

**As Reported by the House State Government Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. H. B. No. 445**

**Representative Letson**

**Cosponsors: Representatives Domenick, McGregor, Yuko, Bolon, Hagan,  
Gerberry, Mallory, Sayre, Williams, B.**

—

**A B I L L**

To amend sections 4301.62 and 4303.29 and to enact 1  
sections 4301.82 and 4303.235 of the Revised Code 2  
to establish local entertainment districts in 3  
municipal corporations or unincorporated areas of 4  
counties of specified populations for the purpose 5  
of the issuance of D-1, D-2, and D-5 liquor 6  
permits under specified conditions and to create 7  
the T-1 permit. 8

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

**Section 1.** That sections 4301.62 and 4303.29 be amended and 9  
sections 4301.82 and 4303.235 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 4301.62.** (A) As used in this section: 12

(1) "Chauffeured limousine" means a vehicle registered under 13  
section 4503.24 of the Revised Code. 14

(2) "Street," "highway," and "motor vehicle" have the same 15  
meanings as in section 4511.01 of the Revised Code. 16

(B) No person shall have in the person's possession an opened 17

container of beer or intoxicating liquor in any of the following 18  
circumstances: 19

(1) In a state liquor store; 20

(2) Except as provided in division (C) of this section, on 21  
the premises of the holder of any permit issued by the division of 22  
liquor control; 23

(3) In any other public place; 24

(4) Except as provided in division (D) or (E) of this 25  
section, while operating or being a passenger in or on a motor 26  
vehicle on any street, highway, or other public or private 27  
property open to the public for purposes of vehicular travel or 28  
parking; 29

(5) Except as provided in division (D) or (E) of this 30  
section, while being in or on a stationary motor vehicle on any 31  
street, highway, or other public or private property open to the 32  
public for purposes of vehicular travel or parking. 33

(C)(1) A person may have in the person's possession an opened 34  
container of any of the following: 35

(a) Beer or intoxicating liquor that has been lawfully 36  
purchased for consumption on the premises where bought from the 37  
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 38  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 39  
D-5k, D-5l, D-5m, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; 40

(b) Beer, wine, or mixed beverages served for consumption on 41  
the premises by the holder of an F-3 permit or wine served for 42  
consumption on the premises by the holder of an F-4 or F-6 permit; 43

(c) Beer or intoxicating liquor consumed on the premises of a 44  
convention facility as provided in section 4303.201 of the Revised 45  
Code or consumed on the premises of a T-1 permit holder as 46  
provided in section 4303.235 of the Revised Code; 47

(d) Beer or intoxicating liquor to be consumed during 48  
tastings and samplings approved by rule of the liquor control 49  
commission. 50

(2) A person may have in the person's possession on an F 51  
liquor permit premises an opened container of beer or intoxicating 52  
liquor that was not purchased from the holder of the F permit if 53  
the premises for which the F permit is issued is a music festival 54  
and the holder of the F permit grants permission for that 55  
possession on the premises during the period for which the F 56  
permit is issued. As used in this division, "music festival" means 57  
a series of outdoor live musical performances, extending for a 58  
period of at least three consecutive days and located on an area 59  
of land of at least forty acres. 60

(3)(a) A person may have in the person's possession on a D-2 61  
liquor permit premises an opened or unopened container of wine 62  
that was not purchased from the holder of the D-2 permit if the 63  
premises for which the D-2 permit is issued is an outdoor 64  
performing arts center, the person is attending an orchestral 65  
performance, and the holder of the D-2 permit grants permission 66  
for the possession and consumption of wine in certain 67  
predesignated areas of the premises during the period for which 68  
the D-2 permit is issued. 69

(b) As used in division (C)(3)(a) of this section: 70

(i) "Orchestral performance" means a concert comprised of a 71  
group of not fewer than forty musicians playing various musical 72  
instruments. 73

(ii) "Outdoor performing arts center" means an outdoor 74  
performing arts center that is located on not less than eight 75  
hundred acres of land and that is open for performances from the 76  
first day of April to the last day of October of each year. 77

(4) A person may have in the person's possession an opened or 78

unopened container of beer or intoxicating liquor at an outdoor 79  
location at which the person is attending an orchestral 80  
performance as defined in division (C)(3)(b)(i) of this section if 81  
the person with supervision and control over the performance 82  
grants permission for the possession and consumption of beer or 83  
intoxicating liquor in certain predesignated areas of that outdoor 84  
location. 85

