)(b) of this section, a clerk 922
of a court of common pleas, acting in an official capacity; 923

(2) Any person holding a current, valid contract to conduct 924
~~motor vehicle~~ emissions inspections under section ~~3704.14~~ 3704.20 925
of the Revised Code. 926

(C)(1) Except as provided in division (C)(2) of this section, 927
deputy registrars are independent contractors and neither they nor 928
their employees are employees of this state, except that nothing 929
in this section shall affect the status of county auditors or 930
clerks of courts of common pleas as public officials, nor the 931
status of their employees as employees of any of the counties of 932
this state, which are political subdivisions of this state. Each 933
deputy registrar shall be responsible for the payment of all 934
unemployment compensation premiums, all workers' compensation 935
premiums, social security contributions, and any and all taxes for 936
which the deputy registrar is legally responsible. Each deputy 937

registrar shall comply with all applicable federal, state, and 938
local laws requiring the withholding of income taxes or other 939
taxes from the compensation of the deputy registrar's employees. 940
Each deputy registrar shall maintain during the entire term of the 941
deputy registrar's contract a policy of business liability 942
insurance satisfactory to the registrar and shall hold the 943
department of public safety, the director of public safety, the 944
bureau of motor vehicles, and the registrar harmless upon any and 945
all claims for damages arising out of the operation of the deputy 946
registrar agency. 947

(2) For purposes of Chapter 4141. of the Revised Code, 948
determinations concerning the employment of deputy registrars and 949
their employees shall be made under Chapter 4141. of the Revised 950
Code. 951

(D)(1) With the approval of the director, the registrar shall 952
adopt rules governing the terms of the contract between the 953
registrar and each deputy registrar and specifications for the 954
services to be performed. The rules shall include specifications 955
relating to the amount of bond to be given as provided in this 956
section; the size and location of the deputy's office; and the 957
leasing of equipment necessary to conduct the vision screenings 958
required under section 4507.12 of the Revised Code and training in 959
the use of the equipment. The specifications shall permit and 960
encourage every deputy registrar to inform the public of the 961
location of the deputy registrar's office and hours of operation 962
by means of public service announcements and allow any deputy 963
registrar to advertise in regard to the operation of the deputy 964
registrar's office. The rules also shall include specifications 965
for the hours the deputy's office is to be open to the public and 966
shall require as a minimum that one deputy's office in each county 967
be open to the public for at least four hours each weekend, 968
provided that if only one deputy's office is located within the 969

boundary of the county seat, that office is the office that shall 970
be open for the four-hour period each weekend, and that every 971
deputy's office in each county shall be open to the public until 972
six-thirty p.m. on at least one weeknight each week. The rules 973
also shall include specifications providing that every deputy in 974
each county, upon request, provide any person with information 975
about the location and office hours of all deputy registrars in 976
the county and that every deputy prominently display within the 977
deputy's office, the toll-free telephone number of the bureau. The 978
rules shall not prohibit the award of a deputy registrar contract 979
to a nonprofit corporation formed under the laws of this state. 980
The rules shall prohibit any deputy registrar from operating more 981
than one such office at any time, except that the rules may permit 982
a nonprofit corporation formed for the purposes of providing 983
automobile-related services to its members or the public and that 984
provides such services from more than one location in this state 985
to operate a deputy registrar office at any such location, 986
provided that the nonprofit corporation operates no more than one 987
deputy registrar office in any one county. The rules may include 988
such other specifications as the registrar and director consider 989
necessary to provide a high level of service. 990

(2) With the prior approval of the registrar, each deputy 991
registrar may conduct at the location of the deputy registrar's 992
office any business that is consistent with the functions of a 993
deputy registrar and that is not specifically mandated or 994
authorized by this or another chapter of the Revised Code or by 995
implementing rules of the registrar. 996

(3) As used in this section and in section 4507.01 of the 997
Revised Code, "nonprofit corporation" has the same meaning as in 998
section 1702.01 of the Revised Code. 999

(E) Unless otherwise terminated and except for interim 1000
contracts of less than one year, contracts with deputy registrars 1001

shall be for a term of at least two years, but no more than three 1002
years, and all contracts effective on or after July 1, 1996, shall 1003
be for a term of more than two years, but not more than three 1004
years. All contracts with deputy registrars shall expire on the 1005
last Saturday of June in the year of their expiration. The auditor 1006
of state may examine the accounts, reports, systems, and other 1007
data of each deputy registrar at least every two years. The 1008
registrar, with the approval of the director, shall immediately 1009
remove a deputy who violates any provision of the Revised Code 1010
related to the duties as a deputy, any rule adopted by the 1011
registrar, or a term of the deputy's contract with the registrar. 1012
The registrar also may remove a deputy who, in the opinion of the 1013
registrar, has engaged in any conduct that is either unbecoming to 1014
one representing this state or is inconsistent with the efficient 1015
operation of the deputy's office. 1016

If the registrar, with the approval of the director, 1017
determines that there is good cause to believe that a deputy 1018
registrar or a person proposing for a deputy registrar contract 1019
has engaged in any conduct that would require the denial or 1020
termination of the deputy registrar contract, the registrar may 1021
require the production of books, records, and papers as the 1022
registrar determines are necessary, and may take the depositions 1023
of witnesses residing within or outside the state in the same 1024
manner as is prescribed by law for the taking of depositions in 1025
civil actions in the court of common pleas, and for that purpose 1026
the registrar may issue a subpoena for any witness or a subpoena 1027
duces tecum to compel the production of any books, records, or 1028
papers, directed to the sheriff of the county where the witness 1029
resides or is found. Such a subpoena shall be served and returned 1030
in the same manner as a subpoena in a criminal case is served and 1031
returned. The fees and mileage of the sheriff and witnesses shall 1032
be the same as that allowed in the court of common pleas in 1033

criminal cases and shall be paid from the fund in the state 1034
treasury for the use of the agency in the same manner as other 1035
expenses of the agency are paid. 1036

In any case of disobedience or neglect of any subpoena served 1037
on any person or the refusal of any witness to testify to any 1038
matter regarding which the witness lawfully may be interrogated, 1039
the court of common pleas of any county where the disobedience, 1040
neglect, or refusal occurs or any judge of that court, on 1041
application by the registrar, shall compel obedience by attachment 1042
proceedings for contempt, as in the case of disobedience of the 1043
requirements of a subpoena issued from that court, or a refusal to 1044
testify in that court. 1045

Nothing in this division shall be construed to require a 1046
hearing of any nature prior to the termination of any deputy 1047
registrar contract by the registrar, with the approval of the 1048
director, for cause. 1049

(F) Except as provided in section 2743.03 of the Revised 1050
Code, no court, other than the court of common pleas of Franklin 1051
county, has jurisdiction of any action against the department of 1052
public safety, the director, the bureau, or the registrar to 1053
restrain the exercise of any power or authority, or to entertain 1054
any action for declaratory judgment, in the selection and 1055
appointment of, or contracting with, deputy registrars. Neither 1056
the department, the director, the bureau, nor the registrar is 1057
liable in any action at law for damages sustained by any person 1058
because of any acts of the department, the director, the bureau, 1059
or the registrar, or of any employee of the department or bureau, 1060
in the performance of official duties in the selection and 1061
appointment of, and contracting with, deputy registrars. 1062

(G) The registrar shall assign to each deputy registrar a 1063
series of numbers sufficient to supply the demand at all times in 1064

the area the deputy registrar serves, and the registrar shall keep
a record in the registrar's office of the numbers within the
series assigned. Each deputy shall be required to give bond in the
amount of at least twenty-five thousand dollars, or in such higher
amount as the registrar determines necessary, based on a uniform
schedule of bond amounts established by the registrar and
determined by the volume of registrations handled by the deputy.
The form of the bond shall be prescribed by the registrar. The
bonds required of deputy registrars, in the discretion of the
registrar, may be individual or schedule bonds or may be included
in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each
application received by the deputy and shall register that motor
vehicle with the name and address of its owner.

