

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 448**

**Representative Grossman**

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**A B I L L**

To amend section 4511.101 of the Revised Code to 1  
require the Director of Transportation to 2  
establish the business logo sign program and its 3  
fees by rule. 4

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

**Section 1.** That section 4511.101 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4511.101.** (A) The director of transportation, in 7  
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 8  
and by rule adopted pursuant to Chapter 119. of the Revised Code, 9  
shall establish a program for the placement of business logos for 10  
identification purposes on state directional signs within the 11  
rights-of-way of divided, multi-lane, limited access highways in 12  
both rural and urban areas. 13

(B)(1) The director, by rule adopted pursuant to Chapter 119. 14  
of the Revised Code, shall establish, and may revise ~~at any time,~~ 15  
a fee for participation in the business logo sign program. All 16  
direct and indirect costs of the business logo sign program 17  
established pursuant to this section shall be fully paid by the 18  
businesses applying for participation in the program. The direct 19  
and indirect costs of the program shall include, but not be 20

limited to, the cost of capital, directional signs, blanks, posts, 21  
logos, installation, repair, engineering, design, insurance, 22  
removal, replacement, and administration. 23

(2) Money generated from participating businesses in excess 24  
of the direct and indirect costs and any reasonable profit earned 25  
by a person awarded a contract under division (C) of this section 26  
shall be remitted to the department. 27

(3) Nothing in this chapter shall be construed to prohibit 28  
the director from establishing such a program. If the department 29  
operates such a program and does not contract with a private 30  
person to operate it, all money collected from participating 31  
businesses shall be deposited and credited as prescribed in 32  
division (B)(2) of this section. 33

(C) The director, in accordance with rules adopted pursuant 34  
to Chapter 119. of the Revised Code, may contract with any private 35  
person to operate, maintain, or market the business logo sign 36  
program. The contract may allow for a reasonable profit to be 37  
earned by the successful applicant. In awarding the contract, the 38  
director shall consider the skill, expertise, prior experience, 39  
and other qualifications of each applicant. 40

(D) As used in this section, "urban area" means an area 41  
having a population of fifty thousand or more according to the 42  
most recent federal census and designated as such on urban maps 43  
prepared by the department. 44

(E) In implementing this section, neither the department nor 45  
the director shall do either of the following: 46

(1) Limit the right of any person to erect, maintain, repair, 47  
remove, or utilize any off-premises or on-premises advertising 48  
device; 49

(2) Make participation in the business logo sign program 50  
conditional upon a business agreeing to limit, discontinue, 51

withdraw, modify, alter, or change any advertising or sign. 52

(F) The program shall permit the business logo signs of a 53  
seller of motor vehicle fuel to include on the seller's signs a 54  
marking or symbol indicating that the seller sells one or more 55  
types of alternative fuel so long as the seller in fact sells that 56  
fuel. 57

As used in this division, "alternative fuel" has the same 58  
meaning as in section 125.831 of the Revised Code. 59

**Section 2.** That existing section 4511.101 of the Revised Code 60  
is hereby repealed. 61