(D) This section does not apply to a person who pays all or a 86  
portion of the fee imposed for the use of a chauffeured limousine 87  
pursuant to a prearranged contract, or the guest of the person, 88  
when all of the following apply: 89

(1) The person or guest is a passenger in the limousine. 90

(2) The person or guest is located in the limousine, but is 91  
not occupying a seat in the front compartment of the limousine 92  
where the operator of the limousine is located. 93

(3) The limousine is located on any street, highway, or other 94  
public or private property open to the public for purposes of 95  
vehicular travel or parking. 96

(E) An opened bottle of wine that was purchased from the 97  
holder of a permit that authorizes the sale of wine for 98  
consumption on the premises where sold is not an opened container 99  
for the purposes of this section if both of the following apply: 100

(1) The opened bottle of wine is securely resealed by the 101  
permit holder or an employee of the permit holder before the 102  
bottle is removed from the premises. The bottle shall be secured 103  
in such a manner that it is visibly apparent if the bottle has 104  
been subsequently opened or tampered with. 105

(2) The opened bottle of wine that is resealed in accordance 106  
with division (E)(1) of this section is stored in the trunk of a 107  
motor vehicle or, if the motor vehicle does not have a trunk, 108  
behind the last upright seat or in an area not normally occupied 109

by the driver or passengers and not easily accessible by the 110  
driver. 111

Sec. 4301.82. (A) As used in this section: 112

(1) "Local entertainment district" means a bounded area that 113  
includes or will include a combination of entertainment, retail, 114  
educational, sporting, social, cultural, or arts establishments 115  
within close proximity to some or all of the following types of 116  
establishments within the district, or other types of 117  
establishments similar to these: 118

(a) Hotels; 119

(b) Restaurants; 120

(c) Retail sales establishments; 121

(d) Enclosed shopping centers; 122

(e) Museums; 123

(f) Performing arts theaters; 124

(g) Motion picture theaters; 125

(h) Night clubs; 126

(i) Convention facilities; 127

(j) Sports facilities; 128

(k) Entertainment facilities or complexes; 129

(l) Any combination of the establishments described in 130  
divisions (A)(1)(a) to (k) of this section that provide similar 131  
services to the community. 132

(2) "Municipal corporation" means a municipal corporation 133  
with a population of less than one hundred thousand. 134

(3) "County" means a county with a population of more than 135  
one hundred twenty-five thousand. 136

(B) Any owner of property located in a municipal corporation 137  
seeking to have that property, or that property and other 138  
surrounding property, designated as a local entertainment district 139  
shall file an application seeking this designation with the mayor 140  
of the municipal corporation in which that property is located. 141  
Any owner of property located in the unincorporated area of a 142  
county seeking to have that property, or that property and other 143  
surrounding property, designated as a local entertainment district 144  
shall file an application seeking this designation with the board 145  
of county commissioners of the county in whose unincorporated area 146  
that property is located. An application to designate an area as a 147  
local entertainment district shall contain all of the following: 148

(1) The applicant's name and address; 149

(2) A map or survey of the proposed local entertainment 150  
district in sufficient detail to identify the boundaries of the 151  
district and the property owned by the applicant; 152

(3) A general statement of the nature and types of 153  
establishments described in division (A) of this section that are 154  
or will be located within the proposed local entertainment 155  
district and any other establishments located in the proposed 156  
local entertainment district that are not described in division 157  
(A) of this section; 158

(4) If some or all of the establishments within the proposed 159  
local entertainment district have not yet been developed, the 160  
proposed time frame for completing the development of these 161  
establishments; 162

(5) Evidence that the uses of land within the proposed local 163  
entertainment district are in accord with the municipal 164  
corporation's or county's master zoning plan or map; 165

(6) A handling and processing fee to accompany the 166  
application, payable to the applicable municipal corporation or 167

county, in an amount determined by that municipal corporation or 168  
county. 169

(C) An application relating to an area located in a municipal 170  
corporation shall be addressed and submitted to the mayor of the 171  
municipal corporation in which the area described in the 172  
application is located. The mayor, within thirty days after 173  
receiving the application, shall submit the application with the 174  
mayor's recommendation to the legislative authority of the 175  
municipal corporation. An application relating to an area located 176  
in the unincorporated area of a county shall be addressed and 177  
submitted to the board of county commissioners of the county in 178  
whose unincorporated area the area described in the application is 179  
located. The application is a public record for purposes of 180  
section 149.43 of the Revised Code upon its receipt by the mayor 181  
or board of county commissioners. 182