(I) Upon request, a deputy registrar shall make the physical
inspection of a motor vehicle and issue the physical inspection
certificate required in section 4505.061 of the Revised Code.

(J) Each deputy registrar shall file a report semi-annually
with the registrar of motor vehicles listing the number of
applicants for licenses the deputy has served, the number of voter
registration applications the deputy has completed and transmitted
to the board of elections, and the number of voter registration
applications declined.

Sec. 4503.043. Beginning January 1, 2006, and in addition to
the annual license tax levied on the operation of motor vehicles
by section 4503.02 of the Revised Code, a clean air compliance fee
of three dollars is hereby levied on motor vehicles that weigh ten
thousand pounds gross vehicle weight or less. The clean air
compliance fee shall be paid to the registrar of motor vehicles or
a deputy registrar at the time that application is made for the
registration of a motor vehicle as provided in sections 4503.10

and 4503.102 of the Revised Code. The registrar shall deposit the 1096
proceeds from the fee into the state treasury to the credit of the 1097
Clean Air Act automobile emissions compliance fund created in 1098
section 3704.23 of the Revised Code. 1099

No certificate of registration, numbered license plates, and 1100
validation stickers, or validation stickers alone, shall be issued 1101
for a motor vehicle that is subject to this section unless the 1102
owner has paid the clean air compliance fee levied under this 1103
section. The fee shall terminate at such time as emissions 1104
inspections are no longer required in any area of the state under 1105
the Clean Air Act Amendments, as defined in section 3704.20 of the 1106
Revised Code, or on December 31, 2007, whichever is earlier. 1107

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 1108
motorcycle, and all-purpose vehicle required to be registered 1109
under section 4519.02 of the Revised Code shall file an 1110
application for registration under section 4519.03 of the Revised 1111
Code. The owner of a motor vehicle, other than a snowmobile, 1112
off-highway motorcycle, or all-purpose vehicle, that is not 1113
designed and constructed by the manufacturer for operation on a 1114
street or highway may not register it under this chapter except 1115
upon certification of inspection pursuant to section 4513.02 of 1116
the Revised Code by the sheriff, or the chief of police of the 1117
municipal corporation or township, with jurisdiction over the 1118
political subdivision in which the owner of the motor vehicle 1119
resides. Except as provided in section 4503.103 of the Revised 1120
Code, every owner of every other motor vehicle not previously 1121
described in this section and every person mentioned as owner in 1122
the last certificate of title of a motor vehicle that is operated 1123
or driven upon the public roads or highways shall cause to be 1124
filed each year, by mail or otherwise, in the office of the 1125
registrar of motor vehicles or a deputy registrar, a written or 1126

electronic application or a preprinted registration renewal notice 1127
issued under section 4503.102 of the Revised Code, the form of 1128
which shall be prescribed by the registrar, for registration for 1129
the following registration year, which shall begin on the first 1130
day of January of every calendar year and end on the thirty-first 1131
day of December in the same year. Applications for registration 1132
and registration renewal notices shall be filed at the times 1133
established by the registrar pursuant to section 4503.101 of the 1134
Revised Code. A motor vehicle owner also may elect to apply for or 1135
renew a motor vehicle registration by electronic means using 1136
electronic signature in accordance with rules adopted by the 1137
registrar. Except as provided in division (J) of this section, 1138
applications for registration shall be made on blanks furnished by 1139
the registrar for that purpose, containing the following 1140
information: 1141

(1) A brief description of the motor vehicle to be 1142
registered, including the year, make, model, and vehicle 1143
identification number, and, in the case of commercial cars, the 1144
gross weight of the vehicle fully equipped computed in the manner 1145
prescribed in section 4503.08 of the Revised Code; 1146

(2) The name and residence address of the owner, and the 1147
township and municipal corporation in which the owner resides; 1148

(3) The district of registration, which shall be determined 1149
as follows: 1150

(a) In case the motor vehicle to be registered is used for 1151
hire or principally in connection with any established business or 1152
branch business, conducted at a particular place, the district of 1153
registration is the municipal corporation in which that place is 1154
located or, if not located in any municipal corporation, the 1155
county and township in which that place is located. 1156

(b) In case the vehicle is not so used, the district of 1157

registration is the municipal corporation or county in which the
owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration
or transfer of the motor vehicle, during the preceding
registration year and during the preceding period of the current
registration year, have been paid. Each application for
registration shall be signed by the owner, either manually or by
electronic signature, or pursuant to obtaining a limited power of
attorney authorized by the registrar for registration, or other
document authorizing such signature. If the owner elects to apply
for or renew the motor vehicle registration with the registrar by
electronic means, the owner's manual signature is not required.

(7) The owner's social security number, if assigned, or,
where a motor vehicle to be registered is used for hire or
principally in connection with any established business, the
owner's federal taxpayer identification number. The bureau of
motor vehicles shall retain in its records all social security
numbers provided under this section, but the bureau shall not
place social security numbers on motor vehicle certificates of
registration.

(B) Except as otherwise provided in this division, each time
an applicant first registers a motor vehicle in the applicant's
name, the applicant shall present for inspection a physical
certificate of title or memorandum certificate showing title to
the motor vehicle to be registered in the name of the applicant if
a physical certificate of title or memorandum certificate has been
issued by a clerk of a court of common pleas. If, under sections
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk
instead has issued an electronic certificate of title for the

applicant's motor vehicle, that certificate may be presented for 1189
inspection at the time of first registration in a manner 1190
prescribed by rules adopted by the registrar. An applicant is not 1191
required to present a certificate of title to an electronic motor 1192
vehicle dealer acting as a limited authority deputy registrar in 1193
accordance with rules adopted by the registrar. When a motor 1194
vehicle emissions inspection ~~and maintenance~~ program is in effect 1195
under ~~section 3704.14~~ either section 3704.20 or 3704.21 of the 1196
Revised Code ~~and rules adopted under it~~, each the application for 1197
registration for a the vehicle ~~required to be inspected under that~~ 1198
~~section and those rules~~ shall be accompanied by an inspection 1199
certificate for the motor vehicle ~~issued in accordance with that~~ 1200
~~section if required under either of those sections~~. The 1201
application shall be refused if any of the following applies: 1202

(1) The application is not in proper form. 1203

(2) The application is prohibited from being accepted by 1204
division (D) of section 2935.27, division (A) of section 2937.221, 1205
division (A) of section 4503.13, division (B) of section 4510.22, 1206
or division (B)(1) of section 4521.10 of the Revised Code. 1207

(3) A certificate of title or memorandum certificate of title 1208
is required but does not accompany the application or, in the case 1209
of an electronic certificate of title, is required but is not 1210
presented in a manner prescribed by the registrar's rules. 1211