Within thirty days after it receives the application and the 183  
mayor's recommendations relating to the application, the 184  
legislative authority of the municipal corporation, by notice 185  
published once a week for two consecutive weeks in at least one 186  
newspaper of general circulation in the municipal corporation, 187  
shall notify the public that the application is on file in the 188  
office of the clerk of the municipal corporation and is available 189  
for inspection by the public during regular business hours. Within 190  
thirty days after it receives the application, the board of county 191  
commissioners, by notice published once a week for two consecutive 192  
weeks in at least one newspaper of general circulation in the 193  
county, shall notify the public that the application is on file in 194  
the office of the county auditor and is available for inspection 195  
by the public during regular business hours. The notice shall also 196  
indicate the date and time of any public hearing by the municipal 197  
legislative authority or board of county commissioners on the 198  
application. 199

Within seventy-five days after the date the application is 200  
filed with the mayor of a municipal corporation, the legislative 201  
authority of the municipal corporation by ordinance or resolution 202  
shall approve or disapprove the application based on whether the 203  
proposed local entertainment district does or will substantially 204  
contribute to entertainment, retail, educational, sporting, 205  
social, cultural, or arts opportunities for the community. The 206  
community considered shall at a minimum include the municipal 207  
corporation in which the community is located. Any approval of an 208  
application shall be by an affirmative majority vote of the 209  
legislative authority. Not more than one local entertainment 210  
district shall be designated within the municipal corporation. 211

Within seventy-five days after the date the application is 212  
filed with a board of county commissioners, the board by 213  
resolution shall approve or disapprove the application based on 214  
whether the proposed local entertainment district does or will 215  
substantially contribute to entertainment, retail, educational, 216  
sporting, social, cultural, or arts opportunities for the 217  
community. The community considered shall at a minimum include at 218  
least a portion of the county in which the community is located. 219  
Any approval of an application shall be by an affirmative majority 220  
vote of the board of county commissioners. Not more than one local 221  
entertainment district shall be designated within the 222  
unincorporated area of the county. 223

If the municipal legislative authority or board of county 224  
commissioners disapproves the application, the applicant may make 225  
changes in the application to secure its approval by the 226  
legislative authority or board of county commissioners. Any area 227  
approved by the legislative authority or board of county 228  
commissioners constitutes a local entertainment district. 229

(D) All or part of an area designated as a local 230  
entertainment district may lose this designation as provided in 231



this division. The legislative authority of a municipal 232  
corporation in which a local entertainment district is located, or 233  
the board of county commissioners of the county in whose 234  
unincorporated area a local entertainment district is located, 235  
after giving notice of its proposed action by publication once a 236  
week for two consecutive weeks in at least one newspaper of 237  
general circulation in the municipal corporation or county, may 238  
determine by ordinance or resolution in the case of the 239  
legislative authority of a municipal corporation, or by resolution 240  
in the case of a board of county commissioners of a county, that 241  
all or part of the area fails to meet the standards described in 242  
this section for designation of an area as a local entertainment 243  
district. If the legislative authority or board so determines, the 244  
area designated in the ordinance or resolution no longer 245  
constitutes a local entertainment district. 246

**Sec. 4303.235.** (A) As used in this section: 247

(1) "College or university" means a state institution of 248  
higher education as defined in section 3345.011 of the Revised 249  
Code, or a private institution of higher education, with an FTE 250  
(full-time equivalent) student enrollment of less than fifteen 251  
thousand. 252

(2) "Professional athletic team" means a professional 253  
baseball, basketball, football, hockey, or soccer team that owns 254  
or leases a stadium or arena that has a seating capacity of at 255  
least four thousand. 256

(B) A T-1 permit may be issued to any college or university 257  
or to any professional athletic team to authorize the college or 258  
university or professional athletic team to allow its guests to 259  
bring beer and intoxicating liquor in its original package, flask, 260  
or other container into an area on property that the college or 261  
university or professional athletic team owns or leases, for 262

consumption in that area, if both of the following apply: 263

(1) A fence or similar barrier encloses the area. 264

(2) Security personnel are stationed at each exit from the 265  
area to prevent any person from leaving with an opened flask or 266  
other container of beer or intoxicating liquor. 267