(4) All registration and transfer fees for the motor vehicle, 1212
for the preceding year or the preceding period of the current 1213
registration year, have not been paid. 1214

(5) The owner or lessee does not have an inspection 1215
certificate for the motor vehicle ~~as provided in~~ if required by 1216
section ~~3704.14~~ 3704.20 or 3704.21 of the Revised Code, ~~and rules~~ 1217
~~adopted under it, if that section is applicable~~. 1218

This section does not require the payment of license or 1219

1220 registration taxes on a motor vehicle for any preceding year, or
1221 for any preceding period of a year, if the motor vehicle was not
1222 taxable for that preceding year or period under sections 4503.02,
1223 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the
1224 Revised Code. When a certificate of registration is issued upon
1225 the first registration of a motor vehicle by or on behalf of the
1226 owner, the official issuing the certificate shall indicate the
1227 issuance with a stamp on the certificate of title or memorandum
1228 certificate or, in the case of an electronic certificate of title,
1229 an electronic stamp or other notation as specified in rules
1230 adopted by the registrar, and with a stamp on the inspection
1231 certificate for the motor vehicle, if any. The official also shall
1232 indicate, by a stamp or by other means the registrar prescribes,
1233 on the registration certificate issued upon the first registration
1234 of a motor vehicle by or on behalf of the owner the odometer
1235 reading of the motor vehicle as shown in the odometer statement
1236 included in or attached to the certificate of title. Upon each
1237 subsequent registration of the motor vehicle by or on behalf of
1238 the same owner, the official also shall so indicate the odometer
1239 reading of the motor vehicle as shown on the immediately preceding
1240 certificate of registration.

1241 The registrar shall include in the permanent registration
1242 record of any vehicle ~~required to be inspected under section~~
1243 ~~3704.14 of the Revised Code~~ the inspection certificate number from
1244 the inspection certificate issued under section 3704.20 or 3704.21
1245 of the Revised Code, if applicable, that is presented at the time
1246 of registration of the vehicle as required under this division.

1247 (C)(1) Commencing with each registration renewal with an
1248 expiration date on or after October 1, 2003, and for each initial
1249 application for registration received on and after that date, the
1250 registrar and each deputy registrar shall collect an additional
1251 fee of eleven dollars for each application for registration and

registration renewal received. The additional fee is for the 1252
purpose of defraying the department of public safety's costs 1253
associated with the administration and enforcement of the motor 1254
vehicle and traffic laws of Ohio. Each deputy registrar shall 1255
transmit the fees collected under division (C)(1) of this section 1256
in the time and manner provided in this section. The registrar 1257
shall deposit all moneys received under division (C)(1) of this 1258
section into the state highway safety fund established in section 1259
4501.06 of the Revised Code. 1260

(2) In addition, a charge of twenty-five cents shall be made 1261
for each reflectorized safety license plate issued, and a single 1262
charge of twenty-five cents shall be made for each county 1263
identification sticker or each set of county identification 1264
stickers issued, as the case may be, to cover the cost of 1265
producing the license plates and stickers, including material, 1266
manufacturing, and administrative costs. Those fees shall be in 1267
addition to the license tax. If the total cost of producing the 1268
plates is less than twenty-five cents per plate, or if the total 1269
cost of producing the stickers is less than twenty-five cents per 1270
sticker or per set issued, any excess moneys accruing from the 1271
fees shall be distributed in the same manner as provided by 1272
section 4501.04 of the Revised Code for the distribution of 1273
license tax moneys. If the total cost of producing the plates 1274
exceeds twenty-five cents per plate, or if the total cost of 1275
producing the stickers exceeds twenty-five cents per sticker or 1276
per set issued, the difference shall be paid from the license tax 1277
moneys collected pursuant to section 4503.02 of the Revised Code. 1278

(D) Each deputy registrar shall be allowed a fee of two 1279
dollars and seventy-five cents commencing on July 1, 2001, three 1280
dollars and twenty-five cents commencing on January 1, 2003, and 1281
three dollars and fifty cents commencing on January 1, 2004, for 1282
each application for registration and registration renewal notice 1283

the deputy registrar receives, which shall be for the purpose of 1284
compensating the deputy registrar for the deputy registrar's 1285
services, and such office and rental expenses, as may be necessary 1286
for the proper discharge of the deputy registrar's duties in the 1287
receiving of applications and renewal notices and the issuing of 1288
registrations. 1289

(E) Upon the certification of the registrar, the county 1290
sheriff or local police officials shall recover license plates 1291
erroneously or fraudulently issued. 1292

(F) Each deputy registrar, upon receipt of any application 1293
for registration or registration renewal notice, together with the 1294
license fee and any local motor vehicle license tax levied 1295
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1296
fee and tax, if any, in the manner provided in this section, 1297
together with the original and duplicate copy of the application, 1298
to the registrar. The registrar, subject to the approval of the 1299
director of public safety, may deposit the funds collected by 1300
those deputies in a local bank or depository to the credit of the 1301
"state of Ohio, bureau of motor vehicles." Where a local bank or 1302
depository has been designated by the registrar, each deputy 1303
registrar shall deposit all moneys collected by the deputy 1304
registrar into that bank or depository not more than one business 1305
day after their collection and shall make reports to the registrar 1306
of the amounts so deposited, together with any other information, 1307
some of which may be prescribed by the treasurer of state, as the 1308
registrar may require and as prescribed by the registrar by rule. 1309
The registrar, within three days after receipt of notification of 1310
the deposit of funds by a deputy registrar in a local bank or 1311
depository, shall draw on that account in favor of the treasurer 1312
of state. The registrar, subject to the approval of the director 1313
and the treasurer of state, may make reasonable rules necessary 1314
for the prompt transmittal of fees and for safeguarding the 1315

interests of the state and of counties, townships, municipal 1316
corporations, and transportation improvement districts levying 1317
local motor vehicle license taxes. The registrar may pay service 1318
charges usually collected by banks and depositories for such 1319
service. If deputy registrars are located in communities where 1320
banking facilities are not available, they shall transmit the fees 1321
forthwith, by money order or otherwise, as the registrar, by rule 1322
approved by the director and the treasurer of state, may 1323
prescribe. The registrar may pay the usual and customary fees for 1324
such service. 1325

(G) This section does not prevent any person from making an 1326
application for a motor vehicle license directly to the registrar 1327
by mail, by electronic means, or in person at any of the 1328
registrar's offices, upon payment of a service fee of two dollars 1329
and seventy-five cents commencing on July 1, 2001, three dollars 1330
and twenty-five cents commencing on January 1, 2003, and three 1331
dollars and fifty cents commencing on January 1, 2004, for each 1332
application. 1333

(H) No person shall make a false statement as to the district 1334
of registration in an application required by division (A) of this 1335
section. Violation of this division is falsification under section 1336
2921.13 of the Revised Code and punishable as specified in that 1337
section. 1338

(I)(1) Where applicable, the requirements of division (B) of 1339
this section relating to the presentation of an inspection 1340
certificate ~~issued under section 3704.14 of the Revised Code and~~ 1341
~~rules adopted under it~~ for a motor vehicle under section 3704.20 1342
or 3704.21 of the Revised Code, the refusal of a license for 1343
failure to present an inspection certificate, and the stamping of 1344
the inspection certificate by the official issuing the certificate 1345
of registration apply to the registration of and issuance of 1346
license plates for a motor vehicle under sections 4503.102, 1347

4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 1348
4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 1349
4503.51 of the Revised Code. 1350

(2)(a) The registrar shall adopt rules ensuring that each 1351
owner registering a motor vehicle in a county where a motor 1352
vehicle emissions inspection ~~and maintenance~~ program is in effect 1353
under section ~~3704.14~~ 3704.20 or 3704.21 of the Revised Code ~~and~~ 1354
~~rules adopted under it~~ receives information about ~~the requirements~~ 1355
~~established in that section and those rules and about the need in~~ 1356
~~those counties when it is necessary~~ to present an inspection 1357
certificate with an application for registration or 1358
preregistration. 1359

(b) Upon request, the registrar shall provide the director of 1360
environmental protection, or any person that has been awarded a 1361
contract under ~~division (D) of~~ section ~~3704.14~~ 3704.20 of the 1362
Revised Code or any person issued a license under section 3704.21 1363
of the Revised Code, an on-line computer data link to registration 1364
information for all passenger cars, noncommercial motor vehicles, 1365
and commercial cars that are subject to that section. The 1366
registrar also shall provide to the director of environmental 1367
protection a magnetic data tape containing registration 1368
information regarding passenger cars, noncommercial motor 1369
vehicles, and commercial cars for which a multi-year registration 1370
is in effect under section 4503.103 of the Revised Code or rules 1371
adopted under it, including, without limitation, the date of 1372
issuance of the multi-year registration, the registration deadline 1373
established under rules adopted under section 4503.101 of the 1374
Revised Code that was applicable in the year in which the 1375
multi-year registration was issued, and the registration deadline 1376
for renewal of the multi-year registration. 1377

(J) Application for registration under the international 1378
registration plan, as set forth in sections 4503.60 to 4503.66 of 1379

the Revised Code, shall be made to the registrar on forms 1380
furnished by the registrar. In accordance with international 1381
registration plan guidelines and pursuant to rules adopted by the 1382
registrar, the forms shall include the following: 1383

(1) A uniform mileage schedule; 1384

(2) The gross vehicle weight of the vehicle or combined gross 1385
vehicle weight of the combination vehicle as declared by the 1386
registrant; 1387

(3) Any other information the registrar requires by rule. 1388

Sec. 4503.102. (A) The registrar of motor vehicles shall 1389
adopt rules to establish a centralized system of motor vehicle 1390
registration renewal by mail or by electronic means. Any person 1391
owning a motor vehicle that was registered in the person's name 1392
during the preceding registration year shall renew the 1393
registration of the motor vehicle not more than ninety days prior 1394
to the expiration date of the registration either by mail or by 1395
electronic means through the centralized system of registration 1396
established under this section, or in person at any office of the 1397
registrar or at a deputy registrar's office. 1398

(B)(1) No less than forty-five days prior to the expiration 1399
date of any motor vehicle registration, the registrar shall mail a 1400
renewal notice to the person in whose name the motor vehicle is 1401
registered. The renewal notice shall clearly state that the 1402
registration of the motor vehicle may be renewed by mail or 1403
electronic means through the centralized system of registration or 1404
in person at any office of the registrar or at a deputy 1405
registrar's office and shall be preprinted with information 1406
including, but not limited to, the owner's name and residence 1407
address as shown in the records of the bureau of motor vehicles, a 1408
brief description of the motor vehicle to be registered, notice of 1409

the license taxes and fees due on the motor vehicle, the toll-free
telephone number of the registrar as required under division
(D)(1) of section 4503.031 of the Revised Code, and any additional
information the registrar may require by rule. The renewal notice
shall be sent by regular mail to the owner's last known address as
shown in the records of the bureau of motor vehicles.

(2) If the application for renewal of the registration of a
motor vehicle is prohibited from being accepted by the registrar
or a deputy registrar by division (D) of section 2935.27, division
(A) of section 2937.221, division (A) of section 4503.13, division
(B) of section 4507.168, or division (B)(1) of section 4521.10 of
the Revised Code, the registrar is not required to send a renewal
notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the
information contained in the notice, sign it either manually or by
electronic means, and return it, either by mail or electronic
means, or the owner may take it in person to any office of the
registrar or of a deputy registrar, together with a financial
transaction device number, when permitted by rule of the
registrar, check, or money order in the amount of the registration
taxes and fees payable on the motor vehicle and a mail fee of two
dollars and seventy-five cents commencing on July 1, 2001, three
dollars and twenty-five cents commencing on January 1, 2003, and
three dollars and fifty cents commencing on January 1, 2004, plus
postage as indicated on the notice, if the registration is renewed
by mail, and an inspection certificate for the motor vehicle ~~as~~
~~provided in~~ if required by section 3704.14 3704.20 or 3704.21 of
the Revised Code. If the motor vehicle owner chooses to renew the
motor vehicle registration by electronic means, the owner shall
proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor
vehicle for the preceding year or the preceding period of the

current registration year have not been paid, if division (D) of 1442
section 2935.27, division (A) of section 2937.221, division (A) of 1443
section 4503.13, division (B) of section 4507.168, or division 1444
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 1445
of the renewal notice, or if the owner or lessee does not have an 1446
inspection certificate for the motor vehicle ~~as provided in~~ if 1447
required by section ~~3704.14~~ 3704.20 or 3704.21 of the Revised 1448
Code, ~~if that section is applicable,~~ the license shall be refused, 1449
and the registrar or deputy registrar shall so notify the owner. 1450
This section does not require the payment of license or 1451
registration taxes on a motor vehicle for any preceding year, or 1452
for any preceding period of a year, if the motor vehicle was not 1453
taxable for that preceding year or period under section 4503.02, 1454
4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the 1455
Revised Code. 1456

(E)(1) Failure to receive a renewal notice does not relieve a 1457
motor vehicle owner from the responsibility to renew the 1458
registration for the motor vehicle. Any person who has a motor 1459
vehicle registered in this state and who does not receive a 1460
renewal notice as provided in division (B) of this section prior 1461
to the expiration date of the registration shall request an 1462
application for registration from the registrar or a deputy 1463
registrar and sign the application manually or by electronic means 1464
and submit the application and pay any applicable license taxes 1465
and fees to the registrar or deputy registrar. 1466

(2) If the owner of a motor vehicle submits an application 1467
for registration and the registrar is prohibited by division (D) 1468
of section 2935.27, division (A) of section 2937.221, division (A) 1469
of section 4503.13, division (B) of section 4507.168, or division 1470
(B)(1) of section 4521.10 of the Revised Code from accepting the 1471
application, the registrar shall return the application and the 1472
payment to the owner. If the owner of a motor vehicle submits a 1473

registration renewal application to the registrar by electronic 1474
means and the registrar is prohibited from accepting the 1475
application as provided in this division, the registrar shall 1476
notify the owner of this fact and deny the application and return 1477
the payment or give a credit on the financial transaction device 1478
account of the owner in the manner the registrar prescribes by 1479
rule adopted pursuant to division (A) of this section. 1480

(F) Every deputy registrar shall post in a prominent place at 1481
the deputy's office a notice informing the public of the mail 1482
registration system required by this section and also shall post a 1483
notice that every owner of a motor vehicle and every chauffeur 1484
holding a certificate of registration is required to notify the 1485
registrar in writing of any change of residence within ten days 1486
after the change occurs. The notice shall be in such form as the 1487
registrar prescribes by rule. 1488

(G) The two dollars and seventy-five cents fee collected from 1489
July 1, 2001, through December 31, 2002, the three dollars and 1490
twenty-five cents fee collected from January 1, 2003, through 1491
December 31, 2003, and the three dollars and fifty cents fee 1492
collected after January 1, 2004, plus postage and any financial 1493
transaction device surcharge collected by the registrar for 1494
registration by mail, shall be paid to the credit of the state 1495
bureau of motor vehicles fund established by section 4501.25 of 1496
the Revised Code. 1497

(H) Pursuant to section 113.40 of the Revised Code, the 1498
registrar may implement a program permitting payment of motor 1499
vehicle registration taxes and fees, driver's license and 1500
commercial driver's license fees, and any other taxes, fees, 1501
penalties, or charges imposed or levied by the state by means of a 1502
financial transaction device. The registrar may adopt rules as 1503
necessary for this purpose. 1504

~~(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers.~~

Sec. 4503.103. (A)(1)(a) 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.