(C) The division of liquor control shall specify on each T-1 268  
permit the effective period of the permit, which shall not exceed 269  
three days. The fee for the T-1 permit is fifty dollars. The 270  
division shall prepare and make available application forms for 271  
the T-1 permit and may require applicants to furnish the 272  
information that the division determines is necessary for the 273  
administration of this section. 274

(D) No holder of a T-1 permit shall provide or sell beer or 275  
intoxicating liquor by the drink or in its original package, 276  
flask, or other container in connection with the use of an area 277  
under the T-1 permit. 278

**Sec. 4303.29.** (A) No permit, other than an H permit, shall be 279  
issued to a firm or partnership unless all the members of the firm 280  
or partnership are citizens of the United States. No permit, other 281  
than an H permit, shall be issued to an individual who is not a 282  
citizen of the United States. No permit, other than an E or H 283  
permit, shall be issued to any corporation organized under the 284  
laws of any country, territory, or state other than this state 285  
until it has furnished the division of liquor control with 286  
evidence that it has complied with the laws of this state relating 287  
to the transaction of business in this state. 288

The division may refuse to issue any permit to or refuse to 289  
renew any permit of any person convicted of any felony that is 290  
reasonably related to the person's fitness to operate a liquor 291  
permit business in this state. No holder of a permit shall sell, 292

assign, transfer, or pledge the permit without the written consent 293  
of the division. 294

(B)(1) No D-3 permit shall be issued to any club unless the 295  
club has been continuously engaged in the activity specified in 296  
section 4303.15 of the Revised Code, as a qualification for that 297  
class of permit, for two years at the time the permit is issued. 298

(2)(a) Subject to division (B)(2)(b) of this section, upon 299  
application by properly qualified persons, one C-1 and C-2 permit 300  
shall be issued for each one thousand population or part of that 301  
population, and one D-1 and D-2 permit shall be issued for each 302  
two thousand population or part of that population, in each 303  
municipal corporation and in the unincorporated area of each 304  
township. 305

Subject to division (B)(2)(b) of this section, not more than 306  
one D-3, D-4, or D-5 permit shall be issued for each two thousand 307  
population or part of that population in any municipal corporation 308  
and in the unincorporated area of any township, except that, in 309  
any city of a population of fifty-five thousand or more, one D-3 310  
permit may be issued for each fifteen hundred population or part 311  
of that population. 312

(b)(i) Division (B)(2)(a) of this section does not prohibit 313  
the transfer of location or the transfer of ownership and location 314  
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 315  
corporation or the unincorporated area of a township in which the 316  
number of permits of that class exceeds the number of such permits 317  
authorized to be issued under division (B)(2)(a) of this section 318  
to an economic development project located in another municipal 319  
corporation or the unincorporated area of another township in 320  
which no additional permits of that class may be issued to the 321  
applicant under division (B)(2)(a) of this section, but the 322  
transfer of location or transfer of ownership and location of the 323  
permit may occur only if the applicant notifies the municipal 324

corporation or township to which the location of the permit will 325  
be transferred regarding the transfer and that municipal 326  
corporation or township acknowledges in writing to the division of 327  
liquor control, at the time the application for the transfer of 328  
location or transfer of ownership and location of the permit is 329  
filed, that the transfer will be to an economic development 330  
project. This acknowledgment by the municipal corporation or 331  
township does not prohibit it from requesting a hearing under 332  
section 4303.26 of the Revised Code. The applicant is eligible to 333  
apply for and receive the transfer of location of the permit under 334  
division (B)(2)(b) of this section if all permits of that class 335  
that may be issued under division (B)(2)(a) of this section in the 336  
applicable municipal corporation or unincorporated area of the 337  
township have already been issued or if the number of applications 338  
filed for permits of that class in that municipal corporation or 339  
the unincorporated area of that township exceed the number of 340  
permits of that class that may be issued there under division 341  
(B)(2)(a) of this section. 342

A permit transferred under division (B)(2)(b) of this section 343  
may be subsequently transferred to a different owner at the same 344  
location, or to the same owner or a different owner at a different 345  
location in the same municipal corporation or in the 346  
unincorporated area of the same township, as long as the same or 347  
new location meets the economic development project criteria set 348  
forth in this section. 349