(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 registering a vehicle under division (A)(1)(b) of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay one and one-half times the amount of the deputy registrar service fee specified in division (D) of section 4503.10 of the Revised Code or the bureau of motor vehicles service fee specified in division (G) of that section, as

applicable. 1536

(ii) Division (A)(1)(b)(i) of this section does not apply to 1537
a person receiving an apportioned license plate under the 1538
international registration plan, or the owner of a commercial car 1539
used solely in intrastate commerce, or the owner of a bus as 1540
defined in section 4513.50 of the Revised Code. 1541

(2) No person applying for a multi-year registration under 1542
division (A)(1) of this section is entitled to a refund of any 1543
taxes or fees paid. 1544

(3) The registrar shall not issue to any applicant who has 1545
been issued a final, nonappealable order under division (B) of 1546
this section a multi-year registration or renewal thereof under 1547
this division or rules adopted under it for any motor vehicle that 1548
is required to be inspected or reinspected under section ~~3704.14~~ 1549
3704.20 or 3704.21 of the Revised Code the district of 1550
registration of which, as determined under section 4503.10 of the 1551
Revised Code, is or is located in the county named in the order. 1552

(B) Upon receipt from the director of environmental 1553
protection of a notice issued under ~~division (J) of section~~ 1554
~~3704.14~~ 3704.20 or 3704.21 of the Revised Code indicating that an 1555
owner of a motor vehicle that is required to be inspected ~~under~~ 1556
~~that section~~ or reinspected who obtained a multi-year registration 1557
for the vehicle under division (A) of this section or rules 1558
adopted under that division has not obtained an inspection 1559
certificate for the vehicle in accordance with ~~that section~~ either 1560
of those sections, as applicable, in a year intervening between 1561
the years of issuance and expiration of the multi-year 1562
registration in which the owner is required to have the vehicle 1563
inspected or reinspected and obtain an inspection certificate for 1564
it ~~under division (F)(1)(a) of that section,~~ the registrar in 1565
accordance with Chapter 119. of the Revised Code shall issue an 1566

order to the owner impounding the certificate of registration and 1567
identification license plates for the vehicle. The order also 1568
shall prohibit the owner from obtaining or renewing a multi-year 1569
registration for any vehicle that is required to be inspected 1570
~~under that section~~ or reinspected, the district of registration of 1571
which is or is located in the same county as the county named in 1572
the order during the number of years after expiration of the 1573
current multi-year registration that equals the number of years 1574
for which the current multi-year registration was issued. 1575

An order issued under this division shall require the owner 1576
to surrender to the registrar the certificate of registration and 1577
license plates for the vehicle named in the order within five days 1578
after its issuance. If the owner fails to do so within that time, 1579
the registrar shall certify that fact to the county sheriff or 1580
local police officials who shall recover the certificate of 1581
registration and license plates for the vehicle. 1582

(C) Upon the occurrence of either of the following 1583
circumstances, the registrar in accordance with Chapter 119. of 1584
the Revised Code shall issue to the owner a modified order 1585
rescinding the provisions of the order issued under division (B) 1586
of this section impounding the certificate of registration and 1587
license plates for the vehicle named in that original order: 1588

(1) Receipt from the director of environmental protection of 1589
a subsequent notice under ~~division (J) of section 3704.14~~ 3704.20 1590
or 3704.21 of the Revised Code that the owner has obtained the 1591
required inspection certificate for the vehicle ~~as required under~~ 1592
~~division (F)(1)(a) of that section;~~ 1593

(2) Presentation to the registrar by the owner of the 1594
required inspection certificate for the vehicle. 1595

(D) The owner of a motor vehicle for which the certificate of 1596
registration and license plates have been impounded pursuant to an 1597

order issued under division (B) of this section, upon issuance of 1598
a modified order under division (C) of this section, may apply to 1599
the registrar for their return. A fee of two dollars and fifty 1600
cents shall be charged for the return of the certificate of 1601
registration and license plates for each vehicle named in the 1602
application. 1603

Sec. 4503.51. (A) The owner or lessee of any passenger car, 1604
noncommercial motor vehicle, recreational vehicle, or vehicle of a 1605
class approved by the registrar of motor vehicles may voluntarily 1606
choose to submit an application to the registrar for registration 1607
of such motor vehicle and for issuance of collegiate license 1608
plates. The request for a collegiate license plate may be combined 1609
with a request for a special reserved license plate under section 1610
4503.40 or 4503.42 of the Revised Code. 1611

Upon receipt of the completed application for registration of 1612
a vehicle in accordance with any rules adopted under this section 1613
and upon compliance with division (B) of this section, the 1614
registrar shall issue to the applicant appropriate vehicle 1615
registration and a set of collegiate license plates with a 1616
validation sticker, or a validation sticker alone when required by 1617
section 4503.191 of the Revised Code. 1618

In addition to the letters and numbers ordinarily inscribed 1619
thereon, collegiate license plates shall be inscribed with the 1620
name of a university or college that is participating with the 1621
registrar in the issuance of collegiate license plates, or any 1622
other identifying marking or design selected by such a university 1623
or college and approved by the registrar. Collegiate license 1624
plates shall bear county identification stickers that identify the 1625
county of registration by name or number. 1626

(B) The collegiate license plates and validation sticker 1627
shall be issued upon receipt of a contribution as provided in 1628

division (C) of this section and payment of the regular license 1629
fees as prescribed under section 4503.04 of the Revised Code, any 1630
applicable motor vehicle tax levied under Chapter 4504. of the 1631
Revised Code, a fee not to exceed ten dollars for the purpose of 1632
compensating the bureau of motor vehicles for additional services 1633
required in the issuing of collegiate license plates, and 1634
compliance with all other applicable laws relating to the 1635
registration of motor vehicles, including presentation of any 1636
inspection certificate required to be obtained for the motor 1637
vehicle under section ~~3704.14~~ 3704.20 or 3704.21 of the Revised 1638
Code. If the application for a collegiate license plate is 1639
combined with a request for a special reserved license plate under 1640
section 4503.40 or 4503.42 of the Revised Code, the license plate 1641
and validation sticker shall be issued upon payment of the 1642
contribution, fees, and taxes referred to in this division, the 1643
additional fee prescribed under section 4503.40 or 4503.42 of the 1644
Revised Code, and compliance with all other laws relating to the 1645
registration of motor vehicles, including presentation of any 1646
required inspection certificate ~~required to be obtained for the~~ 1647
~~motor vehicle under section 3704.14 of the Revised Code.~~ 1648

(C) The registrar shall collect a contribution of twenty-five 1649
dollars for each application for registration and registration 1650
renewal notice under this section. 1651

The registrar shall transmit this contribution to the 1652
treasurer of state for deposit into the license plate contribution 1653
fund created by section 4501.21 of the Revised Code. The 1654
additional fee not to exceed ten dollars that the applicant for 1655
registration voluntarily pays for the purpose of compensating the 1656
bureau for the additional services required in the issuing of the 1657
applicant's collegiate license plates shall be transmitted into 1658
the state treasury to the credit of the state bureau of motor 1659
vehicles fund created in section 4501.25 of the Revised Code. 1660

(D) The registrar, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary for the efficient administration of the collegiate license plate program.

(E) As used in this section, "university or college" means a state university or college or a private university or college located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code. "University or college" also includes community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

Sec. 5552.01. As used in this chapter:

(A) "Metropolitan planning organization" ~~has the same meaning as in division (A)(7) of section 3704.14 of the Revised Code~~ means a metropolitan planning organization designated under section 9(a) of the "Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, as amended.

(B) "Urban township" means a township that has a population in the unincorporated area of the township of fifteen thousand or more and that has adopted a limited home rule government under section 504.02 of the Revised Code.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental

functions, and for the purpose of reimbursing the state for the 1691
expense of administering this chapter, an excise tax is hereby 1692
levied on each retail sale made in this state. 1693

(A)(1) The tax shall be collected as provided in section 1694
5739.025 of the Revised Code, provided that on and after July 1, 1695
2003, and on or before June 30, 2005, the rate of tax shall be six 1696
per cent. On and after July 1, 2005, the rate of the tax shall be 1697
five per cent. The tax applies and is collectible when the sale is 1698
made, regardless of the time when the price is paid or delivered. 1699

(2) In the case of the lease or rental, with a fixed term of 1700
more than thirty days or an indefinite term with a minimum period 1701
of more than thirty days, of any motor vehicles designed by the 1702
manufacturer to carry a load of not more than one ton, watercraft, 1703
outboard motor, or aircraft, or of any tangible personal property, 1704
other than motor vehicles designed by the manufacturer to carry a 1705
load of more than one ton, to be used by the lessee or renter 1706
primarily for business purposes, the tax shall be collected by the 1707
vendor at the time the lease or rental is consummated and shall be 1708
calculated by the vendor on the basis of the total amount to be 1709
paid by the lessee or renter under the lease agreement. If the 1710
total amount of the consideration for the lease or rental includes 1711
amounts that are not calculated at the time the lease or rental is 1712
executed, the tax shall be calculated and collected by the vendor 1713
at the time such amounts are billed to the lessee or renter. In 1714
the case of an open-end lease or rental, the tax shall be 1715
calculated by the vendor on the basis of the total amount to be 1716
paid during the initial fixed term of the lease or rental, and for 1717
each subsequent renewal period as it comes due. As used in this 1718
division, "motor vehicle" has the same meaning as in section 1719
4501.01 of the Revised Code, and "watercraft" includes an outdrive 1720
unit attached to the watercraft. 1721

A lease with a renewal clause and a termination penalty or 1722

similar provision that applies if the renewal clause is not 1723
exercised is presumed to be a sham transaction. In such a case, 1724
the tax shall be calculated and paid on the basis of the entire 1725
length of the lease period, including any renewal periods, until 1726
the termination penalty or similar provision no longer applies. 1727
The taxpayer shall bear the burden, by a preponderance of the 1728
evidence, that the transaction or series of transactions is not a 1729
sham transaction. 1730

(3) Except as provided in division (A)(2) of this section, in 1731
the case of a sale, the price of which consists in whole or in 1732
part of the lease or rental of tangible personal property, the tax 1733
shall be measured by the installments of that lease or rental. 1734

(4) In the case of a sale of a physical fitness facility 1735
service or recreation and sports club service, the price of which 1736
consists in whole or in part of a membership for the receipt of 1737
the benefit of the service, the tax applicable to the sale shall 1738
be measured by the installments thereof. 1739

(B) The tax does not apply to the following: 1740

(1) Sales to the state or any of its political subdivisions, 1741
or to any other state or its political subdivisions if the laws of 1742
that state exempt from taxation sales made to this state and its 1743
political subdivisions; 1744

(2) Sales of food for human consumption off the premises 1745
where sold; 1746

(3) Sales of food sold to students only in a cafeteria, 1747
dormitory, fraternity, or sorority maintained in a private, 1748
public, or parochial school, college, or university; 1749

(4) Sales of newspapers and of magazine subscriptions and 1750
sales or transfers of magazines distributed as controlled 1751
circulation publications; 1752

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit

organizations operated exclusively for charitable purposes as 1784
defined in division (B)(12) of this section, provided that the 1785
number of days on which such tangible personal property or 1786
services, other than items never subject to the tax, are sold does 1787
not exceed six in any calendar year. If the number of days on 1788
which such sales are made exceeds six in any calendar year, the 1789
church or organization shall be considered to be engaged in 1790
business and all subsequent sales by it shall be subject to the 1791
tax. In counting the number of days, all sales by groups within a 1792
church or within an organization shall be considered to be sales 1793
of that church or organization, except that sales made by separate 1794
student clubs and other groups of students of a primary or 1795
secondary school, and sales made by a parent-teacher association, 1796
booster group, or similar organization that raises money to 1797
support or fund curricular or extracurricular activities of a 1798
primary or secondary school, shall not be considered to be sales 1799
of such school, and sales by each such club, group, association, 1800
or organization shall be counted separately for purposes of the 1801
six-day limitation. This division does not apply to sales by a 1802
noncommercial educational radio or television broadcasting 1803
station. 1804

(10) Sales not within the taxing power of this state under 1805
the Constitution of the United States; 1806

(11) Except for transactions that are sales under division 1807
(B)(3)(s) of section 5739.01 of the Revised Code, the 1808
transportation of persons or property, unless the transportation 1809
is by a private investigation and security service; 1810

(12) Sales of tangible personal property or services to 1811
churches, to organizations exempt from taxation under section 1812
501(c)(3) of the Internal Revenue Code of 1986, and to any other 1813
nonprofit organizations operated exclusively for charitable 1814
purposes in this state, no part of the net income of which inures 1815

to the benefit of any private shareholder or individual, and no
substantial part of the activities of which consists of carrying
on propaganda or otherwise attempting to influence legislation;
sales to offices administering one or more homes for the aged or
one or more hospital facilities exempt under section 140.08 of the
Revised Code; and sales to organizations described in division (D)
of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the
improvement of health through the alleviation of illness, disease,
or injury; the operation of an organization exclusively for the
provision of professional, laundry, printing, and purchasing
services to hospitals or charitable institutions; the operation of
a home for the aged, as defined in section 5701.13 of the Revised
Code; the operation of a radio or television broadcasting station
that is licensed by the federal communications commission as a
noncommercial educational radio or television station; the
operation of a nonprofit animal adoption service or a county
humane society; the promotion of education by an institution of
learning that maintains a faculty of qualified instructors,
teaches regular continuous courses of study, and confers a
recognized diploma upon completion of a specific curriculum; the
operation of a parent-teacher association, booster group, or
similar organization primarily engaged in the promotion and
support of the curricular or extracurricular activities of a
primary or secondary school; the operation of a community or area
center in which presentations in music, dramatics, the arts, and
related fields are made in order to foster public interest and
education therein; the production of performances in music,
dramatics, and the arts; or the promotion of education by an
organization engaged in carrying on research in, or the
dissemination of, scientific and technological knowledge and
information primarily for the public.