(ii) Factors that shall be used to determine the designation 350  
of an economic development project include, but are not limited 351  
to, architectural certification of the plans and the cost of the 352  
project, the number of jobs that will be created by the project, 353  
projected earnings of the project, projected tax revenues for the 354  
political subdivisions in which the project will be located, and 355  
the amount of financial investment in the project. The 356

superintendent of liquor control shall determine whether the 357  
existing or proposed business that is seeking a permit described 358  
in division (B)(2)(b) of this section qualifies as an economic 359  
development project and, if the superintendent determines that it 360  
so qualifies, shall designate the business as an economic 361  
development project. 362

(3) Nothing in this section shall be construed to restrict 363  
the issuance of a permit to a municipal corporation for use at a 364  
municipally owned airport at which commercial airline companies 365  
operate regularly scheduled flights on which space is available to 366  
the public. A municipal corporation applying for a permit for such 367  
a municipally owned airport is exempt, in regard to that 368  
application, from the population restrictions contained in this 369  
section and from population quota restrictions contained in any 370  
rule of the liquor control commission. A municipal corporation 371  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 372  
municipally owned airport is subject to section 4303.31 of the 373  
Revised Code. 374

(4) Nothing in this section shall be construed to prohibit 375  
the issuance of a D permit to the board of trustees of a soldiers' 376  
memorial for a premises located at a soldiers' memorial 377  
established pursuant to Chapter 345. of the Revised Code. An 378  
application for a D permit by the board for those premises is 379  
exempt from the population restrictions contained in this section 380  
and from the population quota restrictions contained in any rule 381  
of the liquor control commission. The location of a D permit 382  
issued to the board for those premises shall not be transferred. A 383  
board of trustees of a soldiers' memorial applying for a D-1, D-2, 384  
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 385  
section 4303.31 of the Revised Code. 386

(5) Nothing in this section shall be construed to restrict 387  
the issuance of a permit for a premises located at a golf course 388

owned by a municipal corporation, township, or county, owned by a 389  
park district created under Chapter 1545. of the Revised Code, or 390  
owned by the state. The location of such a permit issued on or 391  
after September 26, 1984, for a premises located at such a golf 392  
course shall not be transferred. Any application for such a permit 393  
is exempt from the population quota restrictions contained in this 394  
section and from the population quota restrictions contained in 395  
any rule of the liquor control commission. A municipal 396  
corporation, township, county, park district, or state agency 397  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 398  
course is subject to section 4303.31 of the Revised Code. 399

(6) As used in division (B)(6) of this section, "fair" has 400  
the same meaning as in section 991.01 of the Revised Code; "state 401  
fairgrounds" means the property that is held by the state for the 402  
purpose of conducting fairs, expositions, and exhibits and that is 403  
maintained and managed by the Ohio expositions commission under 404  
section 991.03 of the Revised Code; "capitol square" has the same 405  
meaning as in section 105.41 of the Revised Code; and "Ohio 406  
judicial center" means the site of the Ohio supreme court and its 407  
grounds. 408

Nothing in this section shall be construed to restrict the 409  
issuance of one or more D permits to one or more applicants for 410  
all or a part of the state fairgrounds, capitol square, or the 411  
Ohio judicial center. An application for a D permit for the state 412  
fairgrounds, capitol square, or the Ohio judicial center is exempt 413  
from the population quota restrictions contained in this section 414  
and from the population quota restrictions contained in any rule 415  
of the liquor control commission. The location of a D permit 416  
issued for the state fairgrounds, capitol square, or the Ohio 417  
judicial center shall not be transferred. An applicant for a D-1, 418  
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 419  
to section 4303.31 of the Revised Code. 420

Pursuant to section 1711.09 of the Revised Code, the holder 421  
of a D permit issued for the state fairgrounds shall not deal in 422  
spirituous liquor at the state fairgrounds during, or for one week 423  
before or for three days after, any fair held at the state 424  
fairgrounds. 425

(7) Nothing in this section shall be construed to prohibit 426  
the issuance of a D permit for a premises located at a zoological 427  
park at which sales have been approved in an election held under 428  
former section 4301.356 of the Revised Code. An application for a 429  
D permit for such a premises is exempt from the population 430  
restrictions contained in this section, from the population quota 431  
restrictions contained in any rule of the liquor control 432  
commission, and from section 4303.31 of the Revised Code. The 433  
location of a D permit issued for a premises at such a zoological 434  
park shall not be transferred, and no quota or other restrictions 435  
shall be placed on the number of D permits that may be issued for 436  
a premises at such a zoological park. 437