Nothing in this division shall be deemed to exempt sales to 1848
any organization for use in the operation or carrying on of a 1849
trade or business, or sales to a home for the aged for use in the 1850
operation of independent living facilities as defined in division 1851
(A) of section 5709.12 of the Revised Code. 1852

(13) Building and construction materials and services sold to 1853
construction contractors for incorporation into a structure or 1854
improvement to real property under a construction contract with 1855
this state or a political subdivision of this state, or with the 1856
United States government or any of its agencies; building and 1857
construction materials and services sold to construction 1858
contractors for incorporation into a structure or improvement to 1859
real property that are accepted for ownership by this state or any 1860
of its political subdivisions, or by the United States government 1861
or any of its agencies at the time of completion of the structures 1862
or improvements; building and construction materials sold to 1863
construction contractors for incorporation into a horticulture 1864
structure or livestock structure for a person engaged in the 1865
business of horticulture or producing livestock; building 1866
materials and services sold to a construction contractor for 1867
incorporation into a house of public worship or religious 1868
education, or a building used exclusively for charitable purposes 1869
under a construction contract with an organization whose purpose 1870
is as described in division (B)(12) of this section; building 1871
materials and services sold to a construction contractor for 1872
incorporation into a building under a construction contract with 1873
an organization exempt from taxation under section 501(c)(3) of 1874
the Internal Revenue Code of 1986 when the building is to be used 1875
exclusively for the organization's exempt purposes; building and 1876
construction materials sold for incorporation into the original 1877
construction of a sports facility under section 307.696 of the 1878
Revised Code; and building and construction materials and services 1879

sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(43)(a) or (g) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)~~(14)~~(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using food stamp benefits to purchase the food. As used in this division, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that

act.	1912
(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;	1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926
(18) Sales of drugs for a human being, dispensed pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased for use by persons with medical problems for medical purposes; and medical oxygen and medical oxygen-dispensing equipment when purchased for use by persons with medical problems for medical purposes;	1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937
(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.	1938 1939 1940 1941
(20) Sales of emergency and fire protection vehicles and	1942

equipment to nonprofit organizations for use solely in providing 1943
fire protection and emergency services, including trauma care and 1944
emergency medical services, for political subdivisions of the 1945
state; 1946

(21) Sales of tangible personal property manufactured in this 1947
state, if sold by the manufacturer in this state to a retailer for 1948
use in the retail business of the retailer outside of this state 1949
and if possession is taken from the manufacturer by the purchaser 1950
within this state for the sole purpose of immediately removing the 1951
same from this state in a vehicle owned by the purchaser; 1952

(22) Sales of services provided by the state or any of its 1953
political subdivisions, agencies, instrumentalities, institutions, 1954
or authorities, or by governmental entities of the state or any of 1955
its political subdivisions, agencies, instrumentalities, 1956
institutions, or authorities; 1957

(23) Sales of motor vehicles to nonresidents of this state 1958
upon the presentation of an affidavit executed in this state by 1959
the nonresident purchaser affirming that the purchaser is a 1960
nonresident of this state, that possession of the motor vehicle is 1961
taken in this state for the sole purpose of immediately removing 1962
it from this state, that the motor vehicle will be permanently 1963
titled and registered in another state, and that the motor vehicle 1964
will not be used in this state; 1965

(24) Sales to persons engaged in the preparation of eggs for 1966
sale of tangible personal property used or consumed directly in 1967
such preparation, including such tangible personal property used 1968
for cleaning, sanitizing, preserving, grading, sorting, and 1969
classifying by size; packages, including material and parts for 1970
packages, and machinery, equipment, and material for use in 1971
packaging eggs for sale; and handling and transportation equipment 1972
and parts therefor, except motor vehicles licensed to operate on 1973

public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees, if any, charged for ~~inspection or reinspection of motor vehicles~~ remote sensing motor vehicle inspections or reinspections under section ~~3704.14~~ 3704.20 of the Revised Code and rules adopted under it;

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services

or county humane societies;	2004
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	2005 2006 2007 2008
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	2009 2010 2011
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	2012 2013 2014
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	2015 2016 2017 2018 2019 2020
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	2021 2022 2023 2024 2025
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible	2026 2027 2028 2029 2030 2031 2032 2033 2034

personal property. The exemption provided in this division shall 2035
be in lieu of all other exemptions under division (B)(43)(a) of 2036
this section to which the vendor may otherwise be entitled, based 2037
upon the use of the thing purchased in providing the 2038
telecommunications, mobile telecommunications, or satellite 2039
broadcasting service. 2040

(35) Sales of investment metal bullion and investment coins. 2041
"Investment metal bullion" means any elementary precious metal 2042
that has been put through a process of smelting or refining, 2043
including, but not limited to, gold, silver, platinum, and 2044
palladium, and which is in such state or condition that its value 2045
depends upon its content and not upon its form. "Investment metal 2046
bullion" does not include fabricated precious metal that has been 2047
processed or manufactured for one or more specific and customary 2048
industrial, professional, or artistic uses. "Investment coins" 2049
means numismatic coins or other forms of money and legal tender 2050
manufactured of gold, silver, platinum, palladium, or other metal 2051
under the laws of the United States or any foreign nation with a 2052
fair market value greater than any statutory or nominal value of 2053
such coins. 2054

(36)(a) Sales where the purpose of the consumer is to use or 2055
consume the things transferred in making retail sales and 2056
consisting of newspaper inserts, catalogues, coupons, flyers, gift 2057
certificates, or other advertising material that prices and 2058
describes tangible personal property offered for retail sale. 2059

(b) Sales to direct marketing vendors of preliminary 2060
materials such as photographs, artwork, and typesetting that will 2061
be used in printing advertising material; of printed matter that 2062
offers free merchandise or chances to win sweepstake prizes and 2063
that is mailed to potential customers with advertising material 2064
described in division (B)(36)(a) of this section; and of equipment 2065
such as telephones, computers, facsimile machines, and similar 2066

tangible personal property primarily used to accept orders for direct marketing retail sales. 2067
2068

(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer. 2069
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For purposes of division (B)(36) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier. 2072
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(37) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure; 2080
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(38) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students; 2083
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(39) Sales to a professional racing team of any of the following: 2088
2089

(a) Motor racing vehicles; 2090

(b) Repair services for motor racing vehicles; 2091

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of 2092
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instrumentation sensors and related items added to the vehicle to 2097
collect and transmit data by means of telemetry and other forms of 2098
communication. 2099

(40) Sales of used manufactured homes and used mobile homes, 2100
as defined in section 5739.0210 of the Revised Code, made on or 2101
after January 1, 2000; 2102

(41) Sales of tangible personal property and services to a 2103
provider of electricity used or consumed directly and primarily in 2104
generating, transmitting, or distributing electricity for use by 2105
others, including property that is or is to be incorporated into 2106
and will become a part of the consumer's production, transmission, 2107
or distribution system and that retains its classification as 2108
tangible personal property after incorporation; fuel or power used 2109
in the production, transmission, or distribution of electricity; 2110
and tangible personal property and services used in the repair and 2111
maintenance of the production, transmission, or distribution 2112
system, including only those motor vehicles as are specially 2113
designed and equipped for such use. The exemption provided in this 2114
division shall be in lieu of all other exemptions in division 2115
(B)(43)(a) of this section to which a provider of electricity may 2116
otherwise be entitled based on the use of the tangible personal 2117
property or service purchased in generating, transmitting, or 2118
distributing electricity. 2119

(42) Sales to a person providing services under division 2120
(B)(3)(s) of section 5739.01 of the Revised Code of tangible 2121
personal property and services used directly and primarily in 2122
providing taxable services under that section. 2123

(43) Sales where the purpose of the purchaser is to do any of 2124
the following: 2125

(a) To incorporate the thing transferred as a material or a 2126
part into tangible personal property to be produced for sale by 2127

manufacturing, assembling, processing, or refining; or to use or
consume the thing transferred directly in producing tangible
personal property for sale by mining, including, without
limitation, the extraction from the earth of all substances that
are classed geologically as minerals, production of crude oil and
natural gas, farming, agriculture, horticulture, or floriculture,
or directly in the rendition of a public utility service, except
that the sales tax levied by this section shall be collected upon
all meals, drinks, and food for human consumption sold when
transporting persons. Persons engaged in rendering farming,
agricultural, horticultural, or floricultural services, and
services in the exploration for, and production of, crude oil and
natural gas, for others are deemed engaged directly in farming,
agriculture, horticulture, and floriculture, or exploration for,
and production of, crude oil and natural gas. This paragraph does
not exempt from "retail sale" or "sales at retail" the sale of
tangible personal property that is to be incorporated into a
structure or improvement to real property.

(b) To hold the thing transferred as security for the
performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as
evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial
fishing;

(e) To incorporate the thing transferred as a material or a
part into, or to use or consume the thing transferred directly in
the production of, magazines distributed as controlled circulation
publications;

(f) To use or consume the thing transferred in the production
and preparation in suitable condition for market and sale of
printed, imprinted, overprinted, lithographic, multilithic,

blueprinted, photostatic, or other productions or reproductions of 2159
written or graphic matter; 2160

(g) To use the thing transferred, as described in section 2161
5739.011 of the Revised Code, primarily in a manufacturing 2162
operation to produce tangible personal property for sale; 2163

(h) To use the benefit of a warranty, maintenance or service 2164
contract, or similar agreement, as described in division (B)(7) of 2165
section 5739.01 of the Revised Code, to repair or maintain 2166
tangible personal property, if all of the property that is the 2167
subject of the warranty, contract, or agreement would not be 2168
subject to the tax imposed by this section; 2169

(i) To use the thing transferred as qualified research and 2170
development equipment; 2171

(j) To use or consume the thing transferred primarily in 2172
storing, transporting, mailing, or otherwise handling purchased 2173
sales inventory in a warehouse, distribution center, or similar 2174
facility when the inventory is primarily distributed outside this 2175
state to retail stores of the person who owns or controls the 2176
warehouse, distribution center, or similar facility, to retail 2177
stores of an affiliated group of which that person is a member, or 2178
by means of direct marketing. This division does not apply to 2179
motor vehicles registered for operation on the public highways. As 2180
used in this division, "affiliated group" has the same meaning as 2181
in division (B)(3)(e) of section 5739.01 of the Revised Code and 2182
"direct marketing" has the same meaning as in division (B)(36) of 2183
this section. 2184

(k) To use or consume the thing transferred to fulfill a 2185
contractual obligation incurred by a warrantor pursuant to a 2186
warranty provided as a part of the price of the tangible personal 2187
property sold or by a vendor of a warranty, maintenance or service 2188
contract, or similar agreement the provision of which is defined 2189

as a sale under division (B)(7) of section 5739.01 of the Revised Code;	2190 2191
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	2192 2193
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service.	2194 2195 2196 2197 2198
As used in division (B)(43) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	2199 2200 2201
(44) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	2202 2203 2204 2205 2206 2207 2208
(45) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.	2209 2210 2211 2212 2213 2214
(46) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business	2215 2216 2217 2218 2219 2220

activity, and that employs at least fifty individuals that engage 2221
in call center activities on a full-time basis, or sufficient 2222
individuals to fill fifty full-time equivalent positions. 2223

(C) For the purpose of the proper administration of this 2224
chapter, and to prevent the evasion of the tax, it is presumed 2225
that all sales made in this state are subject to the tax until the 2226
contrary is established. 2227

~~(D)~~~~(E)~~(D) The levy of this tax on retail sales of recreation 2228
and sports club service shall not prevent a municipal corporation 2229
from levying any tax on recreation and sports club dues or on any 2230
income generated by recreation and sports club dues. 2231

(E) The tax collected by the vendor from the consumer under 2232
this chapter is not part of the price, but is a tax collection for 2233
the benefit of the state, and of counties levying an additional 2234
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 2235
Code and of transit authorities levying an additional sales tax 2236
pursuant to section 5739.023 of the Revised Code. Except for the 2237
discount authorized under section 5739.12 of the Revised Code and 2238
the effects of any rounding pursuant to section 5703.055 of the 2239
Revised Code, no person other than the state or such a county or 2240
transit authority shall derive any benefit from the collection or 2241
payment of the tax levied by this section or section 5739.021, 2242
5739.023, or 5739.026 of the Revised Code. 2243

Section 2. That existing sections 3704.035, 3704.05, 2244
3704.141, 3704.143, 3704.16, 3704.99, 3706.01, 4503.03, 4503.10, 2245
4503.102, 4503.103, 4503.51, 5552.01, and 5739.02 and sections 2246
3704.14, 3704.142, and 3704.17 of the Revised Code are hereby 2247
repealed. 2248

Section 3. With respect to each county in this state that has 2249
met the requirements for attainment of the one-hour standard for 2250

ozone under the Clean Air Act Amendments on the effective date of 2251
this act, but that is designated as nonattainment for that 2252
one-hour standard, the Director of Environmental Protection shall 2253
seek to have the county redesignated as attainment by preparing 2254
and submitting to the Administrator of the United States 2255
Environmental Protection Agency a demonstration that such 2256
attainment has been achieved and maintained in that county. The 2257
Director shall take whatever actions are necessary to prepare and 2258
submit such a demonstration not later than thirty days after the 2259
effective date of this act. 2260

As used in this section, "Clean Air Act Amendments" has the 2261
same meaning as in section 3704.20 of the Revised Code, as enacted 2262
by this act. 2263

Section 4. Section 3704.035 of the Revised Code is presented 2264
in this act as a composite of the section as amended by both Am. 2265
Sub. S.B. 18 and Am. Sub. S.B. 153 of the 120th General Assembly. 2266
Section 5739.02 of the Revised Code is presented in this act as a 2267
composite of the section as amended by both Am. Sub. H.B. 95 and 2268
Am. Sub. S.B. 37 of the 125th General Assembly. The General 2269
Assembly, applying the principle stated in division (B) of section 2270
1.52 of the Revised Code that amendments are to be harmonized if 2271
reasonably capable of simultaneous operation, finds that the 2272
composites of each section are the resulting versions of the 2273
sections in effect prior to the effective dates of the sections as 2274
presented in this act. 2275