(8) As used in division (B)(8) of this section, "local 438  
entertainment district" has the same meaning as in section 4301.82 439  
of the Revised Code. 440

Nothing in this section shall be construed to prohibit the 441  
issuance of a D-1, D-2, or D-5 permit for a premises located in a 442  
local entertainment district, provided that all of the following 443  
apply: 444

(a) The applicant for the permit is the owner or operator of 445  
a retail food establishment or a food service operation licensed 446  
under Chapter 3717. of the Revised Code. 447

(b) The applicant for the permit has not been issued a D-1, 448  
D-2, or D-5 permit in the six months prior to filing the 449  
application for a D-1, D-2, or D-5 permit for a premises located 450  
in a local entertainment district. 451

(c) The premises for which a permit is proposed to be issued 452  
has gross annual receipts from the sale of food and meals for 453  
consumption on the premises that constitute not less than 454  
seventy-five per cent of its total gross annual receipts. 455

An application for a D-1, D-2, or D-5 permit for a premises 456  
located in a local entertainment district is exempt from the 457  
population restrictions established in this section, from the 458  
population quota restrictions established in any rule of the 459  
liquor control commission, and from section 4303.31 of the Revised 460  
Code. Such a D-1, D-2, or D-5 permit shall not be transferred out 461  
of the local entertainment district. Not more than one D-1, D-2, 462  
or D-5 permit shall be issued within a local entertainment 463  
district for each five acres of land located within the district. 464  
Not more than ten D-1, D-2, or D-5 permits, or any combination of 465  
those permits, may be issued within a single local entertainment 466  
district. 467

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 468  
any election precinct in any municipal corporation or in any 469  
election precinct in the unincorporated area of any township, in 470  
which at the November, 1933, election a majority of the electors 471  
voting thereon in the municipal corporation or in the 472  
unincorporated area of the township voted against the repeal of 473  
Section 9 of Article XV, Ohio Constitution, unless the sale of 474  
spirituous liquor by the glass is authorized by a majority vote of 475  
the electors voting on the question in the precinct at an election 476  
held pursuant to this section or by a majority vote of the 477  
electors of the precinct voting on question (C) at a special local 478  
option election held in the precinct pursuant to section 4301.35 479  
of the Revised Code. Upon the request of an elector, the board of 480  
elections of the county that encompasses the precinct shall 481  
furnish the elector with a copy of the instructions prepared by 482  
the secretary of state under division (P) of section 3501.05 of 483



the Revised Code and, within fifteen days after the request, a 484  
certificate of the number of signatures required for a valid 485  
petition under this section. 486

Upon the petition of thirty-five per cent of the total number 487  
of voters voting in any such precinct for the office of governor 488  
at the preceding general election, filed with the board of 489  
elections of the county in which such precinct is located not 490  
later than seventy-five days before a general election, the board 491  
shall prepare ballots and hold an election at such general 492  
election upon the question of allowing spirituous liquor to be 493  
sold by the glass in such precinct. The ballots shall be approved 494  
in form by the secretary of state. The results of the election 495  
shall be certified by the board to the secretary of state, who 496  
shall certify the results to the division. 497

(2) No holder of a class D-3 permit issued for a boat or 498  
vessel shall sell spirituous liquor in any precinct, in which the 499  
election provided for in this section may be held, unless the sale 500  
of spirituous liquor by the drink has been authorized by vote of 501  
the electors as provided in this section or in section 4301.35 of 502  
the Revised Code. 503

(D) Any holder of a C or D permit whose permit premises were 504  
purchased in 1986 or 1987 by the state or any state agency for 505  
highway purposes shall be issued the same permit at another 506  
location notwithstanding any quota restrictions contained in this 507  
chapter or in any rule of the liquor control commission. 508

**Section 2.** That existing sections 4301.62 and 4303.29 of the 509  
Revised Code are hereby repealed. 510

**Section 3.** Section 4301.62 of the Revised Code is presented 511  
in this act as a composite of the section as amended by both Am. 512  
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly. The 513

General Assembly, applying the principle stated in division (B) of 514  
section 1.52 of the Revised Code that amendments are to be 515  
harmonized if reasonably capable of simultaneous operation, finds 516  
that the composite is the resulting version of the section in 517  
effect prior to the effective date of the section as presented in 518  
this act. 519